

SUPREME COURT OF QUEENSLAND

CITATION: *Re: WWV* [2026] QSC 251

PARTIES: **CHRISTOPHER JAMES WILSON**
(applicant)
v
WWV
(respondent)
**DEPARTMENT OF YOUTH JUSTICE AND VICTIM
SUPPORT**
(intervener)

FILE NO/S: BS No 914 of 2026

DIVISION: Trial Division

PROCEEDING: Application for review — s 19B *Bail Act 1980* (Qld)

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED ON: 19 March 2026 (delivered *ex tempore*)

DELIVERED AT: Brisbane

HEARING DATE: 19 March 2026

JUDGE: McCafferty J

ORDER: **1. The grant of bail made on 19 February 2026 be set aside.**
2. The respondent be remanded in custody.

CATCHWORDS: CRIMINAL LAW — PROCEDURE — BAIL — REVOCATION, VARIATION, REVIEW AND APPEAL — where the respondent is a juvenile — where the respondent has a lengthy and appalling criminal history which includes offences of burglary, stealing, entering or attempting to enter a dwelling or premises, attempted robbery, unlawful use of a motor vehicle, and other offending involving threatened or actual use of violence — where the respondent has been charged with 17 further offences under the *Weapons Act 1990*, *Explosives Act 1999*, *Drugs Misuse Act 1986*, and *Criminal Code* — where at the time of the alleged offending on charges 14-17, the respondent was subject to a conditional release order — where at the time of the alleged offending on charges 1-3, the respondent was subject to probation — where the respondent was granted bail for the 17 alleged offences — where the applicant applies for review of the grant of bail — whether there is an unacceptable risk that the respondent will commit an offence that endangers the safety of the community or the safety and welfare of any person — whether any such

risk could be adequately mitigated by the imposition of further bail conditions — whether the grant of bail should be set aside

Bail Act 1980 (Qld), s 19B, s 19B(2)

Youth Justice Act 1992 (Qld), s 48, s 48(2), s 48AA, s 48AA(1), s 48AA(1)(a), s 48AA(1)(b), s 48AA(1)(c), s 48AA(1)(d), s 48AA(3), s 48AA(4), s 48AA(4)(a), s 48AA(4)(b), s 48AAA, s 48AAA(2), s 48AAA(2)(a), s 48AAA(2)(b), s 48AAA(3), s 48AAA(3)(a), s 48AAA(3)(b), s 48AAA(3)(c), s 52AA, s 52AA(1), s 52A, s 52A(2), s 52A(2)(a), s 52A(2)(b), s 52AA(3), s 52AA(3)(f), s 52AA(f)(ii)

Iordache v DJM [2023] QSC 134, considered

Re: JOD [2022] QSC 260, cited

Re: JTL [2021] QSC 211, considered

COUNSEL: N Gillis (*sol*) for the applicant
N Edridge for the respondent
A S Mahon (*sol*) for the intervener

SOLICITORS: Office of the Director of Public Prosecutions for the applicant
Skuse Graham Criminal Lawyers for the respondent
Department of Youth Justice and Victim Support for the intervener

- [1] The applicant seeks review of a Magistrate's decision to release the respondent on bail in respect of 17 charges. The application is made pursuant to s 19B(2) of the *Bail Act 1980* (Qld) (***Bail Act***).

The charges

Charge 1	Between 20 November 2024 and 25 November 2024, the respondent entered a dwelling and committed an offence pursuant to s 419(5) of the <i>Criminal Code 1899</i> (Qld) (<i>Criminal Code</i>), which carries a maximum sentence of life imprisonment.
Charge 2	Between 20 November 2024 and 25 November 2024, the respondent received tainted property, being a firearm and ammunition, contrary to s 433(1) of the <i>Criminal Code</i> , for which the maximum penalty is 14 years.
Charge 3	Between 20 November 2024 and 25 November 2024, an offence of shortening firearms contrary to s 61A of the <i>Weapons Act 1990</i> (Qld) (<i>Weapons Act</i>), which the maximum penalty is four years.
Charge 4	On 22 September 2025, the respondent had unlawful possession of weapons category DHR, the weapon, firearm, used to commit an indictable offence, contrary to s 51C(i) and D(i) of the <i>Weapons Act</i> , for which the maximum penalty is seven years.

