

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, March 2023*



Queensland

**No.
A BILL for**

An Act to amend the Bail Act 1980, the Criminal Code, the Police Powers and Responsibilities Act 2000 and the Youth Justice Act 1992 for particular purposes



Queensland

Strengthening Community Safety Bill 2023

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Amendment of Bail Act 1980	
2	Act amended	6
3	Amendment of s 11 (Conditions of release on bail)	6
4	Amendment of s 11AB (Condition requiring completion of DAAR course)	6
5	Amendment of s 29 (Offence to breach conditions of bail)	6
6	Insertion of new s 50	7
	50 Transitional provision for Strengthening Community Safety Act 2023	7
Part 3	Amendment of Criminal Code	
7	Code amended	7
8	Amendment of s 408A (Unlawful use or possession of motor vehicles, aircraft or vessels)	8
9	Amendment of s 552BB (Excluded offences)	9
10	Insertion of new pt 9, ch 107	10
	Chapter 107 Transitional provisions for Strengthening Community Safety Act 2023	
	758 Proceedings for charge for offence against former s 408A(1B)	10
	759 Application of particular provisions to charge for offence against former s 408A(1B)	11
Part 4	Amendment of Police Powers and Responsibilities Act 2000	
11	Act amended	11
12	Amendment of s 367 (Arrest of person granted bail)	11
Part 5	Amendment of Youth Justice Act 1992	

Contents

13	Act amended	12
14	Amendment of s 52AA (Court may impose monitoring device condition)	12
15	Amendment of s 59A (Police officers must consider alternatives to arrest for contraventions of bail conditions)	13
16	Insertion of new s 59AA	14
	59AA Police officers may consider alternatives to arrest for contraventions of bail conditions—bail granted for serious indictable offence etc.	14
17	Insertion of new s 117A	15
	117A Definition for subdivision	15
18	Amendment of s 136 (Offender remanded in custody for child offence)	15
19	Amendment of s 138 (Dealing with offender held in corrective services facility)	16
20	Amendment of s 150 (Sentencing principles)	16
21	Insertion of new ss 150A and 150B	17
	150A Serious repeat offenders	17
	150B Court must rely on earlier serious repeat offender declaration	18
22	Amendment of s 221 (Conditional release order—requirements)	20
23	Amendment of s 240 (General options available on breach of order)	20
24	Amendment of s 241 (General options available to superior court to which child committed for breach)	20
25	Amendment of s 242 (General options available to court before which child found guilty of an indictable offence)	20
25A	Amendment of s 243 (Court may resentence child originally sentenced by lower court)	21
26	Amendment of s 244 (General options available to court to which child committed for breach by indictable offence)	21
27	Amendment of s 246 (Court’s power on breach of conditional release order)	21
28	Insertion of new s 246A	22
	246A Court’s power on breach of conditional release order—order made for prescribed indictable offence	22
29	Amendment of s 276A (Definitions for subdivision)	23
30	Amendment of s 276B (Particular detainees liable to be transferred to corrective services facility)	23
31	Amendment of s 276C (Transfer of particular detainees to corrective services facility)	23

32	Amendment of s 276D (Application for temporary delay of transfer)	24
33	Insertion of new ss 276DA and 276DB	24
	276DA Application to chief executive for temporary delay of transfer	25
	276DB Review by Childrens Court	26
34	Amendment of s 276E (Transferee subject to Corrective Services Act 2006 from transfer)	27
35	Amendment of s 276F (Persons over 18 years and 6 months should not serve period of detention at detention centre)	28
36	Insertion of new pt 8, div 2A, sdiv 3	28
	Subdivision 3 Transfer of persons remanded in detention	
	276G Application of subdivision	28
	276H Prison transfer notice	28
	276I Decision of chief executive	30
	276J Review by Childrens Court	31
	276K Transferee subject to Corrective Services Act 2006 from transfer	32
37	Insertion of new pt 8A	32
	Part 8A The MACP system	
	282H Definitions for part	32
	282I Establishment of system	32
	282J Purpose	33
	282K Members	33
	282L Referral of children to MACP system	34
	282M Responsibilities of core members	35
38	Amendment of s 297D (Definitions for division)	36
39	Omission of s 404	36
40	Insertion of new pt 11, div 21	36
	Division 21 Transitional provisions for Strengthening Community Safety Act 2023	
	408 Application of s 48AF	37
	409 Application of ss 150A and 150B	37
	410 Application of s 246A and former s 246	37
	411 Application of pt 8, div 2A, sdiv 1	38
	412 Continued application of former pt 8, div 2A, sdiv 1	38
	413 Application of pt 8, div 2A, sdiv 3	38
41	Amendment of sch 4 (Dictionary)	39

2023

A Bill

for

An Act to amend the *Bail Act 1980*, the Criminal Code, the *Police Powers and Responsibilities Act 2000* and the *Youth Justice Act 1992* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Strengthening Community Safety Act 2023*.

