

Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 43

made under the

Youth Justice Act 1992

General Outline

Short Title

Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021

Authorising law

Sections 52AA and 314 of the *Youth Justice Act 1992*.

Policy objectives and the reasons for them

The evidence in relation to the use of electronic monitoring technology for children on bail is inconclusive, so the policy objective of s.52AA of the *Youth Justice Act 1992* (YJA), recently inserted by the *Youth Justice and Other Legislation Amendment Act 2021*, is to facilitate a 12 month trial of the technology. The section is ‘sunsetting’ two years after it commences (s.52AA(10)).

The policy objectives of the *Youth Justice (Monitoring Device Conditions) Amendment Regulation 2021* (the Amendment Regulation) are to give effect to new section 52AA of the YJA by prescribing the geographical areas in which a child must live in order to have a monitoring device condition imposed, and the geographical areas in which courts must be constituted to impose a monitoring device condition.

Achievement of the Objectives

The limited available evidence suggests that electronic monitoring of children may be most effective if supported by appropriate services for children and their families.

The Amendment Regulation prescribes the geographical areas in which a child must live in order to have a monitoring condition imposed. The broad trial sites were announced by the Premier on 9 February 2021, and were identified in the Statement of Compatibility accompanying the Youth Justice and Other Legislation Amendment Bill 2021 (the Bill), but the Amendment Regulation prescribes precise locations within the trial sites that are covered by a range of relevant services provided or funded by Department of Children, Youth Justice and Multicultural Affairs (DCYJMA) and the Queensland Police Service, including Co-Responder, Conditional Bail Program, and bail support services.

The geographical areas prescribed for courts include courts in the prescribed residential areas, and those nearby in which children from the prescribed residential areas commonly appear.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Youth Justice Act 1992*.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways to achieve the policy objectives.

Benefits and costs of implementation

The benefits of implementation are to enable commencement of the trial of electronic monitoring technology.

The Government has allocated funds to implement the trial of monitoring device conditions in the prescribed locations, including funding for expansion of Co-Responder teams to cover all trial locations and enhanced intensive supervision of young people on bail by DCYJMA staff and funded non-government service providers. There will be no further costs.

Consistency with Fundamental Legislative Principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

There was extensive engagement with key stakeholders, peak bodies, and members of the public during the inquiry into the Bill conducted by Parliament's Legal Affairs and Safety Committee. Individuals and organisations who made submissions or appeared at hearings in the course of the inquiry expressed a broad cross-section of views, but none raised any concerns about the trial sites.

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Relegation was not consulted in relation to the Amendment Regulation. DCYJMA applied a self-assessed exclusion from further regulatory impact analysis as the Amendment Regulation relates to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services (self-assessed exclusion category j).