



Fact sheet: 2020 youth bail amendments

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

New amendments to the *Youth Justice Act 1992* (YJ Act) 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 came into effect on 15 July 2020.

The changes have also streamlined 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 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 in the YJ Act (section 48AAA(2)) changes the previous test from **may** keep a child in custody to **must** keep a child in custody where police or courts determine:

- 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
- the risk cannot be adequately reduced by making bail conditions.

It remains the case that police and courts can keep a child in custody in certain other circumstances, such as where there is an

unacceptable risk that the child will fail to attend court. These situations are now covered in section 48AAA(3).

Streamlining bail decision making

The new bail laws have simplified the bail decision making framework in the YJ Act.

This makes it easier for police and courts to apply the bail laws as they relate to children.

Provisions in the YJ Act have been reordered and rearranged. All matters that may be considered in bail decision-making processes have been consolidated into a single provision (section 48AA). This section does 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 previous framework that consisted of two tests has been strengthened and streamlined into one test (section 48AAA).

The impact of these amendments will be closely monitored.