

LEGISLATIVE COUNCIL
YOUTH JUSTICE BILL 2024

(Amendments and New Clauses to be proposed in Committee by DAVID DAVIS)

1. Clause 1, lines 5 to 11, omit all words and expressions on these lines.
2. Clause 2, lines 19 to 21, omit "(other than Part 1.3), Chapter 3, Chapter 19, Chapter 20, Chapter 22 and section 766 (other than subsection (2))" and insert "(other than sections 3, 4, 5, 6, 7, 8 and 9 and Parts 1.2 and 1.3), Chapter 20 and Chapter 22".
3. Clause 3, page 14, lines 24 and 25, omit all words and expressions on these lines.
4. Clause 3, page 23, lines 4 and 5, omit all words and expressions on these lines.
5. Clause 3, page 23, lines 27 to 32, omit all words and expressions on these lines.
6. Clause 3, page 30, lines 3 to 6, omit all words and expressions on these lines.
7. Clause 10, line 4, omit "12" and insert "10".
8. Clause 11, omit this clause.
9. Clause 12, omit this clause.
10. Clause 13, omit this clause.
11. Clause 14, omit this clause.
12. Clause 17, page 47, line 3, after "person" insert "other than as provided for by section 202".
13. Clause 47, line 20, omit ", from time to time, may" and insert "must".
14. Clause 48, line 2, omit "may" and insert "must".
15. Clause 57, line 20, omit "**may**" and insert "**must**".
16. Clause 57, line 22, omit ", at any time, may" and insert ", once every 3 months, must".
17. Clause 57, page 75, after line 25 insert—
 - "(4) The Secretary must publish a report about each visit to a registered Aboriginal youth justice agency that addresses each of the purposes for which that visit was conducted."
18. Chapter heading preceding clause 66, omit this heading.
19. Part heading preceding clause 66, omit this heading.

20. Clause 66, omit this clause.
21. Clause 67, omit this clause.
22. Part heading preceding clause 68, omit this heading.
23. Clause 68, omit this clause.
24. Clause 69, omit this clause.
25. Clause 70, omit this clause.
26. Clause 71, omit this clause.
27. Clause 72, omit this clause.
28. Clause 73, omit this clause.
29. Clause 74, omit this clause.
30. Clause 75, omit this clause.
31. Clause 76, omit this clause.
32. Clause 77, omit this clause.
33. Clause 78, omit this clause.
34. Clause 79, omit this clause.
35. Part heading preceding clause 80, omit this heading.
36. Clause 80, omit this clause.
37. Clause 81, omit this clause.
38. Clause 82, omit this clause.
39. Clause 83, omit this clause.
40. Clause 84, omit this clause.
41. Clause 85, omit this clause.
42. Clause 86, omit this clause.
43. Clause 87, omit this clause.
44. Clause 88, omit this clause.
45. Clause 89, omit this clause.
46. Clause 90, omit this clause.
47. Clause 91, omit this clause.
48. Clause 92, line 26, omit "**Notes**" and insert "**Note**".

49. Clause 92, line 27, omit "1".
50. Clause 92, line 28, omit "12" and insert "10".
51. Clause 92, lines 30 and 31, omit all words and expressions on these lines.
52. Clause 93, lines 19 and 20, omit "any of the following decisions under the hierarchy of options," and insert "a decision to exercise an option under section 92(1)(a), (b), (c) or (d)".
53. Clause 93, line 22, omit "decision—" and insert "decision."
54. Clause 93, lines 23 to 32, omit all words and expressions on these lines.
55. Clause 95, lines 13 to 18, omit all words and expressions on these lines.
56. Clause 103, lines 15 to 20, omit all words and expressions on these lines.
57. Clause 113, line 30, omit "child." and insert "child and to each victim (if any) of the alleged offence."
58. Clause 117, lines 18 to 23, omit all words and expressions on these lines.

