



Queensland

Sentencing Reform Youth Act 2023

Youth Act No. 7 of 2023

A Youth Act to impose a minimum sentence for serious offenders and violent repeat offenders with rehabilitation being mandated for particular purposes.

[Assented to 15 November 2023]



Queensland

Sentencing Reform Youth Act 2023

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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Sentencing Reform Youth Act 2023*.

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—

- (a) Ensure the rights of individuals who have suffered injury or loss caused by serious offences are upheld.
- (b) Provide a framework for offenders to be considered for a lesser sentence if they are impacted by certain considerations.
- (c) Address breaches of rehabilitation.
- (d) Set provisions that entail mandatory rehabilitation measures for offenders that subsequently reoffend.
- (e) Mandate offenders to enter into rehabilitation programs upon their release from imprisonment.
- (f) Establish sentencing principles to—
 - (i) impose sentences to ensure they are commensurate with the seriousness of the offence; and

omit, insert—

if a court sentences an offender to a term of imprisonment the court may make an intensive correction order for the offender.

7 Amendment of s 114(2A) (General requirements of intensive correction order)

Section 114(2A)—

omit, insert—

unless the court or an authorised corrective services officer otherwise directs, the offender must attend all programs and community service activities and sessions.

8 Insertion of new s 114(2B) (General requirements of intensive correction order)

After section 114(2A)—

insert—

Subject to the discretion of an authorised corrective services officer—

- (a) an offender may not attend a program or perform community service for personal, medical, or any other extenuating circumstance.
- (b) The offender must provide supporting evidence for the reason for absence, and this must be approved by an authorised corrective services officer.

9 Amendment of s 117 (Offender to agree to making or amending of order)

Section 117—

omit.

[s 10]

10 Amendment of s 118 (Multiple offences)

Section 118—

omit.

11 Amendment of s 119 (Termination of intensive correction order)

Section 119—

omit, insert—

An intensive correction order is terminated—

- (a) at the end of its period; or
- (b) if the order is revoked under section 120(1);
or
- (c) if the offender is committed to prison under section 127(1).

12 Amendment of Part 9A

Part 9A—

omit, insert—

Part 9A Serious and violent offences

Division 1 Principles

161A Meaning of commensurate

commensurate means the sentence of imprisonment must be in proportion to the degree of the offence.

161B Sentencing principles

- (1) A sentence imposed on an offender must be commensurate with the seriousness of the offence.
- (2) Individuals that are convicted of a serious offence must be subject to a sentence of imprisonment equivalent to at least 50% of the maximum sentence of the offence.
- (3) Individuals that are convicted of a violent offence on the third occasion must be subject to a sentence of imprisonment.
- (4) When determining the seriousness of a serious offence, the following must be considered—
 - (a) the statutory penalty for the offence; and
 - (b) the circumstances of the commission of the offence.
- (5) When determining the seriousness of a violent offence, the following must be considered—
 - (a) the statutory penalty for the offence; and
 - (b) the circumstances of the commission of the offence; and
 - (c) the compassionate considerations of the offender.

161C Compassionate principles

- (1) The compassionate considerations outlined in Division 4 must not apply to an offender that has committed a serious offence.
- (2) The court may excuse a violent repeat offender of a minimum sentence when the offence has been directly caused or induced by compassionate considerations outlined in Division 4.
- (3) The court may lower a violent repeat offender's sentence of imprisonment when the offence has

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been directly caused or induced by the compassionate considerations outlined in Division 4.

- (4) An Intensive Corrections Order must be issued when the offence has been directly caused or induced by considerations.
- (5) The Intensive Corrections Order must be made in conjunction with another penalty, imprisonment or other order that is determined by the court on that occasion.

161D Rehabilitation principles

- (1) A court sentencing an offender must consider any relevant guidelines and factors outlined in the compassionate principles provided.
- (2) An Intensive Corrections Order must be issued when the offence has been directly caused or induced by considerations in Division 4.
- (3) An offender must have access to rehabilitation measures during their sentence of imprisonment.
- (4) An offender must enter into a rehabilitation measure prescribed by the court upon their release from their sentence of imprisonment.

Division 2 Sentences for serious offender

161E Meaning of serious offence

A *serious offence* is an offence mentioned a provision stated in schedule 1, or an offence that involved the counselling or procuring the commission of an offence stated in schedule 1.

