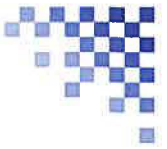




QUEENSLAND POLICE SERVICE

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Our Ref:

Your Ref:

26 March 2021

Mr Peter Russo MP
Chair
Legal Affairs and Safety Committee
lasc@parliament.qld.gov.au

Dear Mr Russo

I refer to advice from the Legal Affairs and Safety Committee Secretariat about late public submissions on the Youth Justice and Other Legislation Amendment Bill 2021.

Attached is a final joint departmental response from the Queensland Police Service and the Department of Children, Youth Justice and Multicultural Affairs on late public submissions numbered 54 through to 79.

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Yours sincerely

KATARINA CARROLL APM
COMMISSIONER

Enc.

Youth Justice and Other Legislation Amendment Bill 2021 – Departmental Response to Additional Submissions

The Queensland Police Service (QPS) and Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) considered the following additional submissions:

- 054 Zillmere Young Peoples Support Service, North East Community Support Group
- 055 Jesuit Social Services
- 056 Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS)
- 057 Queensland Council for Civil Liberties
- 058 Linda Davis*
- 059 Kim Hoad*
- 060 Save the Children (*same content as submission 015 from the Queensland Council of Social Services*)
- 061 Life Without Barriers
- 062 Legal Aid Queensland
- 063 Peakcare Queensland Incorporated
- 064 Youth Advocacy Centre Inc (*note submission 064 refers to support for submission 015 from the Queensland Council of Social Services*)
- 065 Townsville Youth Crossroads
- 066 Queensland Family and Child Commission (QFCC)
- 067 David McCrindle
- 068 Debra Green
- 069 Sue Withers
- 070 Inspire Youth and Family Services Inc.
- 071 YFS Legal
- 072 Commerce North West
- 073 HUB Community Legal
- 074 Sisters Inside Inc.
- 075 Queensland Law Society
- 076 Queensland Mental Health Commission
- 077 Aboriginal and Torres Strait Islander Women's Legal Service NQ Inc (ATSIWLSNQ)
- 078 Justice Thompson
- 079 Bar Association of Queensland

*submitters addressed issues specific to youth justice in North Queensland, in particular Townsville.

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
054 055 070 071 074 079	Zillmere Young Peoples Support Service Jesuit Social Services Inspire Youth and Family Services Inc YFS Legal Sisters Inside Inc Bar Association of Queensland	Do not support the Bill. Submission 79 opposes the amendments to the Youth Justice Act.	The Bill gives effect to Government policy. The Parliamentary committee process enables thorough analysis of all legislative proposals and all views to be heard. Ultimately, the passage of the Bill, including any amendments, will be determined by democratically elected representatives in the Queensland Parliament.
054 064 066 071 074 076 077	Zillmere Young Peoples Support Service Youth Advocacy Centre QFCC YFS Legal Sisters Inside Inc Queensland Mental Health Commission ATSIWLSNQ	Express concern the proposed amendments will likely have a disproportionate impact on Aboriginal and Torres Strait Islander youth.	It is acknowledged that young Aboriginal and Torres Strait Islander people are over-represented in the youth justice system. <i>The Working Together Changing the Story: Youth Justice Strategy 2019-23</i> includes a priority to reduce the over-representation of Aboriginal and Torres Strait Islander children in the youth justice system. The DCYJMA provides and funds a range of culturally appropriate services to address young Aboriginal and Torres Strait Islander people's criminogenic needs, including many provided by community-controlled organisations.
054 055 064 066 070	Zillmere Young Peoples Support Service Jesuit Social Services Youth Advocacy Centre QFCC Inspire Youth and Family Services Inc	Assert the Bill's Statement of Compatibility excludes reference to some human rights and some amendments in the Bill breach human rights.	The Bill is accompanied by a Human Rights Statement of Compatibility as required by the <i>Human Rights Act 2019</i> . A human right may be subject under law to reasonable limits as can be justified in a

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
071 073 074 075 076	YFS Legal HUB Community Legal Sisters Inside Inc Queensland Law Society Queensland Mental Health Commission		free and democratic society based on human dignity, equality and freedom (section 13 Human Rights Act).
062 064 073 075 076 079	Legal Aid Queensland Youth Advocacy Centre HUB Community Legal Queensland Law Society Queensland Mental Health Commission Bar Association of Queensland	Amendments will result in an increase in children detained in custody.	The amendments are only intended to target high risk recidivist offenders. DCYJMA provides and funds a range of services to address young people's criminogenic needs. The Departments note the Government continues to invest in programs and services that deliver long-term, sustainable reductions in youth crime.
075	Queensland Law Society	Do not support retrospective application of clause 32 (new sections 403 and 404).	This issue is addressed in the Explanatory Notes at page 10. Notwithstanding that the provision will apply in relation to offences committed in the past, it will only apply to future bail decisions. This is considered appropriate given the need to protect the community from harm.
054 055 060 062 070 071	Zillmere Young Peoples Support Service Jesuit social Services Save the Children Legal Aid Queensland Inspire Youth and Family Services Sisters Inside	Provisions target the most vulnerable young people including those involved in the child protection system, from remote communities, with intellectual disability, and in need of drug intervention, as well as survivors of sexual abuse and violence.	The amendments have been carefully targeted to the offending behaviour of serious recidivist offenders. The reforms will be reviewed by Mr Bob Atkinson AO.

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
073 074 076	YFS Community Legal Centre HUB Community Legal Queensland Mental health Commission		
057 063 071	Queensland Council for Civil Liberties Peak Care YFS Community Legal Centre	Amendments do not treat children as children	The Bill does not abrogate the charter of youth justice principles (<i>Youth Justice Act 1992</i> (YJA) Schedule 1) that require the youth justice system to (2) uphold the rights of children, (3a) treat them with respect and dignity, (5) give them special protections, and deal with them in a way that is (6) fair and just and (9) gives them the opportunity to develop, strengthens their family and recognises their need for guidance and assistance, and (13) consider their age, maturity, and cultural and religious beliefs and practices.
063 071 073	Peak Care YFS Community Legal Centre HUB Community Legal	Heightened responses may impact young people beyond the target cohort Assumptions about the deterrent value of amendments is not supported by evidence.	The amendments have been carefully targeted to the offending behaviour of serious recidivist offenders. The reforms will be reviewed by Mr Bob Atkinson AO.
057 073 074	Queensland Council for Civil Liberties HUB Community Legal Sisters Inside	There is no youth crime wave	Youth offending is decreasing overall. These amendments target the small cohort of serious recidivist offenders whose offending has not reduced and is not in line with this trend.