Charge 5	On 22 September 2025, entering a dwelling with intent at night whilst armed contrary to s 419(1) of the <i>Criminal Code</i> , for which the maximum penalty is 14 years.
Charge 6	On 22 September 2025, attempted robbery, use and threaten violence whilst armed with actual violence contrary to s 412(1) of the <i>Criminal Code</i> , for which the maximum penalty is seven years.
Charge 7	On 22 September 2025, engage in dangerous conduct with a weapon contrary to s 58(2) of the <i>Weapons Act</i> , for which the maximum penalty is four years.
Charge 8	On 22 September 2025, the respondent had possession of dangerous drugs contrary to s 9(1) of the <i>Drugs Misuse Act 1986</i> (Qld) (<i>Drugs Misuse Act</i>), for which the maximum penalty is 15 years.
Charge 9	On 22 September 2025, the respondent did not have authority required to possess explosives contrary to s 34(1) of the <i>Explosives Act 1999</i> (Qld) (<i>Explosives Act</i>), for which the maximum penalty is six months.
Charge 10	On 24 September 2025, the respondent had possession of dangerous drugs contrary to s 9(1) of the <i>Drugs Misuse Act</i> , for which the maximum penalty is 15 years.
Charge 11	On 22 September 2025, the respondent committed threats, contrary to s 359 of the <i>Criminal Code</i> , for which the maximum penalty is five years.
Charge 12	On 22 September 2025, the respondent committed an offence of stealing contrary to s 398 of the <i>Criminal Code</i> , for which the maximum penalty is five years.
Charge 13	On 22 September 2025, the respondent attempted to kidnap a person contrary to s 354(1) of the <i>Criminal Code</i> , for which the maximum penalty is seven years.
Charge 14	On 22 September 2025, the respondent committed grievous bodily harm, contrary to s 320 of the <i>Criminal Code</i> , for which the maximum penalty is 14 years.
Charge 15	On 22 September 2025, the respondent committed wilful damage, contrary to s 469(1) of the <i>Criminal Code</i> , for which the maximum penalty is five years.
Charge 16	On 22 September 2025, the respondent committed a serious assault with intent to commit a crime or resist arrest, contrary to s 340(1)(a) of the <i>Criminal Code</i> , for which the maximum penalty is seven years.
Charge 17	On 22 September 2025, the respondent received tainted property, firearms and ammunition, contrary to s 433(1) of the <i>Criminal Code</i> , for which the maximum penalty is 14 years.

- [2] Of these charges, charges 5, 6, 13, 14 and 16 are subject to the adult maximum penalty at sentence. At the time of the alleged offending comprising charges 14 to 17, the respondent was subject to a conditional release order. At the time of the alleged offending comprising charges 1 to 3, the respondent was subject to probation.

- [3] The respondent is a juvenile. He is 16 and a-half years old. His criminal history is appalling. It comprises 35 pages of not-for-production criminal history for offending between December 2019 and September 2025. The majority of these prior convictions and police diversions relate to property offending. There are however seven counts of burglary or attempted burglary, 11 counts of entering or attempting to enter a dwelling, 33 counts of entering or attempting to enter premises, 27 counts of stealing and one count of attempted robbery. The respondent has also been convicted of unlawful use of a motor vehicle on 56 occasions.
- [4] By reference to this history, the applicant with reference to the material before me has placed emphasis on certain matters within those charges. This includes offences of violence: being armed with a golf club and, so armed, breaking into a house; threatening a person with a knife by making stabbing motions; and being in company with a person armed with a machete and another with a baseball bat.
- [5] There is further reference to an offence where the respondent, upon being confronted by a car wash attendant, I infer in attempting to steal a luxury car, threatened the attendant with a hammer by holding it to the attendant's head. There are additional offences of breaking and entering and stealing, with others, \$60,000; breaking into a service station with a hammer and using a large vehicle to open the doors of another service station and stealing 300 packets of cigarettes and stealing a safe, which contained \$12,000 in cash, and stealing a gun, and by inference, having photographs on his phone with him holding a shotgun.