NEW CLAUSE

59. Insert the following New Clause to follow clause 128—
 - "128A Reading aloud of victim statement**
 - (1) A person who provides a written communication under section 128 may request that any part of that communication is read aloud, in the course of the early diversion group conference, by—
 - (a) the convenor; or
 - (b) a person chosen by the person making the request and who is approved by the convenor for that purpose.
 - (2) If a request is made under subsection (1), the convenor must ensure that, in the course of the early diversion group conference, each requested part of the communication is read aloud by the person who was requested to do so.
 - (3) Nothing in this section prevents the convenor from reading aloud a part of a written communication under section 128 in the course of the early diversion group conference."
60. Clause 142, omit this clause.
61. Clause 143, omit this clause.
62. Clause 144, omit this clause.
63. Clause 145, omit this clause.
64. Clause 146, line 16, omit "(1)".

65. Clause 146, lines 20 to 24, omit all words and expressions on these lines.
66. Clause 146, lines 25 to 27, omit all words and expressions on these lines.
67. Clause 202, line 3, after "**sentencing principles**" insert "**, guiding youth justice principles**".
68. Clause 202, after line 10 insert—
 - "(ab) subject to subsection (2) and (2A), the guiding youth justice principles, to the extent each principle is relevant; and".
69. Clause 202, lines 14 to 16, omit all words and expressions on these lines.
70. Clause 202, line 18, after "and" insert "the guiding youth justice principles or".
71. Clause 202, after line 21 insert—
 - "(2A) In the event of inconsistency between any of the guiding youth justice principles and the general common law principles or rules applicable to the sentencing of children, the general common law principles or rules take precedence to the extent of the inconsistency."
72. Clause 211, lines 8 and 9, omit ", and any supplementary pre-sentence report,".
73. Clause 252, line 22, omit "5" and insert "10".
74. Clause 252, line 26, omit "10" and insert "20".
75. Clause 273, line 30, omit "report;" and insert "report."
76. Clause 273, page 239, lines 1 to 3, omit all words and expressions on these lines.
77. Clause 273, page 239, lines 5 to 7, omit all words and expressions on these lines and insert "See Division 3 of Part 9.2 in relation to pre-sentence reports."
78. Clause 275, line 25, omit "The" and insert "Subject to subsection (2), the".
79. Clause 275, line 25, omit "may" and insert "must".
80. Clause 278, line 19, omit "6" and insert "12".
81. Clause 278, line 20, omit "12" and insert "18".
82. Clause 280, page 243, lines 20 to 22, omit all words and expressions on these lines.
83. Clause 280, page 243, lines 26 to 28, omit all words and expressions on these lines and insert "See Division 3 of Part 9.2 in relation to pre-sentence reports."
84. Clause 283, after line 33 insert—
 - "(1A) The Children's Court must attach to a youth control order the developmental conditions set out in section 296(a), (c) and (f)".
85. Clause 283, page 246, line 3, after "more" insert "of the other".
86. Clause 301, lines 17 and 18, omit "or supplementary pre-sentence report".

87. Clause 324, line 15, omit "and" and insert "or".
88. Clause 325, page 285, lines 13 to 15, omit all words and expressions on these lines.
89. Clause 327, line 31, omit "child—" and insert "child".
90. Clause 327, line 32, omit all words and expressions on this line.
91. Clause 327, line 33, omit "of age on the day of sentencing—".
92. Clause 327, page 287, line 2, omit "one year; and" and insert "3 years.".
93. Clause 327, page 287, lines 3 to 8, omit all words and expressions on these lines.
94. Clause 327, page 287, line 21, omit "exceed—" and insert "exceed".
95. Clause 327, page 287, lines 22 to 26, omit all words and expressions on these lines.
96. Clause 327, page 287, line 27, omit "on the day of sentencing—".
97. Clause 349, line 9, omit all words and expressions on this line.
98. Clause 356, line 3, omit "(1)".
99. Clause 356, lines 10 to 29, omit all words and expressions on these lines.
100. Clause 357, page 314, lines 7 to 15, omit all words and expressions on these lines.
101. Clause 357, page 315, lines 1 to 5, omit all words and expressions on these lines.
102. Clause 358, omit this clause.
103. Clause 359, line 27, omit "may" and insert "must".
104. Clause 359, line 28, omit "or any".
105. Clause 404, line 8, omit all words and expressions on these lines.
106. Clause 414, lines 12 to 31, omit all words and expressions on these lines.
107. Clause 415, lines 14 to 22, omit all words and expressions on these lines.
108. Clause 415, page 356, lines 10 to 14, omit all words and expressions on these lines.
109. Clause 416, omit this clause.
110. Clause 417, line 2, omit "may" and insert "must".
111. Clause 417, line 3, omit "or any".
112. Clause 419, lines 28 and 29, omit "**or supplementary pre-sentence report**".
113. Clause 419, lines 30 and 31, omit "or a supplementary pre-sentence report".
114. Clause 420, lines 14 and 15, omit "**or supplementary pre-sentence reports**".
115. Clause 420, line 17, omit "or supplementary pre-sentence report".