161F Sentencing on the first occasion for serious offences

- (1) An individual aged 18 years or over who commits a serious offence will be liable for a sentence of imprisonment equivalent to at least 50% of the maximum sentence associated with that offence.
- (2) An individual aged 16 and 17 years who commits a serious offence will be liable for a sentence of imprisonment equivalent to at least 40% of the maximum sentence associated with that offence.
- (3) Compassionate considerations within Division 4 must not be applied to an individual found to have committed a serious offence.

161G Sentencing on the second occasion for serious offences

- (1) An individual aged 18 years or over who commits a serious offence on the second occasion will be liable to the maximum sentence of imprisonment associated with that serious offence.
- (2) An individual aged 16 and 17 years who commits a serious offence on the second occasion will be liable for a sentence of imprisonment equivalent to at least 75% of the maximum sentence associated with that offence.

161H Sentencing exceeding the second occasion for serious offences

- (1) An individual aged 18 years or over who commits a serious offence on the second occasion will be liable to the maximum sentence of imprisonment associated with that serious offence.
- (2) An individual aged 16 and 17 years who commits a serious offence on the third occasion will be liable to the maximum sentence of imprisonment associated with that offence.

161I Sentencing for the offence of manslaughter

- (1) An individual aged 18 years or over who commits manslaughter will be liable for a sentence of imprisonment equivalent to at least 25% of the maximum sentence associated with that offence.
- (2) An individual aged 16 and 17 years who commits manslaughter will be liable for a sentence of imprisonment equivalent to at least 20% of the maximum sentence associated with that offence.
- (3) Compassionate considerations within Division 4 must not be applied to an individual found to have committed manslaughter
- (4) In this section—

Manslaughter is an offence against a provision stated in section 303 in the *Criminal Code Act 1899*.

Division 3 Sentences for violent repeat offenders

161J Meaning of violent offence

A *violent offence* is an offence against a provision stated in Schedule 2, or an offence that involved the counselling or procuring the commission of an offence stated in Schedule 2

161K Meaning of violent repeat offender

A *violent repeat offender* is an individual who has been convicted of a violent offence on three separate occasions.

161L Mandatory minimum sentence for violent repeat offences

- (1) An individual, aged 18 years or over, who commits a violent offence on the third occasion, or exceeding the third occasion, will be liable for imprisonment equivalent to at least 50% of the maximum sentence associated with the third offence, despite any other penalty imposed by the *Criminal Code Act 1899*.
- (2) The individual will be sentenced to the minimum sentence if the individual has been found guilty of a violent repeat offence on the third occasion.
- (3) If an individual's actions are deemed by the court to have been directly caused or induced by the considerations outlined in Part 5, either on trial or on appeal, the offender may—
 - (a) be excused from a minimum sentence being applied; or
 - (b) receive a lesser sentence of imprisonment.

161M Sentencing in relation to Intensive Corrections—Second occasion

- (1) If an individual is convicted of a violent offence on the second occasion, an Intensive Correction Order must be issued—
 - (a) to take effect immediately from the date of the sentence; or
 - (b) to take effect after the offender has left a correctional facility for a stipulated period as determined by the court.
- (2) The duration of the Intensive Correction Order must be determined by a judge, magistrate or presiding legal officer according to Part 6 of the *Penalties and Sentences Act 1992*.

161P Implementation of compassionate considerations

- (1) An individual who has been classified as a violent repeat offender may be—
 - (a) exempt from a minimum sentence; or
 - (b) eligible for the sentence of imprisonment to be loweredif the court determines the offender meets certain compassionate factors.
- (2) These compassionate factors must have directly caused or induced the offender to commit the offence.
- (3) The eligibility of an offender to be excused from a minimum sentence as a result of the compassionate factors is subject to judicial discretion.
- (4) An offender found to meet the considerations outlined in section 45, then the court must issue an Intensive Corrections Order, in accordance with Part 6 of the *Penalties and Sentences Act 1992*.
- (5) This issuing of the Intensive Corrections Order is in conjunction with any other additional sentence or penalty.