The facts alleged for the charges

- [6] Between 21 and 24 November 2024, unknown intruders entered an address and stole three firearms, including a Category A .4 10-calibre Harrington & Richardson shotgun (**the firearm**). On 28 November 2024, police located the respondent at an address in Gatton. They found an OPPO mobile phone in his bedroom. The phone contained eight photographs timestamped at 5.15 pm on 24 November 2024 that depicted the firearm resting on the respondent's lap. The respondent was found in possession of the firearm on 22 September 2025. There are photographs showing that on 24 November 2024 the firearm was unaltered, but on 22 September 2025 the respondent possessed the firearm now shortened, the Category H weapon. It is alleged that the respondent either shortened the firearm or was part of its shortening.
- [7] For the offending alleged to have occurred on 22 September 2025, it is alleged a person by the name of DES and another by the name of JAC were at their home at an address in Wilsonton (**the property**) with their two young children ages four and six. A person called BRU and a person called DUN were also at the property as invited visitors. DUN is the respondent's partner. The respondent and BRU have a degree of animus against one another. At 10.00 pm, the respondent attended the property in the company of a relative of his and at least one other person. The respondent walked to the rear of the house and entered the converted garage carrying the firearm. The respondent ordered BRU to stay still and not get up or he would shoot him. The respondent accused BRU of trying to have sex with DUN despite them being cousins. The respondent reiterated that someone would get shot if anyone tried to do something. The respondent told BRU to turn out his pockets and hand over his phone. The respondent walked to BRU, searched for things to steal and showed him that the

firearm was, indeed, loaded. The respondent, still holding the firearm, told BRU that he was going to go with the respondent himself out to the front of the car.

- [8] The respondent momentarily turned his back to BRU to pick up a phone from a nearby table, at which point BRU attacked the respondent. At that point, BRU called for help. DES entered the room, and they removed the firearm from the respondent. JAC entered the room and attempted to assist by holding the respondent's legs. During the altercation, the respondent kicked JAC in the mouth, causing her severe damage. Several of JAC's teeth were pushed backwards at a 90-degree angle and her lip was split. She also had a swollen ankle and was in a wheelchair for three days. At that point, the relative of the respondent entered the property and the disturbance continued with that relative aiding the respondent. During the scuffle, a great mess was caused in the room of the property. Ultimately, DES and BRU have forcibly ejected the respondent and the member of the respondent's family. The respondent then entered a vehicle waiting outside, which was then driven away.
- [9] Following the incident, JAC attended the Toowoomba Base Hospital, where the damage was unable to be rectified. She then attended the PA Hospital where she received stitches to her lip and surgery for her palate and teeth. The procedures required her teeth to be wired for four to six weeks, during which time she could only eat pureed food.
- [10] The alleged possession of dangerous drugs occurred later that day. Police attended the property where they located a small clip-seal bag containing less than one gram of crystals within a phone case. The allegation is that the substance is methylamphetamine. As to the allegations of receiving tainted property and possession of explosives, police officers also found the firearm which contained a live shotgun cartridge in the chamber. No .410 ammunition or shotgun ammunition of any kind was stolen when the firearm was stolen. Neither the respondent nor his relative have firearms licences and have unlawfully obtained this ammunition at some point. The alleged offending with respect to stealing concerns the residents of the property, who kept two car keys and two house keys on a lanyard within the dwelling. Since this incident occurred, they have been unable to locate the lanyard with keys or a wallet, indicating the property was taken by the respondent or the other person at some point during the incident.
- [11] On 23 September 2025 at around 1.00 am, the respondent was located and arrested at the Toowoomba Base Hospital for an unrelated matter. The respondent remained under police supervision at the hospital for treatment.
- [12] On 24 September 2025 at around 4.30 pm, the respondent was transported from the hospital to the Toowoomba Watchhouse. At the Watchhouse the respondent's property was searched. Police located a small clip-seal bag containing the white crystal substance that appeared to be methylamphetamine. The clip-seal bag was in pants worn by the respondent. The clip-seal bag and contents weighed approximately 0.69 grams.
- [13] The respondent contests some of the allegations arising from the charges alleged to have occurred on 22 September 2025. He accepts the case of possessing methylamphetamine on 22 September 2025 is a relatively strong. He also accepts that the further charge of possessing methylamphetamine on 24 September 2025 is a strong case. Both offences of possession are serious. They attract a maximum penalty,