Part 2 Amendment of Bail Act 1980

2 Act amended

This part amends the *Bail Act 1980*.

3 Amendment of s 11 (Conditions of release on bail)

Section 11(9), first note, ‘section 29(2)(c)’—
omit, insert—
section 29(2)(b)

4 Amendment of s 11AB (Condition requiring completion of DAAR course)

Section 11AB(2), first note, ‘section 29(2)(c)’—
omit, insert—
section 29(2)(b)

5 Amendment of s 29 (Offence to breach conditions of bail)

(1) Section 29(2)(a)—
omit.

(2) Section 29(2)(b) and (c)—

renumber as section 29(2)(a) and (b).

(3) Section 29—

insert—

(3) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect in relation to a defendant who is a child—

(a) despite being incompatible with human rights; and

(b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

6 Insertion of new s 50

After section 49—

insert—

50 Transitional provision for Strengthening Community Safety Act 2023

Section 29 applies to a break by a defendant who is a child of a condition of an undertaking if the undertaking was entered into after the commencement.

Part 3 Amendment of Criminal Code

7 Code amended

This part amends the Criminal Code.

[s 8]

8 Amendment of s 408A (Unlawful use or possession of motor vehicles, aircraft or vessels)

(1) Section 408A(1), ‘7 years’—

omit, insert—

10 years

(2) Section 408A(1A), ‘10 years’—

omit, insert—

12 years

(3) Section 408A(1B) and (1C)—

omit, insert—

(1B) If the offender publishes material on a social media platform or an online social network to—

(a) advertise the offender’s involvement in the offence; or

(b) advertise the act or omission constituting the offence;

the offender is liable to imprisonment for 12 years.

(1C) If—

(a) the offence is committed in the night; or

(b) the offender—

(i) uses or threatens to use actual violence; or

(ii) is or pretends to be armed with a dangerous or offensive weapon, instrument or noxious substance; or

(iii) is in company with 1 or more persons; or

(iv) damages, or threatens or attempts to damage, any property;

the offender is liable to imprisonment for 14

years.

(1D) Subsections (1) to (1C) do not apply if the accused person had the lawful consent of the owner of the motor vehicle, aircraft or vessel to its use or possession by the accused person.

(1E) The accused person bears the evidential burden in relation to the matters stated in subsection (1D).

(4) Section 408A(3)—

insert—

advertise means attract the notice and attention of the public or a limited section of the public.

material includes anything that contains data from which text, images or sound can be generated.

9 Amendment of s 552BB (Excluded offences)

(1) Section 552BB, table, entry for section 408A, column 3, section 2, ‘10 years’—

omit, insert—

12 years under section 408A(1A)

(2) Section 552BB, table, entry for section 408A, column 3, section 3—

omit, insert—

3 The offender is liable to imprisonment for 14 years under section 408A(1C)(b)(i) or (ii).

[s 10]

4 The offender is liable to imprisonment for 14 years under section 408A(1C)(b)(iv), the value of any damage caused to property is equal to or more than the prescribed value and the offender does not plead guilty.

10 Insertion of new pt 9, ch 107

Part 9—

insert—

Chapter 107 Transitional provisions for Strengthening Community Safety Act 2023

758 Proceedings for charge for offence against former s 408A(1B)

- (1) This section applies in relation to an offence against section 408A(1) to which section 408A(1B) (as in force immediately before the commencement) applied, committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the *Strengthening Community Safety Act 2023*, section 8 had not commenced.
- (3) Subsection (2) applies despite section 11.

- (ii) section 323;
- (iii) section 328A;
- (iv) section 339;
- (v) section 408A(1), if the offence involves a motor vehicle and the child charged with the offence was allegedly the driver of the motor vehicle;
- (vi) section 408A(1) to which section 408A(1A) applies;
- (vii) section 412.