161Q Compassionate factors

- (1) The following factors may be considered by the court to excuse a violent repeat offender from a minimum sentence or lessen their sentence of imprisonment, including—
 - (a) Aboriginal and Torres Strait Islander identity;
 - (b) Mental illness disorders, conditions, and illnesses;

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- (i) The individual must provide sufficient evidence for an examination report or a recommendation for assessment per ss 27, 36 the *Queensland Mental Health Act 2016*.
- (c) History of substance addiction or abuse;
 - (i) The individual must provide sufficient evidence that they have a history of substance addiction through but not limited to rehabilitation records, medical documents.
- (d) Family responsibilities (primary caregiver for children/elderly peoples etc);
 - (i) The individual must provide sufficient evidence that they are the legal primary caregiver to a person or persons who are unable to care adequately for themselves.
- (e) History of domestic violence, family violence or community violence—
 - (i) The offender must provide sufficient evidence of the mental impact that the domestic violence, family violence, or community violence has had on the offender through court records, medical records or an affidavit.
- (f) Refugee or humanitarian entrant identity;
 - (i) The individual must provide sufficient evidence to show that they were not born in Australia; and
 - (ii) The individual must provide sufficient evidence of the mental or physical impact that being a refugee had on the offender's wellbeing.
- (g) History of childhood trauma, including—

- (i) physical abuse; or
 - (ii) sexual abuse; or
 - (iii) emotional abuse; or
 - (iv) bullying; or
 - (v) significant family disruption; or
 - (vi) any other significant childhood event that has caused mental distress which must be shown through sufficient evidence, such as medical records, existing court records or psychological reports.
- (h) Experiences of sexual assault/abuse;
- (i) The individual must provide sufficient evidence that they have previously experienced a form of sexual abuse or assault.
- (i) In this section—

Aboriginal and Torres Strait identity means a person who establishes the tripartite test of Aboriginality.

mental illness disorders, see the Mental Health Act 2016, Part 3, division 10, see section 1.

refugee or humanitarian entrant identity means a person who was not born in Australia and has moved to Australia out of necessity.

Division 5 Rehabilitation of Offenders

161R Meaning of sentencing authority

A sentencing authority refers to the court that has

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judicial jurisdiction over the sentencing for the case and individual specified.

161S Meaning of serious offender

A *serious offender* is an individual who has been convicted of a serious offence.

161T Meaning of supervising authority

A *supervising authority* refers to the body that has oversight for the offenders' rehabilitation measures.

161U Qualification for rehabilitation

- (1) An offender must participate in rehabilitation measures upon their release from imprisonment.
- (2) Rehabilitation measures include—
 - (a) psychologist sessions; or
 - (b) psychotherapy sessions; or
 - (c) a community-based order per section 107 of the *Penalties and Sentences Act 1992*; or
 - (d) culturally appropriate programs or measures which meet the required cultural needs of the offender; or
 - (e) any other rehabilitation program or measure designed to improve an individual's wellbeing.
- (3) The sentencing authority must determine the appropriate rehabilitation measure for the offender according to—
 - (a) The nature of the offence; and
 - (b) The offender's individual circumstances including—

- (i) age; and
 - (ii) criminal history; and
 - (iii) likelihood of reoffending; and
 - (iv) willingness to participate in rehabilitation efforts; and
 - (v) accessibility to rehabilitation.
- (4) The supervising authority must maintain communication with the offender, the rehabilitation measure coordinator and any family or support network of the offender.

161V Rehabilitation of offenders in prison

- (1) A serious offender or violent repeat offender must have access to rehabilitation measures whilst in a correctional facility.
- (2) A serious offender or violent repeat offender must participate in rehabilitation measures whilst in a correctional facility.
- (3) A serious offender or violent repeat offender must be assigned a case manager by the department.
 - (a) The case manager must ensure the offender has access to rehabilitation; and
 - (b) The case manager must document the progress of the offender, including—
 - (i) the number of times the offender has attended a rehabilitation measure; and
 - (ii) the specific rehabilitation measure; and
 - (iii) the coordinator of the rehabilitation measure; and
 - (iv) any improvements to the offender's wellbeing.