as I have said, of 15 years. So far as the balance of the allegations are concerned for 22 September 2025, it is accepted by the respondent that the case meets the prima facie test and ultimately will turn upon issues of credibility. That, of course, works both ways.

- [14] On 23 September 2025, police arrested and charged the respondent in respect to the first nine offences, being charges 1 to 9. On 24 September 2025, the respondent was charged with charge 10. The final charges, charges 11 to 17, were laid on 30 October 2025. The respondent was in custody from 23 September 2025 until 19 February 2026, when he was released on, over police objection, parole. The parole was subject to the following conditions:
- (a) That the respondent must live at an address at Harristown with his maternal grandparents.
 - (b) A curfew between the hours of 9.00 pm to 5.00 am.
 - (c) The respondent not contact BRU, DES, JAC or the person I have referred to as a member of his family.
 - (d) The respondent must not go within 100 metres of a certain address in Wilsonton.
 - (e) That the respondent is prohibited from drinking alcohol, sniff or using any intoxicating substances or illegal drugs.
 - (f) The respondent must comply with a conditional bail program and must be fitted with and wear an electronic monitoring device.

The nature of the review under s 19B

- [15] Section 19B of the *Bail Act* provides a statutory right to review of a decision about release. It is unnecessary to identify a specific error below. The principles governing appellate interference with the exercise of discretion have no application here. The hearing is *de novo*.
- [16] It follows that this court may exercise afresh the discretion granted by the *Bail Act* and as here varied by the *Youth Justice Act 1992* (Qld) (***Youth Justice Act***). The court may make any order it considers appropriate subject to certain provisions of the *Bail Act* and the *Youth Justice Act*. This court therefore exercises afresh the discretion granted by the *Bail Act* to grant bail. No error need be shown in the decision below as would need to be shown at a review in the nature of an appeal by way of rehearing. The court may receive additional evidence on review.
- [17] The respondent was not in a show cause position before the learned magistrate. That remains the position here. For present purposes, the relevant statutory provisions are the statutory matters set out in sections 48, 48AAA and 48AA of the *Youth Justice Act*, to be supplemented by a further provision which I will come to shortly.
- [18] By s 48(2), the court must decide to release the child unless it is required under the *Youth Justice Act* to keep the child in custody or exercising a discretion under the *Youth Justice Act* or another Act to keep the child in custody.
- [19] Under s 48AAA(2) the court must decide to keep the child in custody if satisfied:

- “(a) if the child is released, there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person; and
- (b) it is not practicable to adequately mitigate that risk by imposing particular conditions of release on bail.”

[20] Section 48AAA(3) provides that the court may decide, in other words there is a discretion, to keep the child in custody if satisfied:

- “(a) the child will not surrender into custody in accordance with a condition imposed on the release or a grant of bail to the child; or
- (b) the child will commit an offence other than an offence mentioned in subsection (2)(a);” that is, an offence that endangers the safety of the community or the safety or the welfare of a person, “or
- (c) the child will interfere with a witness or otherwise obstruct the course of justice, whether for the child or another person.”