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
074	Sisters Inside	<p>It is essential that legislative changes to the YJA continue to enable concrete and positive alternatives to criminalisation and imprisonment of children.</p> <p>The Bill contradicts recent evidence-based positive change, pandering to vigilante demands for a “quick fix”, and labelling and demonising highly disadvantaged children.</p>	The amendments are targeted, and are not intended to detract from the holistic four pillars approach of the Youth Justice Strategy, including diverting children from custody, except where it is necessary for community safety.
Parental willingness (clause 21 subclause (3))			
No	Submitter	Issue	Departmental Response
056	ATSILS	Implementation of amendment is likely to highlight the problems when parents have not been notified their child has been arrested.	<p>Section 392 of the <i>Police Power and Responsibilities Act 2000</i> requires a police officer who arrests a child to promptly advise a parent or guardian and the chief executive of DCYJMA of the arrest and whereabouts of the child.</p> <p>The QPS Operational Procedures Manual section 5.9.6 provides where a child comes to the adverse attention of an officer, the officer should, as soon as practicable, make all reasonable inquiries to contact a parent, guardian or another adult who can take responsibility for the child.</p> <p>Also, section 420 of the <i>Police Powers and Responsibilities Act 2000</i> requires a police officer to contact the Aboriginal and Torres Strait Islanders Legal Service before questioning an Aboriginal or Torres Strait Islander person in relation to an indictable offence.</p>

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
062	Legal Aid Queensland	It is unclear whether the amendment extends to care givers who are in loco parentis position with the child.	<p>The YJA (schedule 4) defines parent to mean a parent or guardian of a child; a person who has lawful custody of the child (other than because of the child's detention for an offence or pending a proceeding for an offence) or person who has the day-to-day care and control of the child.</p> <p>The amendment also includes reference to "another person". This could be, for example, a child protection officer or a funded service provider if no suitable family member is willing or able. This is referenced in the Explanatory Notes, page 4.</p>
063	PeakCare	Supports, in principle, the proposed amendment but recommends the Committee seek clarification on how the proposed operationalisation of this additional consideration is intended to be realised by agencies and organisations that have a statutory obligation to act in the best interests of children. This includes statutory obligations on government organisations and service providers with responsibility for children and young people subject to child protection orders.	<p>If a child is in DCYJMA care under the <i>Child Protection Act 1999</i>, a Child Safety officer will attend court and could provide the Court the assurances, where appropriate, that it might be seeking on the issue of bail compliance or risk.</p> <p>The new subsection is intended to operate flexibility to recognise the operational and practical reality that the nature of the support a bail decision maker may take into consideration will vary depending on the circumstances of each case. For example, a staff member from a funded service provider providing support to the</p>

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
			young person and their family may be in the best position to indicate a willingness to continue providing support with issues such as accommodation, mental health, or engagement with education or vocational training. If this is the case, DCYJMA will facilitate the attendance at court of the relevant person.
071 074 079	YFS Legal Sisters Inside Inc Bar Association of Queensland	Many young offenders come from disadvantaged backgrounds and do not have parents or other family who can support them.	The Bill (clause 21(3)) provides that “another person” can provide an indication of support. This could be, for example, a child protection officer or a funded service provider if no suitable family member is willing or able. This is referenced in the Explanatory Notes, page 4.
062 071 074	Legal Aid Queensland YFS Community Legal Centre Sisters Inside	Express concern this amendment may result in further deepening a young person’s involvement in the youth justice system if a parent or another person is unable to support a youth on bail conditions.	Another person could be, for example, a child protection officer or a staff member from a funded service provider, including a bail support service. This is referenced in the Explanatory Notes, page 4.
074 077	Sisters Inside Inc ATSIWLSNQ	Express concerns this amendment does not consider the risks to families when notifying authorities of breaches of bail.	The amendment is intended to operate flexibly, allowing the bail decisionmaker to address risks appropriately in the particular circumstances of the case.
062	Legal Aid Queensland	Do not support the proposed amendment in the absence of clear language within the amendment that this is a consideration only for the court not a prerequisite to the granting of bail.	The amendment will be inserted into existing section 48AA(4)(a) of the YJA, which has the introduction:

General concerns about the Bill youth justice amendments			
No	Submitter	Issue	Departmental Response
			<p><i>...the court or police officer may have regard to any of the following matters of which the court or police officer is aware—</i></p> <p>It will clearly be one of a range of factors that a bail decision maker may have regard to, and not a prerequisite. However, in an individual case it may have the effect of being a prerequisite if the court or police officer considers it is the missing protective factor that would overcome the apparent risks.</p>
074 075	Sisters Inside Queensland Law Society	<p>Do not support the amendment as its risks creating additional tensions amongst families and disadvantaged children with dysfunctional family and home environments or children in State care.</p> <p>Suggest to amend the Bill to clarify whether there are any consequences for a person who provides a willingness in the event the person fails to inform the police the child has breached a condition of condition.</p>	The amendment is intended to operate flexibly. It is not intended to add additional tensions in dysfunctional families.

Lack of accommodation or family support (clause 21 subclause (6) and clause 23)			
No	Submitter	Issue	Departmental Response
063	PeakCare	Supports the amendment and notes is 'not the job' of the youth justice system to address issues of concern such as a young person's homelessness or lack of safe accommodation within their family home or other living arrangement, nor is it the responsibility of the youth justice system to ensure young people are receiving appropriate support and assistance in relation to other aspects of their safety and well-being.	DCYJMA and the Department of Communities, Housing and Digital Economy (DCHDE) deliver a comprehensive range of programs and services to assist children,