116. Clause 420, lines 26 and 27, omit "or supplementary pre-sentence report".
117. Clause 420, page 363, lines 5 and 6, "or supplementary pre-sentence report".
118. Clause 420, page 363, lines 11 and 12, "or supplementary pre-sentence report".
119. Clause 421, omit this clause.
120. Clause 447, after line 16 insert—
 "(1A) The program must be completed and agreed to within 2 weeks of the child or young person being received into a youth justice custodial centre."
121. Clause 447, after line 30 insert—
 "(3) If a program does not include any particular matter referred to in subsection (2), a report explaining why must be attached to the program."
122. Clause 491, page 418, line 1, omit "if the child or young person requests,"
123. Clause 491, page 418, after line 35 insert—
 "(4) As soon as practicable after a child or young person is placed in isolation, a youth justice custodial officer must notify the child's or young person's legal representative that the child or young person has been placed in isolation."
124. Clause 524, page 447, after line 11 insert—
 "(ca) the impact of the use of isolation on the child's or young person's—
 (i) engagement with education; and
 (ii) health; and
 (iii) access to or visits from family members;"
125. Clause 524, page 447, after line 12 insert—
 "(3) The Commissioner for Youth Justice must give a report including the information entered in the Isolations Register in relation to a use of isolation in relation to a child or young person to—
 (a) the child's or young person's legal representative; or
 (b) if the child or young person does not have a legal representative, the child's or young person's parent."
126. Clause 622, line 5, omit "not".
127. Clause 622, line 14, omit "may" and insert "must".
128. Clause 623, line 21, omit "not".
129. Clause 623, line 29, omit "may" and insert "must".
130. Clause 624, line 5, omit "not".
131. Clause 624, line 14, omit "may" and insert "must".

132. Clause 625, omit this clause.
133. Clause 629, page 533, lines 1 to 5, omit all words and expressions on these lines.
134. Clause 632, lines 31 to 33, omit all words and expressions on these lines.
135. Clause 639, page 541, lines 7 to 11, omit all words and expressions on these lines.
136. Clause 659, lines 32 and 33, omit "as soon as practicable" and insert "at least 14 days".
137. Clause 659, page 554, line 1, omit "may" and insert "must".
138. Clause 659, page 554, line 2, omit "some or".
139. Clause 659, page 554, line 22, omit "(2) or".

NEW CLAUSE

140. Insert the following New Clause to follow clause 659—
- "659A Person on Youth Justice Victims Register to be given certain information about sentence and custody**
- (1) The Secretary must give a person included on the Youth Justice Victims Register in relation to a child or young person who is subject to the jurisdiction of the Youth Parole Board under this Chapter some or all of the following information in relation to that child or young person—
- (a) details about the length of the period of detention that the child or young person is liable to serve;
- (b) details of any escape by the child or young person from a youth justice custodial centre or the legal custody of the Secretary or any other person.
- (2) If a person on the Youth Justice Victims Register has appointed a nominee, the Secretary may give information under subsection (1) to the nominee on behalf of the person on the Youth Justice Victims Register."
141. Clause 666, omit this clause.
142. Clause 700, lines 7 to 11, omit all words and expressions on these lines and insert "disclosure of confidential information that is terrorism risk information."
143. Clause 718, after line 21 insert—
- "(5) The Secretary and the Minister must ensure that, before the first anniversary of the commencement of this section, the first approved strategic plan has been published."
144. Clause 766, lines 5 to 11, omit all words and expressions on these lines.
145. Chapter heading preceding clause 768, omit "**Transitional provisions and consequential amendments relating to minimum age of criminal responsibility**" and insert "**Amendment of other Acts**".