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161W Rehabilitation for serious offenders on release

- (1) A serious offender must attend a rehabilitation measure upon their release from a correctional facility.
- (2) The rehabilitation measure must be based accordingly on any past hardships that may have been experienced by the offender subject to the appropriate sentencing authority.
- (3) A serious offender must participate and finish all prescribed rehabilitation program elements of their determined rehabilitation measure.
- (4) A serious offenders' personal information, treatment records, and participation in rehabilitation programs must be kept private throughout the rehabilitation process unless it is—
 - (a) mandated by law; or
 - (b) authorised by the serious offender, in accordance with confidentiality and privacy protections.
- (5) A serious offender after their release from a correctional facility must receive—
 - (a) support in finding employment; and
 - (b) vocational training.
- (6) The progress of serious offenders in the rehabilitation measure must be regularly assessed and determined by time spent out of prison.
- (7) For the first six weeks after an offender has been released from prison, they must complete weekly check-ins with the assigned parole officer.
- (8) An offender released from prison after week 6 up until week 16 must complete fortnightly check-ins with the assigned parole officer.

- (9) An offender released from prison after week 16 up until week 52 must complete monthly check-ins with the assigned parole officer.
- (10) An offender released from prison after week 52 must complete a rehabilitation progress check-in with their assigned parole officer.
 - (a) The assigned parole officer must indicate whether the offender is of a stable mindset.
 - (b) The assigned parole officer will determine if the offender is of a stable mindset through—
 - (i) psychologists' or counsellors' session notes; or
 - (ii) the offender's behaviour in sessions with their assigned parole officer; or
 - (iii) the offender's participation in any appropriate community-based orders.
- (11) An offender released from prison after week 52 up until week 156, provided the offender is deemed to be of a stable mindset, must complete quarterly check-ins with the assigned parole officer.
- (12) If an offender is deemed not to be of a stable mindset at the rehabilitation progress check-in after 52 weeks of being released from prison, they must continue to have monthly check-ins with their assigned parole officer for 12 months.
 - (a) After 12 months of repeating monthly check-ins with their assigned parole officer, the offender must be reassessed at another progress rehabilitation check-in.
- (13) An offender released from prison after week 156 may completely reintegrate into the community without further check-ins.

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161X Rehabilitation for violent repeat offenders on release

- (1) A violent repeat offender must attend a rehabilitation measure upon their release from a correctional facility within two weeks of release.
- (2) The rehabilitation measure must address the compassionate factors that were considered during the sentencing of the violent repeat offender.
- (3) A violent repeat offender must participate and finish all prescribed rehabilitation program elements of their determined rehabilitation measure.
 - (a) Any change or adjustments relating to the rehabilitation measure must be—
 - (i) recorded; and
 - (ii) only changed based on the individual's needs and response to the measure.
- (4) A violent repeat offenders' personal information, treatment records, and participation in rehabilitation programs must be kept private throughout the rehabilitation process unless it is—
 - (a) mandated by law; or
 - (b) authorised by the violent repeat offender.
- (5) A violent repeat offender after their release from a correctional facility must receive—
 - (a) support in finding employment; and
 - (b) vocational training.
- (6) Violent offenders must be monitored and supervised by—
 - (a) probation officers; or
 - (b) parole officers; or

- (c) any other relevant correctional body.
- (7) Rehabilitation measures for offenders who have Aboriginal and Torres Strait Islander descent must take into account their specific cultural and historical contexts—
 - (a) Upon the release from a correctional facility, the rehabilitation measure must allow for the offender to continue their connection to the land, community and their culture; and
 - (b) The rehabilitation measure must involve the active involvement of elders, local Aboriginal and Torres Strait Islander community leaders and local Aboriginal and Torres Strait Islander support services.

161Y Release from rehabilitation

- (1) If an offender successfully completes their rehabilitation measure, they may be eligible to be released from that measure.
- (2) Successful completion of a rehabilitation measure, includes—
 - (a) completion of all required rehabilitation activities and sessions; or
 - (b) a demonstration of positive behavioural changes and adherence to the principles and skills learned during the rehabilitation program; or
 - (c) An evaluation report conducted by a professional indicating the offender’s risk of reoffending as low; or
 - (d) a development of a personalised reintegration plan, including strategies for maintaining positive change and accessing ongoing support services.

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- (3) Probation officers and parole officers must—
 - (a) closely monitor offenders; and
 - (b) support offenders with post-release requirements; and
 - (c) promptly address any risks or challenges that may arise.