Lack of accommodation or family support (clause 21 subclause (6) and clause 23)			
No	Submitter	Issue	Departmental Response
			<p>young people and families who are homeless or at risk of homelessness.</p> <p>These include both the direct provision of accommodation, and the provision of services to assist young people and their families to find and maintain accommodation.</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
057 064 071 074 075 077	Queensland Council for Civil Liberties Youth Advocacy Centre YFS Legal Sisters Inside Queensland Law Society ATSIWLSNQ	Do not support the clause to create a presumption against bail Submission 064 states the amendment is not necessary, there is no justification for it and it will result in more young people on remand which will have long term adverse impacts on children.	<p>The presumption against bail is targeted at a narrow cohort, and has safeguards to protect the human rights of youth offenders.</p> <p>In determining whether a child has shown cause why their detention is not justified, the Bill requires the court or police officer to take into consideration the matters in s48AA of the YJA.</p>
062	Legal Aid Queensland	Assert the amendment, as drafted, is very broad in scope. For example, a child who is on bail for a stealing offence who subsequently is charged as a result of a fight with another child would be placed in a “show cause” situation when applying for bail.	<p>The threshold to fall within the show cause is that the child is on bail for an indictable offence and is charged with a prescribed indictable offence. A prescribed indictable offence is defined in clause 34.</p> <p>In the example referred the child would fall into the show cause framework, if the stealing conduct is charged as an indictable stealing offence under section 398 of the</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
			Criminal Code and if as a result of a fight, the child is charged with an offence against section 339 (assault occasioning bodily harm) of the Criminal Code.
062	Legal Aid Queensland	<p>Assert the provision will unfairly target children who are unable to show cause due to a number of factors. In Legal Aid Queensland's experience those factors could be:</p> <ul style="list-style-type: none"> • a lack of a stable home environment, • a parent or caregiver who declines to agree to support and monitor a child's bail undertaking, • having been excluded from school, • are in the care of Child Safety and • who suffer from mental illness, trauma and/or neurodevelopment condition and substance abuse issues. 	<p>Each case will depend on its own circumstances and the ability of the police to identify who was the driver of the vehicle.</p> <p>In determining whether a child has shown cause why their detention is not justified, the Bill requires the court or police officer to take into consideration the matters in s48AA of the YJA.</p> <p>Police officers and courts must give reasons for keeping the child in custody, in line with existing section 48B of the YJA.</p>
064 071 077	Youth Advocacy Centre Inc YFS Community Legal Centre ATSIWLSNQ	Show cause provisions will have a disproportionate effect on Aboriginal and Torres Strait Islander youth.	<p>DCYJMA provides and funds a range of culturally appropriate services to address young Aboriginal and Torres Strait Islander people's criminogenic needs, including many provided by community-controlled organisations. This provides bail decision-makers with options to address identified risks, rather than simply refusing bail.</p> <p>The Departments note that the Government continues to invest in programs and services that deliver long-</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
			term, sustainable reductions in youth crime.
059 078	Kim Hoad Justin Thompson	UUMV should be a prescribed offence in all circumstances, not only when the young person is the driver.	<p>Each case will depend on its own circumstances and the ability of the police to identify who was the driver of the vehicle.</p> <p>If a case involves various young people taking turns driving and this can be identified, each youth would be subject to the presumption against bail.</p> <p>Police and courts will remain able to refuse bail to young people other than the driver if this is necessary under the circumstances to protect community safety.</p>
059	Kim Hoad	The amendment should apply to all juveniles charged with any indictable offence who have been granted bail before and breached bail regardless of whether they have been convicted or not.	<p>The policy objectives of the Bill are to address the cohort of serious recidivist youth offenders. Expansion of the provision to apply to all youth charged with any offence who breach bail would be beyond the scope of the policy objective.</p> <p><i>The Working Together Changing the Story: Youth Justice Strategy 2019-23</i>, with its four pillars, remains the Government's primary youth justice policy. The Strategy is proving effective, with the number of young offenders coming to police attention continuing to decline.</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
			The current amendments are targeted at the small cohort of high risk, recidivist child offenders.
064 066 071	Youth Advocacy Centre Inc QFCC YFS Community Legal Centre	The amendment engages key human rights that have been overlooked in the Statement of Compatibility.	<p>The Bill is accompanied by a Human Rights Statement of Compatibility as required by the <i>Human Rights Act 2019</i>.</p> <p>The Government, in introducing the Bill, is of the view that the limits placed on human rights by the Bill are reasonable and justified in a free and democratic society based on human dignity, equality and freedom, having regard to the purpose of the limitation and the factors set out in section 13 of the <i>Human Rights Act 2019</i>.</p>
060	Save the Children	Does not support amendment and it is a significant departure from usual criminal law procedure. An alternative suggestion is bail support programs.	Bail support programs are in place and will continue to assist young people to adhere to bail conditions.
062 064 074	Legal Aid Queensland Youth Advocacy Centre Inc Sisters Inside	The amendment represents a departure from the Youth Justice Strategy and the 2019 youth justice reforms to keep youths out of detention.	<p>The amendments are not intended to detract from the holistic four pillars approach of the Youth Justice Strategy, including diverting children from custody, except when necessary to protect community safety.</p> <p>This provision targets the offending behaviours of serious recidivist youth offenders that place themselves and the community at risk.</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
071 073 075	YFS Community Legal Centre HUB Community Legal Queensland Law Society	Amendments will increase number of youths in detention.	<p>The amendment is only intended to target high risk recidivist offenders. It only applies to a child charged with a prescribed indictable offence allegedly committed whilst on bail (or otherwise in the community) for an indictable offence.</p> <p>DCYJMA provides and funds a range of services to address young people's criminogenic needs. This provides bail decision-makers with options to address identified risks, rather than simply refusing bail.</p> <p>The Departments note the Government continues to invest in programs and services that deliver long-term, sustainable reductions in youth crime</p>
071 075	YFS Legal Queensland Law Society	Asserts the Statement of Compatibility does not provide sufficient detail to justify the selection of prescribed indictable offences for which the presumption against bail applies to.	<p>The Bill is accompanied by a Human Rights Statement of Compatibility as required by the <i>Human Rights Act 2019</i>.</p> <p>The Government, in introducing the Bill, is of the view that the limits placed on human rights by the Bill are reasonable and justified in a free and democratic society based on human dignity, equality and freedom, having regard to the purpose of the limitation and the factors set out in section 13 of the <i>Human Rights Act 2019</i>.</p>

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
064 075	Youth Advocacy Centre Inc Queensland Law Society	Amendment will increase the length of proceedings and have resource implications for both the courts and those providing services in the court.	The Departments do not agree that the provision will have material impacts on length of proceedings or resources. However, these issues can be explored in the review to be conducted by Mr Bob Atkinson AO.
056 073	ATSILS HUB Community Legal	The amendment is disproportionate and unnecessary. A previous prescribed indictable offence is not necessarily a reliable indicator of risk unless it is similar offending or similar recent offending.	This provision is targeted at serious recidivist offending. A young person will have the opportunity to show cause why their detention is not justified. It is not an impossible hurdle; under the long-standing adult show cause regime, accused persons regularly show cause by demonstrating that the risks are sufficiently mitigated.
064	Youth Advocacy Centre Inc	The amendment is unnecessary given amendments to the YJA in December 2020 to require that the court or a police officer must keep a child in custody if there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person which cannot be adequately mitigated by imposing appropriate conditions (s 48AAA).	The presumption against bail is limited and has safeguards surrounding it to protect the human rights of youth offenders. In determining whether a child has shown cause why their detention is not justified, the Bill requires the court or police officer to take into consideration the matters in s48AA of the YJA.
064	Youth Advocacy Centre Inc	The <i>Bail Act 1980</i> excluded application of show cause to children in acknowledgement that children should be treated differently to adults; they commit offences for different reasons and they are not able to control their lives and life situations to the same extent as adults.	The presumption against bail is limited and has safeguards surrounding it to protect the human rights of children charged with an offence.

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
064	Youth Advocacy Centre Inc	Application of show cause will create an administrative burden on police to document reasons for granting bail that may result in additional bail refusal and more children in police watchhouses.	The amendment accords with existing obligations in the <i>Youth Justice Act</i> to record reasons for keeping or remanding a child in custody (s.48B) and recording reason for imposing particular conditions (s. 52B). The amendments have been crafted to target serious recidivist youth offenders. Any determination of bail will be on a case by case basis. A young person will have the opportunity to show cause why their detention is not justified. It is noted that under the long-standing adult show cause regime, accused persons regularly show cause by demonstrating that the risks are sufficiently mitigated.
064	Youth Advocacy Centre Inc	Youth Justice should be required to provide information on resources and programs available to assist the child	This information is available to police and courts.
066	QFCC	Amendments relating to bail decision making should place equal weight on all four pillars of the Youth Justice Strategy	The amendments are not intended to detract from the holistic four pillars approach of the Youth Justice Strategy, including diverting children from custody, except where it is necessary for community safety.
054 055 064	Zillmere Young Peoples Support Service Jesuit social Services Youth Advocacy Centre Inc	There is insufficient evidence that this will make the community safer.	A review of the reforms by Mr Bob Atkinson AO, will include consideration of community safety

Presumption against bail (clause 24 (new section 48AF))			
No	Submitter	Issue	Departmental Response
071	YFS Community Legal Centre		
073	HUB Community Legal		

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
056	ATSILS	Asserts clause 26 limits / removes the discretion of the court.	New section 52AA does not remove discretion of the court. The ability to impose a condition that the youth wear an electronic monitoring device is at the discretion of the court and subject to consideration of a range of criteria to assess suitability of the condition.
056 057 060 062 063 071 073 074075 077	ATSILS Queensland Council for Civil Liberties Save the Children Legal Aid Queensland Peakcare YFS Legal HUB Community Legal Sisters Inside Queensland Law Society ATSIWLSNQ	Do not support electronic monitoring for children. Submission 062 asserts it is unlikely that many children will be released with this condition due to the limitations on the technology and the pre-conditions outlined in the Bill for a child to have a tracking device fitted. Most 16 year old children who come before the court do not have stable accommodation, do not have the support of a parent and have only intermittent access to a mobile phone. Children who sleep rough or who couch surf may not have access to a power supply for the period required to recharge the devices.	Electronic monitoring is reserved for a small cohort of serious recidivist offenders in restricted circumstances for a limited trial period. The condition is subject to the court being satisfied that it would be appropriate, having regard to a range of matters. The court's attention is expressly drawn to the child's privacy and cultural rights, amongst others, by the note under proposed s.52AA(1).
059 067 078	Kim Hoad David McCrindle Justin Thompson	Age threshold for eligibility for GPS tracking should be reduced to include all ages.	The Bill limits electronic monitoring to young people aged 16 or 17, for the reasons discussed in Mr Bob Atkinson's