15 Amendment of s 59A (Police officers must consider alternatives to arrest for contraventions of bail conditions)

- (1) Section 59A(1)(b), after ‘offence’—

insert—

, other than an offence against the *Bail Act 1980*, section 29

- (2) Section 59A(1)—

insert—

(c) the grant of bail relates to a charge of an offence other than—

- (i) a prescribed indictable offence; or
- (ii) an offence against the *Domestic and Family Violence Prevention Act 2012*, section 177(2) or 178(2).

- (3) Section 59A(2), after ‘the child’—

insert—

and the grant of bail relates to a charge of an offence other than an offence mentioned in subsection (1)(c)(i) or (ii)

[s 16]

- (4) Section 59A(6)—
omit.

16 Insertion of new s 59AA

After section 59A—

insert—

59AA Police officers may consider alternatives to arrest for contraventions of bail conditions—bail granted for serious indictable offence etc.

- (1) This section applies if—
- (a) a police officer reasonably suspects a child has contravened or is contravening a condition imposed on a grant of bail to the child; and
 - (b) the contravention is not an offence, other than an offence against the *Bail Act 1980*, section 29; and
 - (c) the grant of bail relates to—
 - (i) a charge of a prescribed indictable offence; or
 - (ii) a charge of an offence against the *Domestic and Family Violence Protection Act 2012*, section 177(2) or 178(2).
- (2) This section also applies if a police officer reasonably suspects a child is likely to contravene a condition imposed on a grant of bail to the child and the grant of bail relates to a charge of an offence mentioned in subsection (1)(c)(i) or (ii).
- (3) Before arresting the child under the *Police Powers and Responsibilities Act 2000*, section 367(3)(a)(i) in relation to the contravention or likely contravention, a police officer may first

consider whether, in all the circumstances, it would be more appropriate to do 1 of the actions mentioned in section 59A(3)(a) to (c).

- (4) For subsection (3), the circumstances the police officer may consider include the matters mentioned in section 59A(4)(a) to (d).

17 Insertion of new s 117A

Part 6, division 9, subdivision 4—

insert—

117A Definition for subdivision

In this subdivision—

sentence order includes a declaration under section 150A(2) that a child is a serious repeat offender.

18 Amendment of s 136 (Offender remanded in custody for child offence)

- (1) Section 136(1)(b)—

omit, insert—

(b) the offender is 18 years or older; and

- (2) Section 136(2), after ‘facility’—

insert—

, unless the court orders the offender to be remanded in a detention centre

- (3) Section 136—

insert—

- (3) The court may order the offender to be remanded in a detention centre only if the court is satisfied that remanding the offender in a detention centre—

[s 19]

- (a) would be in the interests of justice; and
 - (b) would not prejudice the security or good order of the detention centre at which the offender is, or is to be, remanded; and
 - (c) would not prejudice the safety or wellbeing of any detainee at the detention centre at which the offender is, or is to be, remanded.
- (4) Without limiting the matters the court may have regard to, the court must have regard to the following matters in making an order under subsection (2)—
- (a) any vulnerability of the offender;
 - (b) any interventionist, rehabilitation or similar activities being undertaken by the offender and the availability of those activities if the offender were held on remand in a corrective services facility.
- (5) For holding the offender at a corrective services facility the offender is taken to be a prisoner subject to the *Corrective Services Act 2006*.

19 Amendment of s 138 (Dealing with offender held in corrective services facility)

- (1) Section 138(6)(c)—
omit.
- (2) Section 138(6)(d)—
renumber as section 138(6)(c).