161Z Breaches of rehabilitation

- (1) An offender may be found to be liable for a breach in their rehabilitation measure if an offender—
 - (a) Fails to attend scheduled rehabilitation sessions or activities; or
 - (i) An offender may miss a maximum of two scheduled sessions or activities within the duration of the rehabilitation measure provided they have a reasonable excuse.
 - (ii) A reasonable excuse may include extenuating circumstances, such as the loss of a family member or extreme sickness.
 - (b) Engages in unlawful activities; or
 - (c) Fails to follow the rules and regulations set by the rehabilitation measure; or
 - (d) Refuses to cooperate with assigned rehabilitation professionals, parole officers, psychologists or other designated person(s) acting within a rehabilitation capacity; or
 - (e) Commits a new offence or engages in behaviour that undermines the rehabilitation process.
- (2) If an offender has been suspected of breaching their rehabilitation measure, an investigation will be commenced.

- (3) If an offender is to be found in breach of the rehabilitation measure, the following actions may be taken—
 - (a) A warning may be issued by the court to the offender;
 - (b) The existing rehabilitation measure may be modified or intensified—
 - (i) The number of services the offender must attend may increase; or
 - (ii) The duration of the existing rehabilitation measure may be extended; or
 - (iii) The offender may be required to participate in additional rehabilitative activities or services.
 - (c) Penalties and sanctions may be imposed, including—
 - (i) a community service order issued by the court; or
 - (ii) fines.
 - (d) The breach may need to be reported for further consideration by a judge, magistrate or presiding legal officer.
- (4) If an offender repeatedly and wilfully breaches the rehabilitation measure, the court may consider alternative sentencing options, including—
 - (a) revising the terms of the rehabilitation measure; or
 - (b) imposing additional penalties.
- (5) If an offender severely breaches the rehabilitation measure, the supervising authority may consider—

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- (a) Intensifying the offender's participation in the measure; and
 - (b) Exploring alternative sentencing options.
- (6) An offender severely breaches the rehabilitation measure when—
- (a) the lives of other people are at risk; or
 - (b) the rehabilitation measure's effectiveness is being jeopardised.
- (7) In this section—

repeatedly and wilfully means an individual's autonomous actions are intentionally done multiple times with the knowledge that these actions are illegal.

service means programs and measures that aim to restore and improve an individual's well-being, within the context of the justice system.

161ZA Reoffending after rehabilitation

- (1) If an offender commits a serious offence or violent offence after finishing a rehabilitation measure, the sentencing authority must refer to Division 2 and Division 3.
- (2) In the event that an offender reoffends after successfully completing a rehabilitation measure, the court must consider the following factors when determining an appropriate response—
 - (a) The nature and severity of the subsequent offence;
 - (b) The level of compliance with the rehabilitation measures;
 - (c) The potential need for additional or alternative rehabilitation measures, including—

- (i) extra counselling sessions; or
 - (ii) psychotherapy; or
 - (iii) specialised treatment.
- (3) If an offender reoffends after finishing a rehabilitation measure and it is not considered to be a serious offence or violent offence, the sentencing authority must—
- (a) evaluate the seriousness of the offence; and
 - (b) decide how to resolve the breach of rehabilitation.

Division 6 Prison Reform

161ZB Incarceration Reduction Ombudsman

- (1) An independent statutory ombudsman named the Incarceration Reduction Ombudsman must be established and commissioned in accordance with the *Inspector of Detention Services Act 2022*.
- (2) The Incarceration Reduction Ombudsman must—
 - (a) monitor and report on the impacts of incarceration and sentencing on marginalised groups;
 - (b) advise how to limit the impact on marginalised groups in current sentencing practices in quarterly reports tabled to the Queensland parliament;
 - (c) dedicate resources to monitor the impacts of incarceration on Aboriginal and Torres Strait Islander people and people with culturally and linguistically diverse backgrounds;
 - (d) monitor and provide recommendations on ways to improve the processing and

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handling of inmates during sentencing and incarceration; and

- (e) monitor and provide recommendations on ways to improve the sentencing process and reduce incarceration.

161ZC Training of correctional staff

Staff working in prisons and correctional facilities must be provided with comprehensive cultural awareness training, mental health training and trauma training.

- (a) Staff must complete the prescribed initial training;
- (b) Staff must complete a refresher course of the prescribed initial training within a year of first completing the initial training;
- (c) Yearly refresher courses must be at least eight hours of training;
- (d) Cultural awareness training must include teaching staff about the history and impacts of the correctional system on Aboriginal and Torres Strait Islander Peoples; and
- (e) Mental health and trauma training must include teaching staff appropriate methods to manage inmates who may be impacted by neurodiversity and/or a disability.