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
			<p><i>Report on Youth Justice</i> (see page 66). Given the lack of evidence of the efficacy of electronic monitoring for children on bail, a trial in specified locations has been considered appropriate. The selection of the trial locations is a matter for Government. It is proposed to nominate geographical locations which have a certain level of bail support services to support the youth on bail.</p> <p>The provision 'sunsets' after two years (proposed s.52AA(10)). The trial will be reviewed after 12 months and the Government will make decisions about any future application of electronic monitoring after considering the findings of the review.</p>
056 057 060 063 064 066 073 074 075 077	ATSILS Queensland Council for Civil Liberties Save the Children PeakCare Youth Advocacy Centre QFCC HUB Community Legal Sisters Inside Inc Queensland Law Society ATSIWLSNQ	Concern that requiring a young person to wear an electronic monitoring bracelet will lead to stigma and impact on young person's ability to attend school, find employment and secure safe accommodation. There is a need for these youths to have significant family support.	<p>Electronic monitoring will be subject to the court being satisfied that it would be appropriate, having regard to a range of matters, including familial support.</p> <p>The court's attention is expressly drawn to the child's rights in relation to privacy, freedom of movement, and culture amongst others, by the note under proposed s.52AA(1).</p>

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
079	Bar Association of Queensland		
064	Youth Advocacy Centre	Reference to UK review that electronic monitoring showed no significant positive effect on high-risk offenders of all ages, other than sex offenders.	The departments recognise there is limited research available on the use of electronic monitoring for children on bail. That is why the intention is to trial the technology for 12 months, with a 'sunset clause' of two years (proposed s.52AA(10)), to allow a review after 12 months with the Government to consider any future application of electronic monitoring in light of the findings of the review.
056 057 074	ATSILS Queensland Council for Civil Liberties Sisters Inside	There is evidence of there being no significant positive effect in terms of crime reduction and there is a substantial risk requiring a youth to wear a device will set them up to fail, resulting in increased incarceration.	It is true that GPS tracking may identify relatively minor breaches of conditions, not accompanied by offending, that currently go undetected (for example, arriving home 5 minutes after curfew time). If a police officer reasonably suspects a youth has contravened or is contravening a condition of their bail, the police officer must consider alternatives to arrest, including taking no action (section 59A, YJA), depending on a range of factors including the seriousness of the contravention. A number of the youth justice principles in schedule 1 of the YJA would apply to make arrest inappropriate and possibly unlawful in such circumstances.

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
060 062 077	Save the Children Legal Aid Queensland ATSIWLSNQ	The requirement for a youth to wear a GPS tracker engages key human rights that have been overlooked in the Statement of Compatibility – sections 17(b), 32(3) and 33(3) of the <i>Human Rights Act 2019</i> .	<p>The Bill is accompanied by a Human Rights Statement of Compatibility as required by the <i>Human Rights Act 2019</i>.</p> <p>In introducing the Bill, the Government is of the view that the limits placed on human rights by the Bill are reasonable and justified in a free and democratic society based on human dignity, equality and freedom, having regard to the purpose of the limitation and the factors set out in section 13 of the <i>Human Rights Act 2019</i>.</p> <p>The use of electronic monitoring is restricted to young people aged 16 and 17.</p>
054 055 056 057 063 064 077 079	Zillmere Young Peoples Support Service Jesuit Social Services ATSILS Queensland Council for Civil Liberties PeakCare Youth Advocacy Centre ATSIWLSNQ Bar Association of Queensland	There is limited evidence presented about the effectiveness of GPS tracking in helping to reduce rates of youth crime.	The shortage of evidence in relation to children on bail is acknowledged. That is why the provisions have been introduced with a sunset clause. This will allow a trial to be undertaken and allow the efficacy of electronic monitoring to be reviewed before further decisions are made.

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
056 057 060	ATSILS Queensland Council for Civil Liberties Save the Children	The Bill fails to address the negative psychological impacts other studies have identified on the use of electronic monitoring.	The use of electronic monitoring is restricted to young people aged 16 and 17 and will be reviewed.
066	QFCC	There is a lack of clarity about the data that the devices will collect, and how the data will be stored, accessed and used	It will only be lawful for data from electronic monitoring to be recorded, used or disclosed for certain specified purposes (see YJA part 9). There is no authority in the Bill to use data obtained from electronic monitoring for any other purposes.
064	Youth Advocacy Centre	Expresses concerns about the impost preparation of a suitability assessment report will have on court proceedings.	Undertaking suitability assessments will ensure that EM is applied to suitable young people. It is not intended that the process for preparing a suitability assessment report be overly onerous or delay court proceedings beyond a reasonable time. It is not intended, for example, to refer the child to a psychologist for a full assessment of capacity to understand the condition(s) – rather, the court officer will in most cases conduct a brief assessment of capacity based on interactions with the child on the day. It is anticipated that in most cases, the assessment report will be completed on the same day.

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
075	Queensland Law Society	Electronic monitoring interferes with a child's right to privacy and the Statement of Compatibility notes the Bill may violate rights under the <i>Human Rights Act</i> .	<p>The Bill is accompanied by a Human Rights Statement of Compatibility as required by the <i>Human Rights Act 2019</i>.</p> <p>The Court's attention is expressly drawn to the child's rights to privacy and freedom of movement, amongst others, by the note under proposed s.52AA(1).</p> <p>In introducing the Bill, the Government is of the view that the limits placed on human rights by the Bill are reasonable and justified in a free and democratic society based on human dignity, equality and freedom, having regard to the purpose of the limitation and the factors set out in section 13 of the <i>Human Rights Act 2019</i>.</p>
054	Zillmere Young Peoples Support Service	Expressed concern of how a homeless youth would be able to keep an ankle bracelet charged.	<p>The court when considering whether to impose an electronic monitoring condition will be required to consider the youth's capacity to comply with the condition and a suitability assessment report.</p> <p>As part of this process, the court would consider if the youth has stable accommodation, access to regular supply of electricity and an ability to understand the requirements of maintaining a monitoring bracelet.</p>

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
			It is highly unlikely that a court would impose an electronic monitoring condition on a homeless youth as the youth would not be able to comply with the condition.
064	Youth Advocacy Centre	Express the view the threshold for eligibility for an electronic monitoring condition is too low.	The use of electronic monitoring is restricted to young people aged 16 and 17, charged with a prescribed indictable offence, and previously convicted of an indictable offence. The provisions will be trialled in limited locations and these criteria will be considered in the review of the trial.
074	Sisters Inside Inc	Assert the amendment is the most racist of all reforms in the Bill and due to its expected disproportionate impact on Aboriginal and Torres Strait Islander youth, and similarities to colonial ankle shackles which are likely to compound trauma.	The use of electronic monitoring will be reviewed.
075	Queensland Law Society	Lack of information on how the prescribed locations for GPS eligibility will be determined.	The locations prescribed by regulation will be areas where there are sufficient services to support children with GPS conditions and to respond appropriately to alerts generated by the monitoring system.
075	Queensland Law Society	Assert electronic monitoring should be used as an alternative to detention.	The intent of this Bill is to address the impact of serious recidivist offending on community safety. To support this intent, this condition is available as an intensive supervision option for young people who have been assessed as suitable for bail.

