

LEGISLATIVE COUNCIL
YOUTH JUSTICE BILL 2024

(Amendments and New Clauses to be proposed in Committee by KATHERINE COPSEY)

1. Clause 3, page 16, lines 22 and 23, omit all words and expressions on those lines.
2. Clause 3, page 22, line 13, after "law" insert "(other than a spit hood)".
3. Clause 3, page 22, line 14, after "restraint" insert "(other than a spit hood)".
4. Clause 15, lines 6 to 9, omit all words and expressions on those lines and insert—

"The guiding youth justice principles apply subject to any express requirements in this Act or any other Act."
5. Clause 19, after line 26 insert—

"Note

Section 92(1) establishes the hierarchy of options for alleged offending behaviour by a child. The hierarchy requires a police officer to apply the least restrictive option that is appropriate in the circumstances."

NEW CLAUSE

6. Insert the following New Clause to follow clause 70—

"70A Body-worn camera must be activated when exercising transport power

A police officer must have their body-worn camera (within the meaning of section 3(1) of the **Surveillance Devices Act 1999**) turned on and recording when exercising the transport power or the related powers under this Part."
7. Clause 73, page 88, line 12, after "restraint" insert "(other than a spit hood)".
8. Clause 117, lines 10 to 17, omit all words and expressions on those lines and insert "in the circumstances must refer the child to an early diversion group conference in respect of the alleged offence."
9. Clause 117, lines 24 to 35 and page 121, lines 1 and 2, omit all words and expressions on those lines.
10. Clause 117, page 121, line 3, omit "decide to".
11. Clause 118, line 13, omit "or" and insert "and".
12. Clause 118, line 14, omit all words and expressions on that line.
13. Clause 118, lines 15 and 16, omit "referral; or" and insert "referral."
14. Clause 118, lines 17 to 32 and page 122, lines 1 to 23, omit all words and expressions on those lines.

15. Clause 193, page 179, lines 11 to 15, omit all words and expressions on those lines and insert "program if the child does not consent to the adjournment in accordance with section 194."
16. Clause 194, after line 9 insert—
 - "(1A) The Children's Court must be satisfied that the child obtained legal advice before giving consent under subsection (1).
 - (1B) If the Children's Court is not satisfied that the child obtained legal advice before giving consent under subsection (1), it must adjourn the proceeding to enable the child to obtain that legal advice."
17. Clause 208, lines 22 to 28, omit all words and expressions on those lines and insert—

"Section 324 prevents the Children's Court from imposing a sentence of detention on a child who was under 16 years of age at the time of the offending."
18. Clause 240, lines 32 to 34 and page 218, lines 1 to 6, omit all words and expressions on those lines and insert—
 - "2. Section 324 prevents the Children's Court from imposing a sentence of detention on a child who was under 16 years of age at the time of the offending."
19. Clause 324, line 5, omit "14" and insert "16".
20. Clause 324, line 6, omit "except in certain circumstances".
21. Clause 324, line 10, omit "14 years of age unless—" and insert "16 years of age".
22. Clause 324, lines 11 to 19, omit all words and expressions on those lines.
23. Clause 439, line 29, before "recreational" insert "exercise and other".
24. Clause 439, after line 33 insert—

Example

An example of meaningful exercise and recreational activities is ensuring a child or young person has the opportunity to spend a minimum of 2 hours exercising or playing sport."
25. Clause 477, page 410, line 4, after "restraint" insert "(other than a spit hood)".
26. Clause 477, page 410, line 15, after "restraint" insert "(other than a spit hood)".
27. Clause 480, lines 1 and 2, omit "**unless authorised by Commissioner for Youth Justice**".
28. Clause 480, lines 5 to 7, omit "unless it has been authorised by the Commissioner for Youth Justice in accordance with section 481 or 482".
29. Clause 481, omit this clause.
30. Clause 482, omit this clause.