161ZD Implementation of a practical skills support system

- (1) A practical skills support system must be implemented for offenders.
- (2) An offender serving a sentence in a correctional facility must be provided with a post-release banking account at the start of their sentence to

facilitate improved savings.

- (a) The department must facilitate this measure for offenders.
 - (b) 60% of an offender's earnings whilst in prison must be kept in a post-release savings account; and
 - (c) An offender may access their banking account through secure channels whilst maintaining appropriate security measures.
- (3) Financial literacy programs must be provided to offenders relating to managing money, budgeting and the benefits of saving money.
- (4) An offender must be provided with job opportunities at the start and during their sentence.
- (a) Vocational Training Programs must be provided to offenders to equip offenders with practical skills and certifications.
 - (b) The department must implement job placement opportunities to assist offenders in securing employment.
 - (c) Transitional employment programs must be implemented to allow offenders to gain work experience and skills while still incarcerated.

161ZE Parent and child support programs

- (1) The Queensland Corrective Services must ensure parents who have custody of their children while incarcerated are provided with essential items.

Examples of essential items include—

Diapers, baby goods and baby formula

- (2) Offenders with dependent children must be provided with educational resources on

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appropriate parenting practices and skills.

- (3) Offenders with dependent children must be provided with comprehensive support by a psychologist or counsellor to establish a plan for ongoing childcare management.
 - (a) This plan must include a reintegration plan for when the child leaves prison.

161ZF Prison Reform Principles

- (1) The department must provide all correctional facilities with the means necessary to implement all services outlined in Division 6.
- (2) The department must provide training and educational support around all services implemented.

13 Replacement of Part 9B

Part 9B—

omit, insert—

Part 9B Serious child sex offences

161ZB Meaning serious child sex offences

A *serious child sex offence* is an offence against a provision stated in schedule 1A, or an offence that involved the counselling or procuring the commission of an offence stated in schedule 1A—

- (a) in relation to a child under 16 years; and
- (b) in circumstances in which an offender convicted of the offence would be liable to imprisonment for life.

Per the *Penalties and Sentences Act 1992* section

161D.

161ZC Sentencing for serious child sex offences

An individual aged 16 years or over who commits a serious child sex offence on the first occasion will be liable for a sentence of imprisonment equivalent to at least 50% of the maximum sentence associated with that offence.

161ZD Sentencing for repeat serious child sex offences

An individual aged 16 years or over who commits a serious child sex offence on the second occasion will be liable for the maximum sentence of imprisonment associated with that offence as per the *Penalties and Sentences Act 1992* (Qld) section 161E.

14 Amendment of Schedule 1

Schedule 1—

omit, insert—

Schedule 1 Serious Offences

section 161D, definition *serious offence*

Criminal Code

section 210 (Indecent treatment of children under 16)

section 213 (Owner etc. permitting abuse of children on premises)

section 215 (Carnal knowledge with or of children under 16)

section 216 (Abuse of persons with an impairment)

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section 217 (Procuring young person etc. for carnal knowledge)

section 218 (Procuring sexual acts by coercion etc.)

section 218A (Using internet etc. to procure children under 16)

section 218B (Grooming child under 16 years or parent or carer of child under 16 years)

section 219 (Taking child for immoral purposes)

section 222 (Incest)

section 228(2)(3) (Obscene publications and exhibitions)

section 228A (Involving child in making child exploitation material)

section 228B (Making child exploitation material)

section 228C (Distributing child exploitation material)

section 228D (Possessing child exploitation material)

section 228DA (Administering child exploitation material website)

section 229B (Maintaining a sexual relationship with a child)

section 229G(2) (Procuring engagement in prostitution)

section 236(2) (Misconduct with regard to corpses)

section 242 (Serious animal cruelty)

section 306 (Attempt to murder)

section 309 (Conspiring to murder)

section 313 (Killing unborn child)

section 314A (Unlawful striking causing death)

section 315 (Disabling in order to commit indictable offence)

section 315A (Choking, suffocation or strangulation in a domestic setting)

section 316 (Stupefying in order to commit an indictable offence)

