



2020 Bail amendments passed by Parliament but not yet commenced

All Queenslanders have the right to be safe in their homes, workplaces and communities.

New amendments to the *Youth Justice Act 1992* (YJ Act) will make it clear that if a young person is a danger to the community, they must be denied bail and kept in custody.

Amendments to the bail decision-making framework for young people in the YJ Act were passed by the Queensland Parliament on 17 June 2020 and will come into effect soon, upon proclamation.

The changes will also streamline the bail decision-making process within the YJ Act to make it clearer and easier to apply.

These important changes to the YJ Act are aimed at the small proportion of repeat and prolific young offenders in Queensland.

Delivering community safety

The amendments will provide clear guidance for courts and police when deciding whether to release or grant bail to a child or young person who is charged with offences.

The amendments apply if there is an unacceptable risk of reoffending by a child and they are a danger to the community.

A new section will be inserted into the YJ Act (section 48AAA(2)) to ensure that any young person who is a danger to the community will **not** be released on bail.

This new subsection will change the current test from **may** keep a child in custody to **must** keep a child in custody.

This applies when police or courts determine that there is an unacceptable risk of the child committing an offence that endangers the safety of the community, or the safety or welfare of a person, and that the risk cannot be adequately reduced by making bail conditions.

It remains the case that the police and court can decide that a child be kept in custody, even where there are no concerns about the safety or welfare of others. These situations are now covered in section 48AAA(2).

Streamlining bail decision-making

The new bail laws will simplify the bail decision-making framework in the YJ Act.

It will be easier for police and courts to apply the bail laws as they relate to children.

Provisions in the YJ Act will be reordered and rearranged. All matters that may be considered in bail decision-making processes will be consolidated into a single provision (section 48AA). This section will not, however, include cases involving terrorism or a risk to the child's safety which are dealt with in other sections (section 48AB and section 48AE).

The current framework that consists of two tests will be strengthened and streamlined into one test (section 48AAA).

The impact of these amendments will be closely monitored.