20 Amendment of s 150 (Sentencing principles)

Section 150(1)(h), after ‘report’—

insert—

and bail history

21 Insertion of new ss 150A and 150B

After section 150—

insert—

150A Serious repeat offenders

- (1) This section applies if a court is sentencing a child for a prescribed indictable offence.
- (2) The court may, on application by the prosecution, declare the child to be a serious repeat offender if—
 - (a) at least 1 detention order has previously been made against the child in relation to a prescribed indictable offence; and
 - (b) the court has—
 - (i) ordered the chief executive to prepare a pre-sentence report; and
 - (ii) received and considered the report; and
 - (c) the court has had regard to—
 - (i) the child's previous offending history and bail history; and
 - (ii) any efforts of rehabilitation by the child, including rehabilitation carried out under a court order; and
 - (iii) any other matter the court considers relevant; and
 - (d) the court is satisfied that there is a high probability that the child would commit a further prescribed indictable offence.
- (3) If the court makes a declaration that the child is a serious repeat offender, the court in sentencing the child must have primary regard to—
 - (a) the need to protect members of the community; and

[s 21]

- (b) the nature and extent of violence, if any, used in the commission of the offence; and
 - (c) the extent of any disregard by the child in the commission of the offence for the interests of public safety; and
 - (d) the impact of the offence on public safety; and
 - (e) the child's previous offending history and bail history.
- (4) If the court makes a declaration that the child is a serious repeat offender, the court must state in its sentencing remarks for the child reasons for making the declaration.
- (5) For the purposes of the Criminal Code, chapter 67, a declaration made under this section is taken to be a sentence imposed on conviction.
- (6) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—
- (a) despite being incompatible with human rights; and
 - (b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

150B Court must rely on earlier serious repeat offender declaration

- (1) This section applies if—
- (a) a court (the *sentencing court*) is sentencing a child for a prescribed indictable offence; and

- (b) a court of like or higher jurisdiction (the *original court*) has previously made a declaration under section 150A that the child is a serious repeat offender; and
 - (c) the offence for which the child is being sentenced by the sentencing court was committed during the relevant period for the child.
- (2) The sentencing court, in sentencing the child, must have primary regard to the matters mentioned in section 150A(3)(a) to (e).
- (3) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—
- (a) despite being incompatible with human rights; and
 - (b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

- (4) In this section—
- relevant period*, for a child, means—
- (a) if the child was ordered by the original court to be detained—the period starting on the day the declaration under section 150A was made by the original court and ending on the day that is 12 months after the day the child is released from detention; or
 - (b) otherwise—the period starting on the day the declaration under section 150A was made by the original court and ending on the day that is 12 months later.

[s 22]

22 Amendment of s 221 (Conditional release order—requirements)

Section 221(1)(a), ‘3 months’—

omit, insert—

6 months

23 Amendment of s 240 (General options available on breach of order)

(1) Section 240(2)(b), after ‘section 246’—

insert—

or 246A

(2) Section 240(3)(b)(ii), ‘section 246(2)’—

omit, insert—

section 246(3) or 246A(3)

24 Amendment of s 241 (General options available to superior court to which child committed for breach)

Section 241(2)(b), after ‘section 246’—

insert—

or 246A

25 Amendment of s 242 (General options available to court before which child found guilty of an indictable offence)

(1) Section 242(2)(b), after ‘section 246’—

insert—

or 246A

(2) Section 242(3)(b)(ii), ‘section 246(2)’—

omit, insert—

section 246(3) or 246A(3)

25A Amendment of s 243 (Court may resentence child originally sentenced by lower court)

Section 243(2)(b) and (4)(b), ‘section 246(1)’—

omit, insert—

section 246(2) or 246A(2)

26 Amendment of s 244 (General options available to court to which child committed for breach by indictable offence)

Section 244(2)(b), after ‘section 246’—

insert—

or 246A

27 Amendment of s 246 (Court’s power on breach of conditional release order)

(1) Section 246, heading, after ‘order’—

insert—

—order made for offence other than prescribed indictable offence

(2) Section 246, before subsection (1)—

insert—

(1A) This section applies if the conditional release order was made in relation to an offence other than a prescribed indictable offence.

(3) Section 246(2)(b), ‘3 months’—

omit, insert—

6 months

(4) Section 246(1A) to (6)—

renumber as section 246(1) to (7).

[s 28]

28 Insertion of new s 246A

After section 246—

insert—

246A Court's power on breach of conditional release order—order made for prescribed indictable offence

- (1) This section applies if the conditional release order was made in relation to a prescribed indictable offence.
- (2) The court must revoke the conditional release order and order the child to serve the sentence of detention for which the conditional release order was made, unless the court considers there are special circumstances.
- (3) If the court considers there are special circumstances—
 - (a) the court may act under section 246(3); and
 - (b) section 246(5) applies to the court; and
 - (c) section 246(6) and (7) apply in relation to the order.
- (3A) For part 6, division 9, subdivision 4, an order mentioned in subsection (2) and made by a Childrens Court magistrate is a sentence order.
- (4) For the purposes of the *Human Rights Act 2019*, section 43(1), it is declared that this section has effect—
 - (a) despite being incompatible with human rights; and
 - (b) despite anything else in the *Human Rights Act 2019*.

