

# ***Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment (Postponement) Regulation 2017***

Explanatory notes for SL 2017 No.189

made under the

*Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016*

## **General Outline**

### **Short Title**

This regulation may be cited as the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment (Postponement) Regulation 2017*.

### **Authorising law**

Section 2 of the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016*

Section 15DA of the *Acts Interpretation Act 1954*

### **Policy objectives and the reasons for them.**

Section 15DA of the *Acts Interpretations Act 1954* provides that where an Act is to commence by proclamation but is not proclaimed, it automatically commences one year and one day after assent. However, a regulation may extend this automatic commencement date for up to 12 months.

On 3 November 2016, the Queensland Parliament passed the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016* (the Amendment Act 2016) to amend the age that a person can be charged as an adult from 17 to 18 years of age, with the legislation to commence by proclamation. The Amendment Act 2016 received assent on 11 November 2016, and is therefore due to automatically commence on 12 November 2017.

To ensure the Queensland Government can safely deliver on its commitment to include 17-year-olds in the youth justice system, it is proposed the automatic commencement of the Amendment Act 2016 be delayed until 12 February 2018.

This temporary delay will allow for key initiatives to be in operation upon commencement, to ensure community safety, and the safety of children and staff in youth justice, especially in youth detention.

## **Achievement of policy objectives**

In accordance with Section 15DA of the *Acts Interpretation Act 1954*, the proposed Regulation will delay the period before automatic commencement of the Amendment Act 2016 to the end of 11 February 2018. Automatic commencement will therefore occur on 12 February 2018.

## **Consistency with policy objectives of authorising law**

The proposed Regulation is consistent with the main objectives of the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Act 2016* ensuring safety of children and staff in Youth Justice is paramount.

## **Inconsistency with policy objectives of other legislation**

The proposed Regulation does not present any inconsistencies with policy objectives of other legislation.

## **Benefits and costs of implementation**

The proposed Regulation does not involve any additional costs.

## **Consistency with fundamental legislative principles**

The proposed Regulation is consistent with fundamental legislative principles.

## **Consultation**

Consultation on postponing the Amendment Act 2016 has been undertaken with the relevant government agencies who are supportive of a delayed commencement.