146. Part heading preceding clause 768, omit this heading.
147. Clause 768, omit this clause.
148. Clause 769, omit this clause.
149. Clause 770, omit this clause.
150. Clause 771, omit this clause.
151. Clause 772, omit this clause.
152. Clause 773, omit this clause.
153. Clause 774, omit this clause.
154. Clause 775, omit this clause.
155. Clause 776, omit this clause.
156. Clause 777, omit this clause.
157. Clause 778, omit this clause.
158. Clause 780, omit this clause.
159. Clause 781, line 5, omit "*child*—" and insert "*child*".
160. Clause 781, line 6, omit "(a)" (where first occurring).
161. Clause 781, line 10, omit 'and";' and insert 'and"!.
162. Clause 781, lines 11 and 12, omit all words and expressions on these lines.
163. Clause 783, line 22, omit "12" and insert "10".
164. Clause 784, line 6, omit "12" and insert "10".
165. Clause 785, omit this clause.
166. Clause 786, omit this clause.
167. Clause 788, omit this clause.
168. Part heading preceding clause 789, omit this heading.
169. Clause 789, omit this clause.
170. Clause 790, omit this clause.
171. Clause 791, omit this clause.
172. Clause 795, omit this clause.
173. Clause 797, line 19, omit "or 11".
174. Clause 797, line 20, after "**2024**," insert "or at common law,".

175. Clause 797, line 24, omit "Notes" and insert "Note".
176. Clause 797, line 25, omit "1".
177. Clause 797, line 26, omit "12" and insert "10".
178. Clause 797, line 27, omit "2024." and insert '2024.'.
179. Clause 797, lines 28 to 30, omit all words and expressions on these lines.
180. Clause 798, line 9, omit "or 11".
181. Clause 798, line 10, after "2024," insert "or at common law,".
182. Clause 798, line 13, omit "Notes" and insert "Note".
183. Clause 798, line 14, omit "1".
184. Clause 798, line 15, omit "12" and insert "10".
185. Clause 798, line 16, omit "2024." and insert '2024.'.
186. Clause 798, lines 17 to 19, omit all words and expressions on these lines.
187. Clause 799, line 28, omit "or 11".
188. Clause 799, line 29, after "2024," insert "or at common law,".
189. Clause 799, line 32, omit "Notes" and insert "Note".
190. Clause 799, line 33, omit "1".
191. Clause 799, line 34, omit "12" and insert "10".
192. Clause 799, page 677, line 2, omit "2024." and insert '2024.'.
193. Clause 799, page 677, lines 3 to 5, omit all words and expressions on these lines.
194. Clause 803, line 28, omit "or 11".
195. Clause 803, line 29, after "2024," insert "or at common law,".
196. Clause 803, page 678, line 4, omit "or 11".
197. Clause 803, page 678, line 5, after "2024," insert "or at common law,".
198. Clause 803, page 678, line 9, omit "or 11".
199. Clause 803, page 678, line 12, omit "Notes" and insert "Note".
200. Clause 803, page 678, line 13, omit "1".
201. Clause 803, page 678, line 14, omit "12" and insert "10".
202. Clause 803, page 678, line 15, omit "2024." and insert '2024.'.
203. Clause 803, page 678, lines 16 to 18, omit all words and expressions on these lines.

204. Clause 804, page 679, line 3, omit "12" and insert "10".
205. Clause 805, line 11, omit "12" and insert "10".
206. Clause 805, line 23, omit "12" and insert "10".
207. Clause 806, page 680, lines 1 to 4, omit all words and expressions on these lines.
208. Clause 807, line 13, omit "12" and insert "10".
209. Clause 807, line 26, omit "12" and insert "10".
210. Clause 807, lines 28 to 35 omit all words and expressions on these lines.
211. Clause 808, omit this clause.
212. Clause 809, lines 11 to 15, omit all words and expressions on these lines.
213. Clause 810, line 27, omit "**12**" and insert "**10**".
214. Clause 810, line 29, omit "**12**" and insert "**10**".
215. Clause 810, page 682, line 10, omit "12" and insert "10".
216. Clause 810, page 683, line 27, omit "**12**" and insert "**10**".
217. Clause 810, page 684, line 4, omit "12" and insert "10".
218. Clause 811, omit this clause.
219. Clause 812, line 5, omit "**Notes**" and insert "**Note**".
220. Clause 812, line 6, omit "1".
221. Clause 812, line 8, omit "**2005.**" and insert '**2005.**'.
222. Clause 812, lines 9 to 12, omit all words and expressions on these lines.
223. Clause 813, omit this clause.
224. Clause 814, omit this clause.
225. Clause 815, omit this clause.
226. Clause 816, omit this clause.
227. Clause 817, line 13, before "12 or 13" insert "10, 11,".
228. Clause 818, omit this clause.
229. Clause 819, omit this clause.
230. Clause 820, omit this clause.
231. Clause 821, omit this clause.
232. Clause 822, omit this clause.