section 317 (Acts intended to cause grievous bodily harm and other malicious acts)

section 317A(1) (Carrying or sending dangerous goods in a vehicle)

section 318 (Obstructing rescue or escape from unsafe premises)

section 319 (Endangering the safety of a person in a vehicle with intent)

section 320 (Grievous bodily harm)

section 320A (Torture)

section 321 (Attempting to injure by explosive or noxious substances)

section 321A (Bomb hoaxes)

section 322 (Administering poison with intent to harm)

section 323 (Wounding)

section 324 (Failure to supply necessities)

section 326 (Endangering life of children by exposure)

section 328A (Dangerous operation of a vehicle)

section 339 (Assaults occasioning bodily harm)

section 340 (Serious assaults)

section 349 (Rape)

section 350 (Attempt to commit rape)

section 351 (Assault with intent to commit rape)

section 352 (Sexual assaults)

section 354 (Kidnapping)

section 354A (Kidnapping for ransom)

section 364 (Cruelty to children under 16)

section 408C(2A) (Fraud)

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- section 411(2) (Punishment of robbery)
- section 412(2) and (3) (Attempted robbery)
- section 417A (Taking control of aircraft)
- section 461 (Arson)
- section 469A (Sabotage and threatening sabotage)

Drugs Misuse Act

- section 5 (Trafficking dangerous drugs)
- section 6 (supplying dangerous drugs)
- section 8 (producing dangerous drugs)

15 Amendment of Schedule 1A

Schedule 1A—

omit, insert—

Schedule 1A Serious Child Sex Offences

section 161Y, definition *serious child sex offence*

Criminal Code

- section 213 (Owner etc. permitting abuse of children on premises)
- section 215 (Carnal knowledge with or of children under 16)
- section 219 (Taking child immoral purposes)
- section 222 (Incest)
- section 229B (Maintaining a sexual relationship with a child)

section 349 (Rape)

section 352 (Sexual assaults)

16 Insertion of new Schedule 2

After Schedule 1A—

insert—

Schedule 2 Violent Offences

section 161, definition *violent offence*

Criminal Code

chapter 36 (Stealing), if sections 36(1)–36(15) applies

chapter 33A (Unlawful stalking)

section 61 (Riot)

section 335 (Common assault)

section 338A (Assaults of member of crew on aircraft)

section 339 (Assaults occasioning bodily harm)

section 346 (Assaults in interference with freedom of trade or work)

section 355 (Deprivation of liberty)

section 359 (Threats)

section 411 (Robbery)

section 412 (Attempted robbery)

section 413 (Assault with intent to steal)

section 415 (Extortion)

years old or 17 years old that has committed a serious offence, be detained for—

- (a) a period not more than 10 years; or
- (b) a period up to and including the maximum of life, if—
 - (i) the offence involves the commission of violence against a person; and
 - (ii) the court considers the offence to be a particularly heinous offence having regard to all the circumstances.

20 Amendment of s 176 (Sentence orders — life and other significant offence)

After section 176(3)—

insert—

- (4) For a serious offence under Part 9A of the *Penalties and Sentences Act 1992*, the court must order a 16-year-old and 17-year-old child to be sentenced to at least 50% of the maximum imprisonment time associated with that specific offence.

21 Amendment of s 214 (Limitation on cumulative orders)

Section 214—

omit, insert—

- (1) A court making more than 1 detention order under section 175 against a child on the same day or in the same proceedings is not to direct that a detention order be served cumulatively with another of the detention orders if the total period of the detention orders would exceed—
 - (a) when made by a Childrens Court magistrate—1 year; or

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- (b) when made by another court—7 years.
- (2) To the extent that the total exceeds the maximum allowed the orders are of no effect.
- (3) Section 214 must not apply to 16-year-old or 17-year-old children who commit a serious offence under Part 9A of the *Penalties and Sentences Act 1992*.

22 Amendment of s 227 (Release of a child after service of period of detention)

Section 227(1)—

omit, insert—

- (1) Unless a court makes an order under subsection (2), a child sentenced to serve a period of detention must be released from detention after serving 70% of the period of detention.
 - (a) If a 16-year-old or 17-year-old child has been convicted of a serious offence per Part 9A of the *Penalties and Sentences Act 1992*, they must not be released until at least 80% of the period of detention.