31. Clause 483, omit this clause.
32. Clause 484, omit this clause.
33. Clause 485, omit this clause.
34. Clause 486, omit this clause.
35. Clause 487, omit this clause.
36. Clause 488, omit this clause.
37. Clause 489, omit this clause.
38. Clause 490, omit this clause.
39. Clause 491, omit this clause.
40. Clause 492, omit this clause.
41. Clause 493, omit this clause.
42. Clause 497, lines 5 to 7, omit "unless it has been authorised by the Commissioner for Youth Justice in accordance with this section".
43. Clause 497, lines 8 to 34, and page 424, lines 1 to 11, omit all words and expressions on those lines.
44. Clause 498, omit this clause.
45. Clause 499, line 9, omit "search;" and insert "search."
46. Clause 499, line 10, omit all words and expressions on this line.
47. Clause 500, line 9, omit "or an unclothed search".
48. Clause 500, lines 10 to 22, omit all words and expressions on those lines and insert "of a child or young person, the youth justice custodial officer conducting the search must be of the same sex as the child or young person."
49. Clause 500, line 23, omit "or an unclothed search".
50. Clause 500, lines 27 to 35, and page 428, lines 1 to 7, omit all words and expressions on those lines and insert "reasonably practicable and safe to do so, the youth justice custodial officer conducting the search must be of the sex or gender identity nominated by the child or young person."
51. Clause 500, page 428, line 8, omit "or unclothed search".
52. Clause 501, omit this clause.
53. Clause 502, omit this clause.
54. Clause 503, omit this clause.
55. Clause 522, omit this clause.

56. Clause 524, omit this clause.
57. Clause 527, line 15, omit "restraint);" and insert "restraint).".
58. Clause 527, lines 16 and 17, omit all words and expressions on these lines.
59. Clause 527, lines 18 and 19, omit all words and expressions on these lines.
60. Clause 560, lines 28 to 31, omit all words and expressions on those lines and insert "purpose.".
61. Clause 580, page 490, line 14, after "restraint" insert "(other than a spit hood)".
62. Clause 580, page 490, line 25, after "restraint" insert "(other than a spit hood)".
63. Division heading preceding clause 581, omit this heading.
64. Clause 581, omit this clause.
65. Clause 582, omit this clause.
66. Clause 583, omit this clause.
67. Clause 584, omit this clause.
68. Clause 585, omit this clause.
69. Clause 586, omit this clause.
70. Clause 587, omit this clause.
71. Clause 636, page 538, line 24, omit "child's or".
72. Clause 667, line 9, omit "**child or**".
73. Clause 667, lines 11 and 12, omit "child who is 16 years of age or over, or a young person," and insert "young person".
74. Clause 667, line 18, omit "child or".
75. Clause 667, lines 21 to 27, omit all words and expressions on those lines and insert—
 - "(2) If an application is made under subsection (1), the Secretary must prepare a report for the Youth Parole Board.".
76. Clause 667, page 562, line 2, omit "child or".
77. Clause 667, page 562, line 5, omit "child or".
78. Clause 667, page 562, line 7, omit "child or".
79. Clause 667, page 562, lines 24 to 27, omit "in the case of a child who was 18 years of age or over at the time of engaging in the conduct referred to in subsection (3)(b)(i), or a young person,".

80. Clause 669, line 23, omit "16" and insert "18".

NEW CLAUSE

81. Insert the following New Clause to follow clause 718—

"718A Record of information—operation of youth justice system

- (1) The Secretary must keep a record of the following information in relation to the operation of the youth justice system from the date of commencement of this section—
 - (a) the number of youth warnings and youth cautions issued to children;
 - (b) the number of proceedings commenced against children;
 - (c) the number of children prosecuted for offences.
- (2) The record must include the following details in relation to each youth warning, youth caution, proceeding commenced and prosecution—
 - (a) the child's age;
 - (b) the child's gender or gender identity;
 - (c) the child's Aboriginal identity;
 - (d) whether the child has been involved with child protection services."

82. Clause 719, line 22, omit "**prescribed**".

83. Clause 719, line 25, omit "prescribed" and insert "following".

84. Clause 719, line 27, omit "system." and insert—

"system at the end of every 12 month period—

- (a) the number of youth warnings and youth cautions issued in the preceding 12 months, including—
 - (i) the total number issued in that period; and
 - (ii) the number issued for each age; and
 - (iii) the average number of days elapsing between the alleged commission of an offence and the issue of a youth warning or youth caution; and
- (b) the number of proceedings commenced against children in the preceding 12 months; and
- (c) the number of children prosecuted for offences in the preceding 12 months; and
- (d) the prescribed information relating to the operation of the youth justice system."

85. Clause 719, page 602, lines 1 and 2, omit all words and expressions on those lines.

86. Clause 1129, line 26, omit "**14**" and insert "**16**".

87. Clause 1129, line 27, omit all words and expressions on this line.

88. Clause 1129, line 28, omit "(1)".
89. Clause 1129, line 32, omit "14" and insert "16".
90. Clause 1129, lines 33 to 35 and page 900, lines 1 to 11, omit all words and expressions on those lines.