

FACT SHEET: Youth Justice and Other Legislation Amendment Act 2019

Provisions commencing on assent

The *Youth Justice and Other Legislation Amendment Act 2019* (the Act) was passed by the Queensland Parliament on 22 August 2019. The following clauses of the Act commenced on 5 September 2019.

Charter of Youth Justice Principles

Schedule 1 of the *Youth Justice Act 1992* (YJ Act) contains the Charter of Youth Justice Principles, which underlie the operation of the YJ Act. Clause 7 of the Act amends Principles 7, 8, 16 and 17, inserts a new principle and renumbers the principles. This supports the three main focus areas of the Act:

- Reducing the period in which proceedings in the youth justice system are finalised
- Removing legislative barriers to enable more young people to be granted bail, and
- Ensuring appropriate conditions are attached to grants of bail.

The Act strengthens Principle 7 to make it clear that proceedings against a child for an offence should be finalised as soon as practicable.

The Act inserts a new principle that provides the youth justice system (for example, courts, legal representatives and the Office of the Director of Public Prosecutions) is to give priority to proceedings for children who are remanded in custody.

Principle 8 is enhanced to provide that a child who commits an offence should also be dealt with in a way that recognises the child's need for guidance and assistance because children tend to be dependent and immature.

Principle 16 is also amended to provide that a child should be dealt with under the YJ Act in a way that allows the child's education, training or employment to continue without interruption or disturbance, if practicable; and if practicable, to enable the child to reside in the child's home.

The Act amends Principle 17 to clarify that the principle of detention as a last resort also applies to children on remand.

Recordings in detention centres and use of body-worn cameras

Clause 5 of the Act authorises the use of enhanced CCTV technology and body-worn cameras within youth detention centres to protect children and staff. Limitations on who and what can be recorded is contained in clause 5 of the Act which will insert new section 263A into the YJ Act.

The Act provides that the chief executive must make guidelines about the recording of images and sounds and the use of body-worn cameras in youth detention centres.

The Act also requires the operation of the body-worn camera provisions to be reviewed as soon as practicable two years after they commence. The review must include a review of the effect of the provisions on children's privacy.

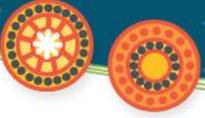
Sentencing principle (child homicide)

Clause 4 of the Act inserts a new requirement into the YJ Act for courts when sentencing a child for the manslaughter of another child under 12 years to treat the defencelessness of the victim and their vulnerability as an aggravating factor.

This amendment reflects similar amendments to the *Penalties and Sentences Act 1992* in relation to adult offenders. The amendment was recommended by the Queensland Sentencing Advisory Council to achieve greater recognition of the defencelessness and vulnerability of child homicide victims in sentencing for manslaughter.

Amendment of *Public Guardian Act 2014*

Clauses 46 and 47 of the Act amend the *Public Guardian Act 2014* to enable the Public



Guardian's community visitor and child advocate functions and powers to be exercised at child accommodation services provided, or funded by, the Department of Youth Justice. This will ensure that there is no gap in oversight and safeguards for young people who may reside at services funded by the department.

The remaining provisions of the Act will commence at a later date to be fixed by proclamation. It is expected that all amendments will commence by the end of 2019.