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
			The arrangements will be reviewed after 12 months.
078	Justin Thompson	States to introduce mandatory detention as a penalty for the unauthorised removal of a tracking device.	Mandatory penalties prevent courts from making decisions that respond to the individual circumstances of the young person and the behaviour, including any relevant changes in the time between the offence and the sentencing.
066	QFCC	Electronic monitoring will not prevent reoffending without access to support to address causes of offending	Young people will have access to bail support services that can provide direct support and refer young people to other specialist services
066	QFCC	Children may be less responsive to this type of deterrence measure, especially those with disability or mental illness	The provisions require the court to consider whether the child is likely to comply with the condition, and any associated conditions, having regard to the personal circumstances of the child. The trial will be reviewed after 12 months.
066	QFCC	Children subject to electronic monitoring will not be able to move outside the prescribed geographical area, which will prevent maintaining connections to ancestral land	An electronic monitoring condition will not prevent a young person from moving. Courts are already able to make residence and curfew conditions that restrict travel to places a child could get to and return from in one day, but the child can apply to vary these conditions.
066	QFCC	The trial should be externally evaluated.	The trial will be reviewed after 12 months and the Government will make decisions about any future application of electronic

Electronic Monitoring (clause 26 (new section 52AA))			
No	Submitter	Issue	Departmental Response
			monitoring after considering the findings of the review.
066	QFCC	QCS will need a risk management strategy to manage contact with children	QCS will respond to low-seriousness alerts such as a low battery level with a phone call direct to the child. QCS will refer situations requiring ongoing interaction with young people to police and/or youth justice.
057 074	Queensland Council for Civil Liberties Sisters Inside	There is a risk that monitoring will be applied to people who would not ordinarily be detained or would be detained on less intrusive conditions.	The provisions do not facilitate electronic monitoring as an alternative to detention. A monitoring condition is to be treated the same as other conditions of release on bail under YJA s.52A (see proposed s.52AA(1)). The trial will be reviewed after 12 months.

Sentencing principle (clause 29)			
No	Submitter	Issue	Departmental Response
059	Kim Hoad	There should be a three-strike policy in sentencing. For the first offence – show leniency, second offence probation/suspended sentence, third offence detention; and suggests minimum periods of detention/imprisonment.	Detention as a last resort is a consistent with human rights standards and supports community safety, as young people sentenced to detention are more likely to reoffend. The introduction of any mandatory sentencing is a matter for Government to determine. The departments note that mandatory sentence provisions prevent courts from ordering sentences that respond to the individual circumstances of

Sentencing principle (clause 29)			
No	Submitter	Issue	Departmental Response
			the young person and the offence, including the harm caused to a victim. Research indicates that mandatory sentences are not a deterrent to the cohort of children inclined to commit offences.
077	ATSIWLSNQ	Do not support the amendment and notes it fails to take into consideration the child's age and level of neurobiological development.	This provision codifies an existing common law principle.
074	Sisters Inside	This is unlikely to achieve the specific deterrence sought due to children's lesser capacity to assess risk and high levels of surveillance of criminalised children.	This provision codifies an existing common law principle.
056 064 079	ATSILS Youth Advocacy Centre Bar Association of Queensland	The clause is unnecessary as the common law is clear.	The inclusion of the common law principle into legislation makes the law more accessible and understandable for the general public.
063	PeakCare	Supports the amendment to codify existing judicial practice.	Noted

Amendment to charter of youth justice principles (clause 33)			
No	Submitter	Issue	Departmental Response
056	ATSILS	Clause 33 is unnecessary as it adds absolutely nothing.	The amendment clarifies the scope of the existing Principle 1.
063 064	PeakCare Youth Advocacy Centre	Do not support amendment and considers the amendment would be detrimental to the clarity of the existing principle.	The departments do not agree.

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
059 078	Kim Hoad Justin Thompson	Support for the introduction of a specific breach of bail offence.	<p>The introduction of a specific offence of breach of bail for young offenders is a matter for Government to determine.</p> <p>However, the departments note that it is not the case that a child can breach bail with impunity.</p> <p><i>Failing to appear:</i> Breaching bail by failing to appear in court is an offence in Queensland.</p> <p><i>Reoffending:</i> Committing a further offence whilst on bail is an exacerbating factor in sentencing for the new offence – in other words, it would likely result in a higher penalty. This is the existing common law principle that is being embedded in legislation by clause 29.</p> <p><i>Breaching a bail condition (e.g. a curfew):</i> Section 367(3)(a) of the <i>Police Powers and Responsibilities Act 2000</i> provides that a police officer may arrest a person, including a child, without a warrant, if the police officer reasonably suspects the person is likely to contravene, is contravening, or has contravened a condition of their bail. The child is then taken to court, where bail can be varied or revoked.</p>

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
			These arrangements ensure consequences for breaching bail and protection for the community.
059	Kim Hoad	There should be a minimum period of detention of 6 months (including rehabilitation/On Country programs to address the root causes of their criminal behaviour).	<p>Mandatory sentencing provisions prevent courts from making sentences that fit the young person, their situation, and their offending.</p> <p>Further, research indicates that mandatory sentences are not a deterrent to the cohort of children inclined to commit offences.</p> <p>Detention is sometimes necessary to protect the community, but it also disrupts a young person's connections to family, community, education, training, employment and ongoing support services, and should be for the minimum time necessary to protect community safety.</p> <p>The evidence indicates that programs that strengthen these connections in the child's community are most effective at reducing crime and enhancing community safety.</p>
061	Life Without Barriers	Discussed Multisystemic Therapy, an evidence-based program to address youth offending in South East Queensland	This program is currently funded by the Government.
065	Townsville Youth Crossroads	Support for Indigenous Youth Murri Court through appointing Aboriginal and Torres Strait Elders as Magistrates Court Justices of the Peace.	Noted, this is beyond the scope of the Bill.

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
054	Zillmere Young Peoples Support Service	Support for early intervention, community-level intervention, more rehabilitation programs, trauma informed and relationship centralised approaches, wrap around services.	The Queensland Government has made a record investment of more than \$500 million in youth justice reforms since 2017, and the number of individual child offenders continues to decline.
055	Jesuit Social Services		
056	ATSILS		
058	Linda Davis		Case management for children with multiple complex needs takes a holistic approach addressing education, health, housing, disability and other needs.
060	Save the Children		
062	Legal Aid Queensland		
063	PeakCare		DCYJMA provides and funds a range of services to address young people's criminogenic needs. This provides bail decision-makers with options to address identified risks, rather than simply refusing bail.
065	Townsville Youth Crossroads		
066	QFCC		
069	Sue Withers		For example, the Government has introduced support services in the community and in youth detention centres to assist in identifying and supporting young people with a range of cognitive and physical disabilities, including foetal alcohol spectrum disorder (FASD). Since 2017, speech and language pathologists have provided assessments to identify FASD and other disability, and to inform decision-making in NDIS applications.
070	Inspire Youth and Family Services		
072	Commerce North West		
071	YFS Community Legal Centre		In June 2020, the then Department of Youth Justice reviewed and updated its Disability Service plan to, amongst other things,
073	HUB Community Legal		
074	Sisters Inside Inc		
075	Queensland Law Society		
076	Queensland Mental Health Commission		

