

Queensland



**PENALTIES AND
SENTENCES AND OTHER
ACTS AMENDMENT ACT
2000**

Act No. 42 of 2000

Queensland



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OTHER ACTS AMENDMENT ACT 2000**

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Queensland



**Penalties and Sentences and Other Acts
Amendment Act 2000**

Act No. 42 of 2000

***An Act to amend the Penalties and Sentences Act 1992, the Juvenile
Justice Act 1992 and the Childrens Court Act 1992***

[Assented to 13 October 2000]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Penalties and Sentences and Other Acts Amendment Act 2000*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

PART 2—AMENDMENT OF PENALTIES AND SENTENCES ACT 1992

Act amended in pt 2

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

Amendment of s 9 (Sentencing guidelines)

4.(1) Section 9(2)(o) and (p)—

renumber as section 9(2)(p) and (q).

(2) Section 9(2)—

insert—

‘(o) if the offender is an Aboriginal or Torres Strait Islander person—any submissions made by a representative of the community justice group in the offender’s community that are relevant to sentencing the offender, including, for example—

- (i) the offender's relationship to the offender's community; or
- (ii) any cultural considerations; or
- (iii) any considerations relating to programs and services established for offenders in which the community justice group participates; and'.

(3) Section 9—

insert—

'**(5)** If required by the court for subsection (2)(o), the representative must advise the court whether—

- (a) any member of the community justice group that is responsible for the submission is related to the offender or the victim; or
- (b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the offender or victim.

'**(6)** In this section—

“community justice group”, for an offender, means a group of persons made up of any of the following—

- (a) an entity within the offender's community, other than a department of government, that is involved in the provision of any of the following—
 - (i) information to a court about Aboriginal or Torres Strait Islander offenders;
 - (ii) diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
 - (iii) other activities relating to local justice issues;
- (b) elders or other respected persons of the offender's community.

“offender's community” means the offender's Aboriginal or Torres Strait Islander community, whether it is—

- (a) an urban community; or
- (b) a rural community; or

- (c) a community on DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.’.

PART 3—AMENDMENT OF JUVENILE JUSTICE ACT 1992

Act amended in pt 3

5. This part amends the *Juvenile Justice Act 1992*.

Amendment of s 109 (Sentencing principles)

- 6.(1) Section 109(1)(g) to (j)—

renumber as section 109(h) to (k).

- (2) Section 109(1)—

insert—

‘(g) if the child is an Aboriginal or Torres Strait Islander person—any submissions made by a representative of the community justice group in the child’s community that are relevant to sentencing the child, including, for example—

(i) the child’s relationship to the child’s community; or

(ii) any cultural considerations; or

(iii) any considerations relating to programs and services established for offenders in which the community justice group participates; and’.

- (3) Section 109—

insert—

‘(4) If required by the court for subsection (1)(g), the representative must advise the court whether—

-
- (a) any member of the community justice group that is responsible for the submission is related to the offender or the victim; or
 - (b) there are any circumstances that give rise to a conflict of interest between any member of the community justice group that is responsible for the submission and the child or victim.

‘(5) In this section—

“community justice group”, for a child, means a group of persons made up of any of the following—

- (a) an entity within the child’s community, other than a department of government, that is involved in the provision of any of the following—
 - (i) information to a court about Aboriginal or Torres Strait Islander offenders;
 - (ii) diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
 - (iii) other activities relating to local justice issues;
- (b) elders or other respected persons of the child’s community.

“child’s community” means the child’s Aboriginal or Torres Strait Islander community, whether it is—

- (a) an urban community; or
- (b) a rural community; or
- (c) a community on DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.’.

PART 4—AMENDMENT OF CHILDRENS COURT ACT 1992

Act amended in pt 4

7. This part amends the *Childrens Court Act 1992*.

Amendment of s 20 (Who may be present at a proceeding)

8.(1) Section 20(1)(g)—

omit, insert—

‘(g) if the child is an Aboriginal or Torres Strait Islander person—

- (i) a representative of an organisation whose principal purpose is the provision of welfare services to Aboriginal and Torres Strait Islander children and families; or
- (ii) a representative of the community justice group in the child’s community who is to make submissions that are relevant to sentencing the child; or’.

(2) Section 20—

insert—

‘**(7)** In this section—

“community justice group”, for a child, means a group of persons made up of any of the following—

- (a) an entity within the child’s community, other than a department of government, that is involved in the provision of any of the following—
 - (i) information to a court about Aboriginal or Torres Strait Islander offenders;
 - (ii) diversionary, interventionist or rehabilitation activities relating to Aboriginal or Torres Strait Islander offenders;
 - (iii) other activities relating to local justice issues;
- (b) elders or other respected persons of the child’s community.

“child’s community” means the child’s Aboriginal or Torres Strait Islander community, whether it is—

- (a) an urban community; or
- (b) a rural community; or
- (c) a community on DOGIT land under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.