[21] Section 48AA(1) applies if the court is making any of the decisions provided for in the subsection in relation to a child in custody in connection with a charge for an offence. The relevant subsections are:

- “(a) whether there is an unacceptable risk of a matter mentioned in section 48AAA(2);
- (b) whether there is an unacceptable risk of a matter mentioned in section 48AAA(3);
- (c) whether to release the child despite being satisfied there is an unacceptable risk of a matter mentioned in section 48AAA(3);
- (d) whether to release the child without bail or grant bail to the child”.

[22] Section 48AA(3) requires the court, in making any of these decisions, to have regard to the sentence order or other order likely to be made if the child is found guilty. For the purposes of this application, the respondent accepts that if found guilty, any potential detention will exceed the 154 days already spent in custody and could extend beyond 12 months.

[23] Section 48AA(4)(a) provides that in making the decision mentioned or a decision mentioned in s 48AA(1), the court may have regard to the following matters:

- “(i) the nature and seriousness of the alleged offence;
- (ii) the child’s criminal history and other relevant history, associations, home environment, employment and background;
- (iii) the history of a previous grant of bail to the child;
- (iv) the strength of the evidence against the child relating to the alleged offence,” a matter which I have already referred to,

- “(v) the child’s age, maturity level, cognitive ability and developmental needs;
- (vi) whether a parent of the child, or another person, has indicated a willingness to the court or police officer that the parent or other person will do any of the following things—
 - (A) support the child to comply with the conditions imposed on a grant of bail;
 - (B) notify the chief executive or a police officer of a change in the child’s personal circumstances that may affect the child’s ability to comply with the conditions imposed on a grant of bail; and
 - (C) notify the chief executive or a police officer of a breach of the conditions imposed on a bail.”

[24] For the purposes of subsection (vi), the respondent’s grandfather has indicated a willingness to do that. That is not challenged by the applicant.

- “(vii) If the child is an Aboriginal person or Torres Strait Islander—a submission made by a representative of the community justice group in the child’s community, including, for example, a submission about—
 - (A) the child’s connection with the child’s community, family or kin; or
 - (B) cultural considerations; or
 - (C) considerations relating to programs and services established for offenders in which the community justice group participates”.

[25] On this matter there are no submissions, but the respondent has been exposed to his cultural heritage, First Nations, through his grandfather. Finally,

“(viii) any other relevant matter.”

[26] There are further matters the court may have regard to for a decision whether to release the child without bail or grant bail with a condition. They are in s 48AA(4)(b) and include:

- “(ii) the desirability of strengthening and preserving the relationship between the child and the child’s parents and family;
- (iii) the desirability of not interrupting or disturbing the child’s living arrangements, education, training or employment;
- (iv) the desirability of minimising adverse effects on the child’s reputation that may arise from being kept in custody;

- (v) the child’s exposure to, experience of and reaction to trauma;
- (vi) the child’s health, including the child’s need for medical assessment or medical treatment;
- (vii) for a child with a disability—the disability and the child’s need for services and supports in relation to the disability; and finally
- (viii) if the child is an Aboriginal person or a Torres Strait Islander—the desirability of maintaining the child’s connection with the child’s community, family and kin”, consistent with the matter I have mentioned earlier.

[27] As Davis J observed in *Iordache v DJM* [2023] QSC 134, questions arise as to whether or not an offence endangers the safety of the community or safety and welfare of a person. This issue was considered by Henry J in both *Re: JTL* [2021] QSC 211 and *Re: JOD* [2022] QSC 260.

[28] In *Re: JTL*, Henry J explained that a burglary and the unlawful use of a motor vehicle is offending of a nature which endangers the safety of the community. This, his Honour explained, was because of the risk of violence occurring:

“... between the juvenile and victim residents, and because vehicles being unlawfully used by untrained children drivers are at risk of crashing and doing injury.”

[29] On this statement Davis J in *Iordache* said, at [16]:

“The statements of his Honour [Henry J] were put to me as if they were principles of law; that, as a matter of law, offences of burglary and unlawful use of motor vehicles are offences “which endanger the safety of the community”. It seems to me that his Honour’s comments were far more factually based. Experience tells the courts that those type of offences often, as a matter of fact, give rise to the relevant dangers. There may of course be offences of that genre where there is, as a matter of fact, no danger to the safety of the community.”