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
			<p>support the strategic direction of All Abilities Queensland and deliver Government commitments under the National Disability Strategy 2010-20 and the NDIS. This plan will be reviewed again this year.</p> <p>The DCYJMA also provides and funds a range of culturally appropriate services to address young Aboriginal and Torres Strait Islander people's criminogenic needs, including many provided by community-controlled organisations.</p> <p>The Departments note the Government continues to invest in programs and services that deliver long-term, sustainable reductions in youth crime.</p>
068	Debra Green	Support for improved court ordered compensation processes.	Noted, this is beyond the scope of the Bill.
069	Sue Withers	There is a need for more policy and practice responses for dealing with foetal alcohol spectrum disorder and youth offending.	<p>The Government has introduced support services in the community and in youth detention centres to assist in identifying and supporting young people with a range of cognitive and physical disabilities, including foetal alcohol spectrum disorder (FASD). Since 2017, speech and language pathologists have provided assessments to identify FASD and other disability, and to inform decision-making in NDIS applications.</p>
060 070	Save the Children	Suggestion for alternative programs to break the cycle of offending.	The government has invested more than \$500 million in youth justice reforms since

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
	Inspire Youth and Family Services		2017, including in a large range of services to children and their families designed to break the cycle of offending, and the number of child offenders continues to decline.
059	Kim Hoad	Allow identification information when youth breach bail. Quicker for police to apprehend perpetrators.	Identifying information can already be disseminated to police officers to facilitate speedy apprehension of offenders. The YJA also includes provision for the disclosure of confidential information when necessary to ensure someone's safety (section 292).
059 067	Kim Hoad David McCrindle	Have a curfew for youths 16 years and under. Submission 067 suggests a curfew should be imposed upon children at risk under the age of 14 who are out after midnight and 6 am and not in the company of a parent or guardian.	A bail decision-maker can impose a curfew condition as a requirement of a youth's bail. a failure to comply with a curfew condition would result in further action and may lead to the youth being remanded in custody. There is research that shows universal curfews applied to all young people are ineffective at reducing crime and victimisation.
060	Save the Children	Suggest when making new laws to address young people's behaviour, the lens of neuroscience should be considered to make laws that are age appropriate.	The development of youth justice policy and legislation take neurological, psychological, and social considerations into account. Young people are provided with supports to address developmental and cognitive issues, including for example those associated with exposure to domestic and family violence, other trauma, or foetal alcohol spectrum disorders (FASD).

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
066 076	QFCC QMHC	Advocate to raise the criminal age of responsibility	<p>A national working group is reviewing the matter of the minimum age of criminal responsibility.</p> <p>The Queensland Government has publicly indicated it has no current plans to raise the age of criminal responsibility, but is monitoring the progress of the national working group.</p>
078	Justin Thompson	Proposes further law reforms of relocation sentencing for recidivist offenders and to repeal detention as a last resort.	<p>Detention as a last resort is consistent with human rights standards and supports community safety, as young people sentenced to detention are more likely to reoffend.</p> <p>Whilst mandatory sentencing would be a matter for Government policy, the departments note that mandatory sentence provisions prevent courts from making sentences that fit the young person, their situation, and their offending.</p> <p>The evidence indicates that mandatory sentences are not a deterrent to the cohort of children inclined to commit offences.</p> <p>While the introduction of relocation sentencing would be a matter for Government policy, the departments note that the evidence indicates the most effective interventions for reducing youth offending are those that place the young</p>

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
			<p>person and their family at the centre of treatment, in addition to eliciting support from the young person's community. Removing a young person from their community to deliver programs in a remote location can have some positive outcomes but hinders the strengthening of family support and community involvement which are key factors in a young person's rehabilitation.</p> <p>Where it is not necessary to detain a young person for the protection of the community, DCYJMA delivers evidence-based programs and interventions in the young person's community.</p>
064	Youth Advocacy Centre	Highlights the importance to seriously consider the issue of unlawful use of motor vehicles (UUMV) by children because of the risks of serious harm which can result – to the driver and others in the car as well as unwitting bystanders.	Parliament's Transport and Resources Committee is undertaking an inquiry on vehicle safety, standards and technology, including engine immobiliser technology.
068	Debra Green	Support needed for the emotional and mental wellbeing of the victims of crime	<p>Victim Assist provides support for victims of violent crime.</p> <p>Restorative justice conferences bring young people face-to-face with the victims of their offending, and supports them to begin to make amends for the impact of their behaviour. Importantly, a victim is never compelled to attend a conference, and the conference convenor works with the victim</p>

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
			<p>to ensure the victim is ready and willing to participate before the conference proceeds.</p> <p>Surveys show a high degree of victim satisfaction with the process, with benefits that cannot be achieved through normal court processes.</p>
067	David McCrindle	All criminal history should be considered during bail decisions	Bail decisions already consider past offending behaviour.
067	David McCrindle	Home invasion should be a very serious offence and homeowners should be innocent for using reasonable force to protect family and property	<p>This type of offending is already considered a serious offence and included in the list of prescribed offences.</p> <p>It is lawful to use reasonable force to defend yourself, your family and your property.</p>
067	David McCrindle	Child Safety and other agencies associated with children at risk should have 24hr access to police	<p>Police and emergency services are available to all members of the public 24 hours a day.</p> <p>The Child Safety After Hours Service provides 24/7 child protection advice.</p>
066 073	Queensland Family and Child Commission HUB Community Legal	Children in contact with the justice system should receive fair and proportionate responses that take into account their human rights, histories and vulnerabilities	The Bill does not abrogate this existing approach to youth justice. The charter of youth justice principles (YJA Schedule 1) require the youth justice system to (2) uphold the rights of children, (3a) treat them with respect and dignity, (5) give them special protections, and deal with them in a way that is (6) fair and just and (9) gives them the opportunity to develop, strengthens their family and recognises their

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
			<p>need for guidance and assistance, and (13) consider their age, maturity, and cultural and religious beliefs and practices.</p> <p>Evidence based services and interventions continue to be available to the target cohort of serious recidivist offenders.</p>
066	QFCC	Reforms may increase demand for legal representation	This is not considered likely but will be monitored.
066	QFCC	Independent Inspection could help strengthen public trust in youth justice system	The Queensland Government supports the establishment of a new independent inspector, but this is outside the scope of this Bill.
056 061 064 073	ATSILS Life without Barriers Youth Advocacy Centre Inc HUB Community Legal	Investment should be directed to re-engagement with education and investment in evidence-based programs	<p>Case management for children with multiple complex needs takes a holistic approach, addressing education, health, housing, disability and other needs.</p> <p>DCYJMA provides and funds a range of services to address young people's criminogenic needs. The Queensland Government has made a record investment of more than \$500 million in youth justice reforms since 2017, and the number of individual child offenders continues to decline. Investment is directed to evidence-based programs including Transition to Success, which has a strong focus on education reengagement.</p>