Note—

Under the *Human Rights Act 2019*, section 45(2), this subsection expires 5 years after the commencement.

29 Amendment of s 276A (Definitions for subdivision)

Section 276A—

insert—

temporary delay means a delay of 6 months or less.

30 Amendment of s 276B (Particular detainees liable to be transferred to corrective services facility)

Section 276B(1)(a)(ii) and (b)(ii), ‘6 months’—

omit, insert—

2 months

31 Amendment of s 276C (Transfer of particular detainees to corrective services facility)

(1) Section 276C(3), after ‘(corrective services),’—

insert—

and at least 15 business days before the transfer day,

(2) Section 276C(3)—

insert—

(d) inform the person of the interventionist, rehabilitation or similar activities that will be available for the person if they are transferred; and

(e) inform the person of any information of which the chief executive is aware that is relevant to the chief executive being satisfied of the matters mentioned in section 276DA(4)(b) and (c).

(3) Section 276C—

insert—

[s 32]

(3A) As soon as practicable after the chief executive acts under subsection (3), the chief executive must facilitate a consultation between the person and a lawyer.

(4) Section 276C(3A) to (5)—
renumber as section 276C(4) to (6).

32 Amendment of s 276D (Application for temporary delay of transfer)

(1) Section 276D, heading, after ‘Application’—
insert—

to sentencing court

(2) Section 276D(2) and (3)—
omit.

(3) Section 276D(4) and (5), ‘or (2)’—
omit.

(4) Section 276D(6), ‘subsections (4) and (5)’—
omit, insert—

subsections (2) and (3)

(5) Section 276D(7), ‘or (2)’—
omit.

(6) Section 276D(8)—
omit.

(7) Section 276D(4) to (7)—
renumber as section 276D(2) to (5).

33 Insertion of new ss 276DA and 276DB

After section 276D—

insert—

276DA Application to chief executive for temporary delay of transfer

- (1) A detainee given a copy of a prison transfer direction under section 276C(3) may, before the transfer, apply to the chief executive for a temporary delay of the detainee's transfer to the corrective services facility.
- (2) An application under subsection (1) must be made—
 - (a) if a consultation between the detainee and a lawyer took place in accordance with section 276C(4)—within 5 business days of the day of the consultation; or
 - (b) if the detainee refused to consult with a lawyer—within 5 business days of the day of the refusal.
- (3) On receipt by the chief executive of a detainee's application made under subsection (1), the detainee's transfer is stayed until the application is decided, withdrawn or otherwise ends.
- (4) The chief executive may grant an application made under subsection (1) only if the chief executive is satisfied the delay—
 - (a) would be in the interests of justice; and
 - (b) would not prejudice the security or good order of the detention centre at which the detainee is, or is to be, detained; and
 - (c) would not prejudice the safety or wellbeing of any other detainee at the detention centre at which the detainee is, or is to be, detained; and
 - (d) would not cause the detainee to be detained at a detention centre after the detainee turns 18 years and 6 months.
- (5) Without limiting the matters the chief executive

[s 33]

may have regard to, the chief executive must have regard to the matters mentioned in section 276D(3) in making a decision on an application made under subsection (1).

- (6) If the chief executive grants an application made under subsection (1)—
 - (a) the chief executive must decide a new day for the prison transfer direction to take effect being no more than 6 months after the day the detainee turns 18 years; and
 - (b) the chief executive must inform the chief executive (corrective services) of the new day for the prison transfer direction.
- (7) After making a decision on an application made under subsection (1), the chief executive must—
 - (a) inform the detainee of the decision; and
 - (b) give the detainee reasons in writing for the decision; and
 - (c) facilitate a consultation between the detainee and a lawyer at least 7 business days before the day the prison transfer direction takes effect.