233. Clause 823, omit this clause.
234. Clause 824, omit this clause.
235. Clause 825, omit this clause.
236. Clause 826, omit this clause.
237. Clause 827, line 8, omit "12" and insert "10".
238. Clause 828, line 24, omit "12" and insert "10".
239. Clause 829, line 31, omit "12" and insert "10".
240. Part heading before clause 830, omit this heading.
241. Clause 830, omit this clause.
242. Clause 831, omit this clause.
243. Part heading before clause 832, omit this heading.
244. Clause 832, omit this clause.
245. Part heading before clause 833, omit this heading.
246. Clause 833, omit this clause.
247. Clause 834, omit this clause.
248. Part heading before clause 835, omit this heading.
249. Clause 835, omit this clause.
250. Part heading before clause 836, omit this heading.
251. Clause 836, omit this clause.
252. Clause 837, omit this clause.
253. Clause 839, omit this clause.
254. Part heading before clause 840, omit this heading.
255. Clause 840, omit this clause.
256. Part heading before clause 841, omit this heading.
257. Clause 841, omit this clause.
258. Clause 842, omit this clause.
259. Clause 843, omit this clause.
260. Clause 844, omit this clause.
261. Clause 845, omit this clause.

262. Clause 846, line 21, omit "Notes" and insert "Note".
263. Clause 846, line 22, omit "1".
264. Clause 846, line 23, omit "12" and insert "10".
265. Clause 846, line 25, omit "2024." and insert '2024.';'.
266. Clause 846, lines 26 to 29, omit all words and expressions on these lines.
267. Clause 847, line 18, omit "Notes" and insert "Note".
268. Clause 847, line 19, omit "1".
269. Clause 847, line 20, omit "12" and insert "10".
270. Clause 847, line 22, omit "2024." and insert '2024.';'.
271. Clause 847, lines 23 to 26, omit all words and expressions on these lines.
272. Clause 848, line 19, omit "Notes" and insert "Note".
273. Clause 848, line 20, omit "1".
274. Clause 848, line 21, omit "12" and insert "10".
275. Clause 848, line 23, omit "2024." and insert '2024.';'.
276. Clause 848, lines 24 to 26, omit all words and expressions on these lines.
277. Clause 849, page 731, line 19, omit "Notes" and insert "Note".
278. Clause 849, page 731, line 20, omit "1".
279. Clause 849, page 731, line 21, omit "12" and insert "10".
280. Clause 849, page 731, line 23, omit "2024." and insert '2024.';'.
281. Clause 849, page 731, lines 24 to 27, omit all words and expressions on these lines.
282. Part heading before clause 852, omit this heading.
283. Clause 852, omit this clause.
284. Clause 853, omit this clause.
285. Clause 854, line 3, omit "19.4,".
286. Clause 854, line 4, omit "19.10,".
287. Clause 854, line 4, omit "19.12, 19.13,".
288. Clause 854, line 4, omit "19.15, 19.16,".
289. Clause 854, line 5, omit "19.17, 19.18" and insert "19.17".
290. Clause 854, line 6, omit "2026." and insert "2027.".

291. Clause 1056, line 22, omit "12" and insert "10".
292. Clause 1065, line 23, omit "12" and insert "10".
293. Clause 1140, lines 4 to 8, omit all words and expressions on these lines.
294. Clause 1143, omit this clause.
295. Clause 1144, omit this clause.