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
056	ATSILS	Recommend fast track effective consultation with the problem solvers already operating in the field	Noted. DCYJMA collaborates with its funded service providers and other Government and non-government partners.
055	Jesuit Social Services	Restorative approaches to justice repair harm and build resilient safer communities	Restorative justice conferences are available as a diversion and sentence option.
055	Jesuit Social Services	Evidence from Europe, NZ and US shows that youth justice models that use therapeutic detention as a true last resort are the most effective – these amendments go against this evidence	These amendments target serious recidivist offending and the impact on community safety. Detention remains a last resort, but may be necessary to protect community safety. The <i>Youth Justice Strategy 2019-2023</i> remains the Government's primary youth justice policy statement.
059	Kim Hoad	There should be a three-strike policy.	<p>Detention as a last resort is consistent with human rights standards and supports community safety, as young people sentenced to detention are more likely to reoffend.</p> <p>Whilst mandatory sentencing would be a matter for Government policy, the departments note that mandatory sentence provisions prevent courts from choosing sentences that fit the young person, their situation, and their offending.</p> <p>The evidence indicates that mandatory sentences do not deter youth offending and can cause significant harm to young people.</p>

Other issues raised associated with the youth justice reforms			
No	Submitter	Issue	Departmental Response
072	Commerce North West	Moves to strengthen bail conditions need to include measures for very young offenders (i.e. 8 years and older)	The current age of criminal responsibility in Queensland is 10 years old. Family support and child protection services are available to respond to concerning behaviour from younger children.
072 074	Commerce North West Sisters Inside	Rehabilitation services need to have a strong cultural component drawing on the expertise of Aboriginal and Torres Strait Islander community-controlled organisations	DCYJMA provides and funds a range of culturally appropriate services to address young Aboriginal and Torres Strait Islander people's criminogenic needs, including many provided by community-controlled organisations.
072	Commerce North West	Rehabilitation services need to be available to young people on remand.	Youth Detention Centres provide young people on remand with services to address education, health and other support needs.

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
056 075	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd. Qld Law Society	Concerns about deeming provisions for Type 1 vehicle-related (hooning) offences: <ul style="list-style-type: none"> A conviction for a dangerous operation of a motor vehicle has very serious consequences for the ability to hold a licence for over five years. The notes anticipate that a person will be found guilty of an offence notwithstanding a reasonable doubt or the existence of exculpatory evidence. That is antipathetic to all notions of fair trial and protection from arbitrary treatment. It is ill considered and should not be passed in its present form. Deeming provisions and reversal of onus interferes with the right to be presumed innocent until proven guilty. 	The proposed new owner onus deeming provision does not operate to remove the onus on the prosecution to prove all elements of an offence beyond reasonable doubt. In a proceeding for a type 1 vehicle-related offence started against the person, as a result of these amendments, it is a defence for the person to prove on the balance of

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			<p>probabilities that the person was not the driver of the motor vehicle involved in the offence when the offence happened.</p> <p>However, a person may not rely on evidence in their defence if it is information the person was required to include in the statutory declaration unless the person notifies the prosecuting authority of the intention to seek leave to rely on the evidence at least 21 business days before the day the hearing starts and the court grants leave to rely on this evidence.</p> <p>This does not apply to a type 1 vehicle related offence that is an offence against sections 328A of the Criminal Code. In such an instance, the court may grant leave to the person to rely on evidence that is information the person was required to include in the statutory declaration in his or her defence even if the person has not complied with the notice requirements relating to an intention to seek leave, if it is in the interests of justice that the person should be able to rely on the evidence. As outlined in the Explanatory Notes accompanying the Bill the purpose of these provisions is to strengthen the legislative</p>

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			<p>framework designed to address type 1 vehicle related offences.</p> <p>The commission of type 1 vehicle-related offences may endanger the community and the prevalence of these offences is a legitimate community concern.</p> <p>Hooning on our roads places the community at significant risk of harm. Over the last five years public complaints about hooning have increased 132%, and there has been a 19% increase across all type 1 offences.</p> <p>Robust legislation that addresses this issue is warranted. These amendments place a strong emphasis on the owner of a vehicle used to commit a type 1 vehicle-related offence to cooperate with police and to be accountable for the use of his or her vehicle whilst simultaneously limiting the opportunity for defendants to waste valuable court time and resources.</p>
064	Youth Advocacy Centre Inc.	<p>For the new hand held scanning powers, we would encourage a multi-media campaign for all members of the community akin to the “One punch can kill” campaign.</p> <p>It is also very easy to purchase a knife – local supermarkets have kitchen knives hanging in the kitchen equipment aisle. Consideration should be given to management at point of sale as has happened with spray paints.</p>	<p>Communication with the broader Gold Coast community will primarily be delivered through engagement with local media coordinated through the QPS Media and Public Affairs Group.</p>

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			It is acknowledged that the management of the sale of knives is difficult where the knife being sold can be lawfully possessed in a private place, for example a kitchen knife. It is anticipated that one of the outcomes of the trial will be the collection of data as to where a person obtained a knife that was unlawfully in their possession.
079	Bar Association of Queensland	<p>Concerns that electronic scanning for knives will unfairly target young people in certain locations:</p> <ul style="list-style-type: none"> Given the proposed locations to which these new hand held scanning powers will apply, the Bar Association submits that they are at risk of being discriminatory against young people given the greater propensity of young people to visit those locations. Hand held scanning risks heightening tensions between police and young people in the targeted areas. 	<p>The proposed amendment will be applied equally to all members of the community. Electronic scanning will initially be limited to the Surfers Paradise CBD and Broadbeach CBD Safe Night Precincts located at the Gold Coast. The use of a hand held detector may be authorised by a senior police officer and is subject to safeguards inserted by the Bill as well as those which already exist within the <i>Police Powers and Responsibilities Act 2000</i> (PPRA) generally. These measures ensure that the use of hand held detectors will be conducted appropriately.</p> <p>Additionally, the use of the scanning powers will be captured on police body worn video to provide another layer of protection to all persons who may be stopped and scanned for knives.</p>
074	Sisters Inside		

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			<p>It is not anticipated that the appropriate use of hand held scanners will lead to any tensions between police and youths.</p> <p>The use of the new hand held scanning powers will be subject of a 12 month evaluation to be overseen by the Youth Justice Senior Officers Reference Group. The outcome of the review will provide guidance as to their continued use.</p>
057	Qld Council for Civil Liberties	<p>Concerns about the justification and efficacy of electronic scanning for knives:</p> <ul style="list-style-type: none"> • There is no evidence these types of powers will reduce knife crime. There is no analogy with walking through a metal detector in an airport. • Simply enabling police to undertake searches will not prevent children possessing knives. • Lack of sufficient criteria on which senior police officers can base decisions authorising electronic scanning operations to detect knives. • The proposed electronic scanning amendments are an expansion of general police powers and the general justification for the proposed amendments does not sufficiently address the incompatibilities with individual rights and freedoms or justify the incursion into individual human rights in the absence of a targeted approach to the use of the proposed police powers. 	<p>Of concern is the number of persons, both adult and young people, coming under police attention for unlawfully possessing a knife. Table 2 of the Joint QPS-DCYJMA Departmental Brief provides statistical evidence of persons charged with unlawfully possessing a knife.</p> <p>The intent of this policy is to detect and deter the unlawful carriage of knives in public places in the two Gold Coast safe night precincts. The deterrent effect relies on those persons who may intend to carry a knife believing that they are likely to be stopped by police, scanned and charged with carrying a knife if they were to do so. The legislative safeguards provided in the proposed new section 39F of the PPRA and the requirement that the use of the scanning</p>
062	Youth Advocacy Centre Inc.		
075	Qld Law Society		
077	Aboriginal & Torres Strait Islander Women's Legal Service NQ Inc.		