276DB Review by Childrens Court

- (1) If the chief executive decides to refuse an application made by a detainee under section 276DA, the detainee may apply to the Childrens Court for a review of the decision.
- (2) An application under subsection (1) must be made—
 - (a) if a consultation between the detainee and a lawyer took place in accordance with section 276DA(7)(c)—within 5 business days of the day of the consultation; or

- (b) if the detainee refused to consult with a lawyer—within 5 business days of the day of the refusal.
- (3) On receipt by the Childrens Court of an application under subsection (1), the detainee’s transfer is stayed until the application is decided, withdrawn or otherwise ends.
- (4) The Childrens Court must hear and decide a review of a decision by the chief executive by way of a fresh hearing on the merits.
- (5) The Childrens Court may—
 - (a) affirm the day the prison transfer direction takes effect; or
 - (b) decide a new day for the prison transfer direction to take effect being no more than 6 months after the day the detainee turns 18 years.

34 Amendment of s 276E (Transferee subject to Corrective Services Act 2006 from transfer)

- (1) Section 276E(2), ‘From the transfer—’

omit, insert—

For holding the person at a corrective services facility—

- (2) Section 276E(2)(c)—

omit.

- (3) Section 276E(2)(d)—

renumber as section 276E(2)(c).

[s 35]

35 Amendment of s 276F (Persons over 18 years and 6 months should not serve period of detention at detention centre)

Section 276F(7), definition *application for a temporary delay of a transfer*, '(2)'—

omit, insert—

276DA(1)

36 Insertion of new pt 8, div 2A, sdiv 3

Part 8, division 2A—

insert—

Subdivision 3 Transfer of persons remanded in detention

276G Application of subdivision

This subdivision applies in relation to a person—

- (a) remanded in custody in detention in relation to a charge of an offence; and
- (b) who turns 17 years and 10 months while remanded; and
- (c) for whom—
 - (i) there is no future court attendance date in relation to the charge; or
 - (ii) the future court attendance date in relation to the charge is 2 months or more after the day the person turns 17 years and 10 months.

276H Prison transfer notice

- (1) The chief executive may give a written notice (a *prison transfer notice*) to the person—

- (a) informing the person that the chief executive is considering transferring the person to a corrective services facility; and
 - (b) informing the person of the interventionist, rehabilitation or similar activities that will be available for the person if they are transferred; and
 - (c) informing the person of any information of which the chief executive is aware that is relevant to the matters mentioned in section 276I(2)(d) and (e); and
 - (d) inviting the person to make submissions to the chief executive about the transfer—
 - (i) if a consultation between the person and a lawyer takes place in accordance with subsection (6)—within 5 business days of the day of the consultation; or
 - (ii) if the person refuses to consult with a lawyer—within 5 business days of the days of the refusal.
- (2) If a court has made an order under section 136(2) or the Childrens Court has made an order under 276J(5)(c) in relation to the person, the chief executive may not give the person a prison transfer notice before the day that is 3 months after the day the court made the order.
- (3) Subsection (2) does not apply if, in the opinion of the chief executive, there is a significant change in the circumstances of the person.
- (4) If the chief executive is of the opinion mentioned in subsection (3), the prison transfer notice must state the significant change in circumstances.
- (5) Also, if the person requests a prison transfer notice, the chief executive must give the person a prison transfer notice within 5 business days of the person requesting the notice.

[s 36]

- (6) As soon as practicable after the chief executive gives the person a prison transfer notice, the chief executive must facilitate a consultation between the person and a lawyer.

276I Decision of chief executive

- (1) If the chief executive has given the person a prison transfer notice, the chief executive may decide to transfer the person to a corrective services facility on a day that is on or after the day the person turns 18 years.
- (2) Without limiting the matters the chief executive may have regard to, the chief executive must have regard to the following matters in making a decision under subsection (1)—
 - (a) any submissions made by the person within the period stated in the prison transfer notice under section 276H(1)(d);
 - (b) any vulnerability of the person;
 - (c) any interventionist, rehabilitation or similar activities being undertaken by the person and the availability of those activities if transferred;
 - (d) whether a decision to not transfer the person would prejudice the security or good order of the detention centre at which the person is, or is to be, remanded;
 - (e) whether a decision to not transfer the person would prejudice the safety or wellbeing of any detainee at the detention centre at which the person is, or is to be, remanded.
- (3) After making a decision under subsection (1), the chief executive must—
 - (a) inform the person of the decision; and

- (b) give the person reasons in writing for the decision.
- (4) If the chief executive decides to transfer the person, the chief executive must also—
 - (a) inform the person that the person is to be transferred to a corrective services facility on a stated day (the *transfer day*); and
 - (b) facilitate a consultation between the person and a lawyer at least 7 business days before the transfer day.