[30] These considerations are relevant only to the mandatory requirements of section 48AAA(2)(a), that is, “the court must decide to keep the child in custody if satisfied there is an unacceptable risk that the child will commit an offence that endangers the safety of the community or the safety or welfare of a person.” There remains a discretion to keep a child in custody if there is an unacceptable risk that the child will commit an offence.

[31] The applicant also referred to s 52AA(1). It provides that a court “may under s 52A(2) impose on a grant of bail to a child a condition that the child must wear a monitoring device while released on bail (a ‘monitoring device condition’). Unlike s 16(2A) of the *Bail Act*, s 52A(2)(a) and (b) permits the court to impose a monitoring device condition in assessing risk under section 48AAA(2)(a) or (3) if the condition is necessary to mitigate the risk. Section 52AA(3)(f) also requires the court to be satisfied in addition to being satisfied of the matters in s 52A(2) that imposing the monitoring device condition is appropriate having regard to a number of matters,

including, by s 52AA(f)(ii), the “child is likely to comply with a condition ... having regard to the personal circumstances of the child”.

Consideration

- [32] It is accepted the offences for which the respondent is charged are serious. In my view, they are offences which endanger the safety of the community and the safety and welfare of a person by reason of their factual basis: possession of firearms, shortening firearms and the circumstances, even accepting they are contested, of the events of 22 September 2025.
- [33] The respondent has had a troubled childhood. These troubles include being subject to Child Protection intervention since his birth, exposure to domestic violence and substance abuse, witnessing his father overdose and medical conditions the respondent has suffered, including post-traumatic stress disorder, foetal alcohol spectrum disorder, for which he has received recently, upon release, access to the NDIS. The respondent, as I have mentioned, has the support of his maternal grandparents, and through this grandfather has been introduced to his cultural heritage.
- [34] The respondent’s criminal history is, however, appalling. The respondent has previously committed offences which in my view meet the description of endangering the safety of the community. These have been mentioned. The respondent has been convicted of 217 offences and has been diverted by police in relation to a further 19 offences.
- [35] The respondent has been subject to 21 prior bail undertakings with the following special conditions: a residential condition on 21 prior occasions, a 24-hour curfew condition on three prior occasions, curfew conditions on 15 prior occasions, a no-contact condition on 12 prior occasions, conditions not to attend particular places on five prior occasions, conditions to attend school on four prior occasions, and a conditional bail program on six occasions.
- [36] In relation to bail compliance, the respondent has been compliant with 50 of the 133 curfew checks (38 per cent) conducted from 2 April 2020 to 5 March 2026. The courts have sentenced the respondent for contravening stringent bail conditions with 10 convictions for a breach of bail and seven failures to appear in accordance with an undertaking. The respondent has had the benefit of supervision by Youth Justice and diversions from the criminal justice system over a lengthy period of time.
- [37] Despite all this, he has continued to offend in a way which has endangered the community’s safety. That is the submission advanced by the applicant. I accept it.
- [38] The respondent has been re-sentenced for one breach of an intensive supervision order, four breaches of a probation order and one breach of a restorative justice order. The applicant invites me to accept that the respondent has demonstrated a complete disregard for court orders. I accept this. While he was not in a show-cause position when the current offences were committed, the offending is alleged to have occurred while the respondent was under two conditional release orders and probation.
- [39] The respondent has also been instructed to charge his electronic monitoring device on four occasions and has smashed his phone thus hindering the ability of

stakeholders to contact him. There is some evidence that there were issues with the electronic monitoring device. I do not however as a matter of fact need to resolve these matters for reasons I will explain shortly.

