



Queensland

# Youth Justice and Other Legislation Amendment Regulation 2019

## Subordinate Legislation 2019 No. 261

made under the

*Police Powers and Responsibilities Act 2000*  
*Youth Justice Act 1992*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Youth Justice and Other Legislation Amendment Regulation 2019*.

### 2 Commencement

This regulation commences on 16 December 2019.

## Part 2 Amendment of Police Powers and Responsibilities Regulation 2012

### 3 Regulation amended

This part amends the *Police Powers and Responsibilities Regulation 2012*.

### 4 Replacement of s 26 (Legal aid organisation—Act, sch 6, definition *legal aid organisation*)

Section 26—

*omit, insert—*

#### **26 Legal aid organisation—Act, sch 6, definition *legal aid organisation***

- (1) For the Act, schedule 6, definition *legal aid organisation*, paragraph (a), the Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd (ATSILS) is prescribed.
- (2) For the Act, schedule 6, definition *legal aid organisation*, paragraph (b), the following organisations are prescribed—



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**7 Amendment of s 6 (Contents of further material for pre-sentence report)**

Section 6(1)—

*omit, insert—*

- (1) This section applies if, under section 151(10)(b) of the Act, the chief executive gives a court further material to be considered with another pre-sentence report.

**8 Amendment of s 38 (Keeping information—Act, s 303)**

Section 38(1)(a)(ii), ‘15, 19 or 20’—

*omit, insert—*

16, 20 or 21

**9 Replacement of pt 5, hdg (Confidential information)**

Part 5, heading—

*omit, insert—*

**Part 5**

**Provisions about  
disclosure of  
information**

**10 Insertion of new pt 5, div 1, hdg**

Before section 44—

*insert—*

**Division 1**

**Preservation of  
confidentiality generally**

[s 11]

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**11 Amendment of s 44 (Dealing with confidential information—Act, s 289(i))**

- (1) Section 44, heading, ‘s 289(i)’—

*omit, insert—*

**s 289**

- (2) Section 44(2), note, ‘the Act, part 9, divisions 2 and 3’—

*omit, insert—*

part 9, divisions 2, 2A and 3 of the Act

- (3) Section 44(3), definition *confidential information*—

*omit.*

**12 Insertion of new pt 5, div 2**

Part 5—

*insert—*

**Division 2 Information sharing and services coordination for children charged with offences**

**44A Arrangements must be given to chief executive and published**

- (1) A person who establishes an arrangement under section 297F of the Act must, as soon as practicable after the arrangement is established, give a copy of the arrangement to the chief executive.
- (2) The chief executive must publish a copy of the arrangement on the department’s website.

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#### **44B Limitations on disclosing confidential information—Act, s 297G**

- (1) For section 297G(4) of the Act, this section prescribes limitations about how, or the circumstances in which, a holder of confidential information relating to a child charged with an offence may, under section 297G(2) of the Act, disclose the information.
- (2) The holder must not, under an arrangement established under section 297F of the Act (an *arrangement*), disclose the confidential information to a recipient unless the holder gives the recipient a written notice stating—
  - (a) the purpose, mentioned in section 297G(2)(a) to (f) of the Act, that the holder reasonably believes the information may help the recipient to do; and
  - (b) that the recipient must not disclose the information to another entity under another arrangement unless the holder consents, in writing, to the disclosure.
- (3) The notice—
  - (a) must be given to the recipient before, or at the same time as, the confidential information is disclosed to the recipient; and
  - (b) stops having effect 6 months after the notice is given or on an earlier day stated in the notice.
- (4) Subsection (5) applies if the confidential information was disclosed to the holder by another entity under an arrangement.
- (5) The holder must not, under another arrangement, disclose the confidential information to a recipient unless—

[s 12]

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- (a) the holder requests the other entity's consent to the disclosure; and
  - (b) the other entity consents, in writing, to the disclosure; and
  - (c) the holder complies with any conditions of the consent.
- (6) The request under subsection (5)(a) must—
- (a) be in writing; and
  - (b) state the purpose, mentioned in section 297G(2)(a) to (f) of the Act, that the holder reasonably believes the information may help the recipient to do.

#### **44C Disclosing confidential information about a child without the child's consent**

- (1) This section applies if a prescribed entity or service provider discloses, under section 297G(2) of the Act, confidential information relating to a child to another entity without the child's consent.
- (2) The prescribed entity or service provider must make all reasonable attempts to advise the child of—
  - (a) the disclosure; and
  - (b) the purpose, mentioned in section 297G(2)(a) to (f) of the Act, that the prescribed entity or service provider reasonably believes the information may help the recipient of the information to do.
- (3) However, the prescribed entity or service provider may delay advising the child under subsection (2) if the prescribed entity or service provider reasonably believes the delay is appropriate in all the circumstances.
- (4) The prescribed entity or service provider must

make a record of an attempt made by the prescribed entity or service provider—

(a) to obtain the child's consent to the disclosure; and

(b) to advise the child under subsection (2).

(5) In this section—

*prescribed entity* see section 297D of the Act.

*service provider* see section 297D of the Act.

### 13 Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

*confidential information* see section 284 of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 12 December 2019.
- 2 Notified on the Queensland legislation website on 13 December 2019.
- 3 The administering agency is the Department of Youth Justice.

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