276J Review by Childrens Court

- (1) If the chief executive decides under section 276I(1) to transfer the person, the person may apply to the Childrens Court for a review of the decision.
- (2) An application under subsection (1) must be made—
 - (a) if a consultation between the person and a lawyer took place in accordance with section 276I(4)(b)—within 5 business days of the day of the consultation; or
 - (b) if the person refused to consult with a lawyer—within 5 business days of the day of the refusal.
- (3) On receipt by the Childrens Court of a person's application made under subsection (1), the person's transfer is stayed until the application is decided, withdrawn or otherwise ends.
- (4) The Childrens Court must hear and decide a review of a decision by the chief executive by way of a fresh hearing on the merits.
- (5) The Childrens Court may—
 - (a) affirm the transfer day; or

[s 37]

- (b) decide a new transfer day; or
 - (c) order that the person not be transferred to a corrective services facility.
- (6) In this section—
transfer day see section 276I(4)(a).

276K Transferee subject to Corrective Services Act 2006 from transfer

- (1) This section applies if a person is transferred to a corrective services facility under this subdivision.
- (2) For holding the person at a corrective services facility the person is taken to be a prisoner subject to the *Corrective Services Act 2006*.

37 Insertion of new pt 8A

After part 8—

insert—

Part 8A The MACP system

282H Definitions for part

In this part—

core member see section 282K(1)(a) and (b).

MACP system means the system of multi-agency collaborative panels established by the chief executive under section 282I.

282I Establishment of system

The chief executive must establish an MACP system under this part.

282J Purpose

The purpose of the MACP system is to coordinate the provision of services, including assessments and referrals, to meet the needs of particular children charged with offences or at risk of being charged with offences.

282K Members

- (1) The members of the MACP system are—
 - (a) the chief executive (each a *core member*) of a department that is mainly responsible for any of the following matters—
 - (i) Aboriginal and Torres Strait Islander services;
 - (ii) child protection services;
 - (iii) community services;
 - (iv) corrective services;
 - (v) court services;
 - (vi) disability services;
 - (vii) education;
 - (viii) housing services;
 - (ix) public health services;
 - (x) youth justice services; and
 - (b) the commissioner of the police service (also a *core member*); and
 - (c) from time to time, prescribed entities or service providers contributing to the operation of the system by invitation of the core members.
- (2) In this section—

prescribed entity means—

[s 37]

- (a) the chief executive of a department, other than a department mentioned in subsection (1)(a), that provides services to children; or
- (b) the chief executive officer of Mater Misericordiae Ltd (ACN 096 708 922); or
- (c) a health service chief executive under the *Hospital and Health Boards Act 2011*; or
- (d) the chief executive officer of the National Disability Insurance Agency; or
- (e) the principal of an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*; or
- (f) the public guardian under the *Public Guardian Act 2014*; or
- (g) another entity prescribed by regulation.

service provider means—

- (a) Legal Aid Queensland established under the *Legal Aid Queensland Act 1997*; or
- (b) a non-government entity that provides a service to children.

Examples of a service that may be provided to children—

- counselling
- disability services
- education or training services
- health services
- housing and homelessness services
- legal services

282L Referral of children to MACP system

- (1) The chief executive must decide, in consultation with the core members, the categories of children charged with offences or at risk of being charged

with offences (each an *eligible category*) who may be referred to the MACP system.

- (2) The chief executive must inform the members of the MACP system of the chief executive's decision under subsection (1).
- (3) A member of the MACP system may refer a child who is in an eligible category to the system.
- (4) The members of the MACP system must collectively decide whether or not to accept the referral of the child to the system.

282M Responsibilities of core members

The responsibilities of the core members are as follows—

- (a) to contribute to the operation of the MACP system through representatives who have appropriate knowledge and experience and decision-making authority;
- (b) to use their best endeavours to agree on recommendations to give to the chief executive, and to each other, about assessing and responding to the needs and offending behaviour of children referred to and accepted by the members and, for that purpose, to—
 - (i) share information about the children, under an arrangement established under part 9, division 2A; and
 - (ii) identify relevant resources of members or other entities; and
 - (iii) take the action required under the recommendations; and

[s 38]

- (iv) monitor the implementation of the recommendations and review their effectiveness; and
- (v) invite and facilitate contributions from prescribed entities or service providers with knowledge, experience or resources that would help achieve the purpose of the MACP system.