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			<p>powers be captured on police body worn video provide sufficient protections to all persons who may be stopped and scanned for knives.</p> <p>While police currently have a power to search a person that they reasonably suspect may possess a knife, often no such suspicion will exist until after the person has committed a knife-related offence. The ability for police to pre-emptively scan a person, in a prescribed safe night precinct, will allow a more proactive approach to be taken to detecting the unlawful possession of a knife and preventing these offences occurring.</p> <p>Legislation permitting the use of electronic scanning in airports, watchhouses and State Buildings has been in place in Queensland for many years. This practice is widely accepted by the community and has proven to be an effective means of preventing the carriage of knives and other prohibited items at these locations.</p> <p>Trialling the use of electronic scanning for knives in Safe Night Precincts located on the Gold Coast allows an evaluation of the efficacy of these powers.</p>

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
057 062 074 075 077 079	Qld Council for Civil Liberties Legal Aid Qld Sisters Inside Inc. Qld Law Society Aboriginal & Torres Strait Islander Women's Legal Service NQ Inc. Bar Association of Queensland	<p>Concerns about the arbitrary use of electronic scanning powers:</p> <ul style="list-style-type: none"> • No reasonable suspicion required of any wrongdoing prior to the hand held scanning powers being exercised. • Arbitrary search powers tend to be disproportionately applied to minority racial groups and children, including profiling them. • Use of the powers which may result in police profiling and targeting of youth and Aboriginal and Torres Strait Islander children. 	<p>While police currently have a power to search a person that they reasonably suspect may possess a knife, often no such suspicion will exist until after the person has committed a knife-related offence. The ability for police to pre-emptively scan a person, in a prescribed safe night precinct, will allow a more proactive approach to be taken to detecting the unlawful possession of a knife and preventing these offences occurring.</p> <p>Legislation permitting the use of electronic scanning in airports, watchhouses and State Buildings has been in place in Queensland for many years. This practice is widely accepted by the community and has proven to be an effective means of preventing the carriage of knives and other prohibited items at these locations.</p> <p>The electronic scanning of a person is a fast, non-intrusive activity that does not require a person or their belongings to be touched and causes only minimal delay or inconvenience. The only persons likely to be delayed for longer, or be subjected to greater searches will be those that either do not co-operate with police or for whom the scanner continues to detect the presence of metal after having produced items on request. As</p>

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
			<p>such, and considering the intent of the scheme, it is not anticipated that any negative community relations will arise.</p> <p>The QPS recognises that young people, and other vulnerable groups frequent safe night precincts alongside the wider community to enjoy social interactions, entertainment and the commerce that these public spaces provide. The new powers are not intended to be used to target these or any other groups. The fair and measured use of the new hand held scanning powers will be subject of a 12 month review to be overseen by the Youth Justice Senior Officers Reference Group.</p> <p>The proposition to scan every person for knives in a similar fashion to random breath testing every driver on a road does not account for the different flows of pedestrian traffic in precincts that have multiple entry points, including from residential dwellings.</p>
073 074 079 077	Hub Community Legal Sisters Inside Inc. Bar Association of Queensland Aboriginal & Torres Strait Islander	<p>Concerns about the potential for discriminatory use of electronic scanning powers:</p> <ul style="list-style-type: none"> • The use of scanners should be undertaken in a non-discriminatory way. • The application of the use of hand held scanners to specific geographic areas is contrary to the right to equality before the law and the right of the person to enjoy their human rights without discrimination. 	<p>The proposed electronic scanning amendments acknowledge the community's concerns arising from recent deaths involving a knife on the Gold Coast.</p> <p>Of concern is the number of persons, both adult and youths that are coming under</p>

Amendments to the <i>Police Powers and Responsibilities Act 2000</i>			
No.	Submitter	Issue	Departmental Response
	Women's Legal Service NQ Inc.	<ul style="list-style-type: none"> Police should not be given the use of unrestrained police powers which may result in police profiling and targeting of youth and Aboriginal and Torres Strait Islander children. 	<p>police attention for unlawfully possessing a knife. Table 2 of the Joint Departmental Brief outlines the statistical evidence of persons charged with unlawfully possessing a knife. The intent of this policy is to detect and deter the unlawful carriage of knives in public places in the two Gold Coast safe night precincts.</p> <p>The legislative safeguards provided in the proposed new section 39F of the PPRA and the requirement that the use of the scanning powers be captured on police body worn video provide sufficient protections to all persons who may be stopped and scanned for knives.</p>
077	Aboriginal & Torres Strait Islander Women's Legal Service NQ Inc.	In relation to electronic scanning, the Statement of Compatibility justifies the interference with individual rights and freedoms in general terms by stating that the "need to protect the community from knife crime in safe night precincts outweighs the impacts on an individual's human rights". The proposed amendments leave the issue of exceptions and incursions on individual rights and freedoms, including, for example religious or cultural rights in certain cases, to the prosecution process and exceptions contained in other legislation.	The use of hand held scanners to detect knives does not limit the reasonable excuse provisions contained in s.51 of the <i>Weapons Act 1990</i> (for example, a genuine religious purpose). Regardless of how police commence an investigation into the unlawful possession of a knife, police must still establish that the person did not have a reasonable excuse to possess it. This investigative process does not change if a knife has been located on a person as a result of a hand held scan or as a result of any other seizure.

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057	Qld Council for Civil Liberties	<p>Comments about the potential for more invasive searches when electronic scanning detects metal objects:</p> <ul style="list-style-type: none"> Given that most people carry metal objects a high proportion of people are likely to be subjected to further more invasive searches. Children carrying metal objects other than knives could be subjected, without cause, to more invasive searches. The evidence on the trauma caused by strip searching girls, particularly those with a history of sexual abuse, is well documented. Possible risk that children will legitimately assert their right to privacy and end up with further charges related to their interaction with police. 	Should the scan of a person indicate the presence, or likely presence, of metal on the person or their belongings, the police officer may require the person to produce the thing that may be causing the hand held scanner to indicate the suspected presence of metal and resubmit to another scan, such as car keys.
074	Sisters Inside Inc		<p>Should the police officer form a reasonable suspicion at any time that a person may unlawfully have a knife, then the person may be lawfully searched (see the proposed s 39G of the PPRA).</p> <p>The existing legislative safeguards around searching adults and children will then be engaged.</p> <p>See sections 624 'General provision about searches of persons'; 625 'Taking a person to another place for search'; 626 'Limitation on period of detention for search'; 629 'Removal of clothing for search'; 630 'Protecting the dignity of persons during search';</p>

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			631 'Special requirements for searching children and persons with impaired capacity'; and 632 'If video cameras monitor place where person is searched' of the PPRA.
062 073	Legal Aid Qld Hub Community Legal	<p>Comments about safeguards associated with electronic scanning by police:</p> <ul style="list-style-type: none"> • Unlike other similar existing search powers under the PPRA, the power to scan an individual for a knife is without any safeguards and the requirement of provision of information to the person the subject of the scanning is (in relation to most of the specified categories) by request only. • The safeguards expressed in s 39F should be expressed verbally before any physical search of the person can proceed. Those safeguards are listed in subsection (5). 	<p>The new s.39F(4)(d) and (e) safeguards require that the police officer must inform the person that the person is required to submit to the use of a hand held scanner and offer to give them a notice advising the person of the police powers and that it is an offence for the person not to comply with the requirement unless they have a reasonable excuse.</p> <p>Police will be complying with the s.39F(4)(d) and (e) safeguards prior to scanning a person for knives. Should a reasonable suspicion be formed that the person has a knife, then they may be searched.</p>