



Queensland

Criminal Responsibility and Deterrence Youth Act 2021

Youth Act No. 7 of 2021

A Youth Act to improve the treatment of young people within the Queensland criminal justice system through extensive amendments to the Criminal Code Act 1899 and the Youth Justice Act 1992.

[Assented to 13 October 2021]



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Criminal Responsibility and Deterrence Youth Act 2021

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Main purpose of Youth Act	3
4	Definitions	3
Part 2	Age of Criminal Responsibility	
5	Amendment to age of criminal responsibility	4
5A	Exceptions to age of criminal responsibility	4
6	Minor property damage offences	5
	176B Sentence orders – property damage	5
7	Transition2Success Programs	5
	181B Transition2Success Programs	5
Part 3	Culturally Diverse Sentencing	
8	On Country Program as an alternate diversion program	7
	39 On Country Program	7
Part 4	Rehabilitation and Support	
10	Transitional period for youth sex offenders	8
	231 Transition periods preceding release	8
Part 5	Household Liability	
12	Placement of children from vulnerable situations	9
	48C Amendment of bail requirements	9
12A	Education of guardians of children in vulnerable situations	9

The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Criminal Responsibility and Deterrence Youth Act 2021*.

2 Commencement

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

3 Main purpose of Youth Act

The main purpose of this Youth Act is to create the best outcomes for young people by addressing aspects of the criminal justice system that jeopardise their chances of success, rehabilitation and reintegration.

4 Definitions

In this Youth Act—

cultural authority means that a person has the right to speak on, make decisions and give guidance and advice about their culture, cultural protocol, customary lore and traditions. A person can only have cultural authority over their own Clan Group.

culturally appropriate means having regard to Aboriginal and Torres Strait Islander culture in a respectful and appreciative manner.

customary lore means the traditions and customs of a particular group in a specific region.

6 Minor property damage offences

- (1) After section 176A (Sentence orders – graffiti offences) *Youth Justice Act 1992*—

insert—

176B Sentence orders – property damage

- (1) This section does not limit a court’s power to make an order under section 176.
- (2) For a minor property damage offence, the child is exempt from criminal responsibility if—
 - (a) a child is found guilty of a property damage offence; and
 - (b) the child is taking permanent or temporary residence in—
 - (i) public housing;
 - (ii) emergency housing;
 - (iii) hospital;
 - (iv) mental health facilities; or
 - (v) residential care facilities.
- (3) The court must have regard to the damage to property that is of sentimental value to the owner.

7 Transition2Success Programs

- (1) After section 180A (Combination of detention order and graffiti removal order) *Youth Justice Act 1992*—

insert—

181B Transition2Success Programs

- (1) This section applies where a court makes a detention order or a probation order for a single offence.

[s 7]

- (2) Within a detention order, the court may order that the offender concurrently participates in a Transition2Success program.
- (3) The Transition2Success program as a probation order requires that—
 - (a) the offender has less than six months of a detention order remaining;
 - (b) the offender attend and engage in the program for at least six months on at least a part time basis; and
 - (c) the program coordinator report to the offender's probation officer fortnightly regarding engagement.
- (4) If the offender fails to meet the requirements of the Transition2Success program under their detention or probation order, the court may hold a review to—
 - (a) extend the length of the order under section 246; or
 - (b) change the nature and requirements of the order under section 193.
- (5) After satisfactory participation in the Transition2Success program, the court may order—
 - (a) a conditional release from the detention order under section 245; or
 - (b) an immediate release order or fixed release order from the probation order under section 322.

[s 10]

Part 4 Rehabilitation and Support

10 Transitional period for youth sex offenders

(1) After section 230 *Youth Justice Act 1992*—

insert—

231 Transition periods preceding release

- (1) Children sentenced to serve a period of detention for a sexual offence must undergo six months in a transitional facility prior to their release from detention.
- (2) A child is eligible for transfer to the transitional facility if they—
 - (a) have demonstrated good behaviour within the terms of their detention order; and
 - (b) have an anticipated release date less than one year from the date of assessment.
- (3) If a child who has participated in a transitional period program reoffends, the transitional program will be extended by six months per additional offence with the addition of—
 - (a) mandatory counselling sessions; and
 - (b) counselling sessions involving a parent or legal guardian.

Example of extension of transitional period—

- for one additional offence, the time spent in a transitional facility will be extended to one year.
 - for two additional offences, the time spent in a transitional facility will be extended to one and a half years.
- (4) Within transitional facilities, rehabilitative services such as—
 - (a) clinical psychologists;
 - (b) education services; and

[s 12A]

insert—

- (1) The parents or legal guardians of children deemed to be in vulnerable situations must participate in an education course on parenting as a condition of their child's bail.
- (2) The course is to include programs that develop a guardian's ability to prevent their child from re-offending and engaging in dangerous criminal activity, including—
 - (a) Family therapy and counselling;
 - (b) Juvenile crime education; and
 - (c) Police officer consultations
- (3) In releasing the child from custody, the court may impose conditions that it considers necessary, including—
 - (a) Night time curfews, where the child cannot leave the house after 9pm unless accompanied by a parent or legal guardian.