38 Amendment of s 297D (Definitions for division)

(1) Section 297D, definition *prescribed entity*, paragraph (a)—
insert—

(iia) corrective services;

(2) Section 297D, definition *prescribed entity*, paragraph (a), subparagraphs (iia) to (ix)—

renumber as section 297D, definition *prescribed entity*, paragraph (a), subparagraphs (iv) to (x).

39 Omission of s 404

Section 404—

omit.

40 Insertion of new pt 11, div 21

Part 11—

insert—

Division 21

**Transitional provisions for
Strengthening Community
Safety Act 2023**

408 Application of s 48AF

- (1) Section 48AF applies in relation to a child in custody in connection with a charge of a prescribed indictable offence whether the offence was allegedly committed, or the child was charged, or any step in the proceeding for the offence was taken, before or after the commencement.
- (2) Also, section 48AF applies in relation to a child mentioned in subsection (1) whether another indictable offence in relation to which the child was released into the custody of a parent, or at large with or without bail, or awaiting committal for trial, trial or sentencing, was allegedly committed, or the child was charged, or any step in the proceeding for the offence was taken, before or after the commencement.

409 Application of ss 150A and 150B

Sections 150A and 150B apply to a court sentencing a child for a prescribed indictable offence, whether the offence was committed before or after the commencement.

410 Application of s 246A and former s 246

To remove any doubt, it is declared that—

- (a) section 246A applies to a breach of a conditional release order made in relation to a prescribed indictable offence if the breach occurs after the commencement, whether the conditional release order was made before or after the commencement; and
- (b) section 246, as in force immediately before the commencement, continues to apply to a breach of a conditional release order made in relation to a prescribed indictable offence

[s 40]

if the breach occurred before the commencement.

411 Application of pt 8, div 2A, sdiv 1

Subject to section 412, part 8, division 2A, subdivision 1 applies in relation to a detainee detained in a detention centre whether the detainee started to be detained before or after the commencement.

412 Continued application of former pt 8, div 2A, sdiv 1

- (1) This section applies if—
 - (a) a copy of a prison transfer direction was given by the chief executive to a detainee under former section 276C(3) before the commencement; and
 - (b) on the commencement, the detainee is detained in a detention centre.
- (2) Part 8, division 2A, subdivision 1, as in force immediately before the commencement, continues to apply in relation to the detainee.
- (3) In this section—

former section 276C(3) means section 276C(3) as in force immediately before the commencement.

413 Application of pt 8, div 2A, sdiv 3

Part 8, division 2A, subdivision 3 applies in relation to a person remanded in custody in a detention centre regardless of whether the person started to be remanded in custody before or after the commencement.

41 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *prescribed indictable offence* and *sentence order*—

omit.

- (2) Schedule 4—

insert—

core member, for part 8A, see section 282H.

MACP system, for part 8A, see section 282H.

prescribed indictable offence means—

- (a) a life offence; or
- (b) an offence of a type that, if committed by an adult, would make the adult liable to imprisonment for 14 years or more, other than an offence against the *Drugs Misuse Act 1986*, section 9(1) for which the maximum penalty is 15 years imprisonment; or
- (c) an offence against any of the following provisions of the Criminal Code—
 - (i) section 315A;
 - (ii) section 323;
 - (iii) section 328A;
 - (iv) section 339;
 - (v) section 408A(1), if the offence involves a motor vehicle;
 - (vi) section 408A(1), to which section 408A(1A) applies;
 - (vii) section 412;
 - (viii) section 421(1).

reasonably suspects means suspects on grounds that are reasonable in the circumstances.

[s 41]

sentence order—

- (a) for part 6, division 9, subdivision 4—see section 117A; or
- (b) otherwise—means any of the following—
 - (i) an order made under section 175 or 176, including a reprimand;
 - (ii) the recording of a conviction under section 183;
 - (iii) a conditional release order made under section 220;
 - (iv) an order under section 234.

temporary delay, for part 8, division 2A, subdivision 1, see section 276A.

© State of Queensland 2023