- [40] As I have said, on a review under s 19B of the *Bail Act*, the court is entitled to receive additional evidence not before the magistrate. I have done so here. This evidence comprises the respondent's conduct since being released from custody on 19 February 2026. It also includes the recent approval by the NDIS to deal with his condition which I have outlined.
- [41] The submission is advanced that the respondent has not been charged with breaching bail since his release on 19 February 2026, one month, and that he has, therefore, been compliant for one month. It must however also be said that the respondent also had surgery on about 25 February 2026, which was sufficiently serious to excuse him from participating in Youth Justice programs until 11 March 2026. Indeed, at some point, it is unknown precisely when, he received notice of this review, but it is maintained that the respondent has been compliant for at least two weeks. This, it was submitted, was a significant period of time.
- [42] I have referred to the strength of the case. It must be accepted that on a bail application, only a preliminary assessment of the evidence is possible, and that turns on the complainant's evidence. The respondent accepts that much will ultimately turn upon whether a jury is satisfied of the account of the complainant. That does not, in my view, make it a weak case.
- [43] Consideration of juvenile bail requires, as with adult bail, a consideration of risk. A much more benevolent approach is to be taken for juveniles. That is reflected in the broader considerations of s 48AA of the *Youth Justice Act*. It is a significant consideration that I am dealing with a 16-year-old and a person with limited maturity and from a disadvantaged background, and I bear this in the forefront of my mind, and the other aspects favourable to him, to which I have referred to by reference to the section and otherwise in these reasons.
- [44] The problem, however, is the respondent's repeated pattern of behaviour. To paraphrase Henry J in *Re: JTL* at [7], there does come a point in time when the interests of the community and the safety of the community trumps the specific interests of the community in treating juveniles with care and avoiding their incarceration whilst awaiting trial, committal or sentence.
- [45] Section 48AAA of the *Youth Justice Act* contemplates that if satisfied, if the child is released, there is an unacceptable risk that the child will commit an offence that endangers the safety of the community, and that it is not practicable to adequately mitigate that risk by imposing particular conditions, then the court must decide to keep the child in custody.
- [46] Given the apparent repeat pattern of offending represented by the offences which were the subject of the grant of bail, and the respondent's criminal history, there is an unacceptable risk the respondent will commit further like offences, and that because of their nature, they are intrinsically offences that endanger the safety of the community. Further, and in any event, as a matter of discretion, there is, in my view, an unacceptable risk the respondent will commit other offences.

- [47] It remains to be considered, as was urged by the respondent's counsel, the court can have confidence it is practicable to impose conditions on the release of bail which mitigate the risk of endangering the community by reoffending to an acceptable level. Justice Davis in *Iordache* at [13] considered the court must consider this on review.
- [48] I do not however consider there to be any acceptable conditions. The current offending, as I have mentioned, occurred when the respondent was subject to two 18-month probation orders and a detention order served by a conditional release order. The respondent has demonstrated a complete disregard for court orders. He has been sentenced for contravening bail conditions with 20 convictions for breach of bail and seven failures to appear.
- [49] To the extent it is relevant, I am not satisfied the respondent is likely to comply with any condition of wearing an electronic monitoring device. While his release from bail on 19 February 2026 is the first time he has been fitted with such a device, his consistent disregard for court orders are such that I do not think, having regard to his personal circumstances, he will comply with the condition. This includes a history of contravening bail conditions, including 24-hour curfews, which, as the applicant submits and I accept, has not worked.
- [50] In making this finding, I do not make any finding as to whether any reported issues with the electronic monitoring device, the subject of Ms Heatherington's affidavit sworn on 18 March 2026, are right or wrong.
- [51] I also accept, as the applicant invites me to, that the respondent's current address is not suitable because he has resided there for some years and has, during that period, offended repeatedly. That is not intended to disparage his grandparents.
- [52] It is difficult not to have considerable sympathy for the respondent; he has been let down by his parents. However, when considering the safety of the community, in my view, no conditions can be imposed which would adequately mitigate the unacceptable risk the respondent will commit offences that endanger the safety of the community or safety or welfare of a person or commit other offences and the grant of bail should be set aside.
- [53] I therefore order that the grant of bail made on 19 February 2026 be set aside and the respondent be remanded in custody.