

Proclamation - Justice and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 166

Made under the

Justice and Other Legislation Amendment Act 2023

General Outline

Short title

Proclamation commencing specified provisions of the *Justice and Other Legislation Amendment Act 2023*

Authorising law

Section 2 of the *Justice and Other Legislation Amendment Act 2023*

Policy objectives and the reasons for them

The objective of the proclamation is to commence the provisions of the *Justice and Other Legislation Amendment Act 2023* (the JOLA Act) that provide for the better recognition of the destruction of the life of unborn children as a result of offences committed in relation to a pregnant person. The provisions commenced by the proclamation:

- enable an indictment for an offence committed in relation to a pregnant person that allegedly resulted in destroying the life of the person's unborn child to state the name of the unborn child, or a description of the unborn child;
- require the court, in determining the appropriate sentence for an offender or child convicted of a relevant serious offence committed in relation to a pregnant person that resulted in destroying the life of the unborn child, to treat the destruction of the unborn child's life as an aggravating factor, unless the court considers it is not reasonable because of the exceptional circumstances of the case;
- expand the definition of victim for the purpose of the Charter of victims' rights, how prescribed persons deal with victims under the *Victims of Crime Assistance Act 2009*, and victim impact statements under the *Penalties and Sentences Act 1992*; and
- expand eligibility for funeral expense assistance to include the funeral of an unborn child of a primary victim of an act of violence if, as a direct result of the act of violence, the life of the unborn child is destroyed.

Achievement of policy objectives

The policy objective is achieved by fixing the commencement date of 1 December 2023 for the specified provisions of the JOLA Act.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the JOLA Act.

Inconsistency with policy objectives of other legislation

The proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

Commencing the specified provisions of the JOLA Act will provide for the better recognition of the destruction of the life of unborn children as a result of offences committed in relation to a pregnant person.

The commencement of the provisions is not expected to present any significant additional administrative or capital costs for government.

Consistency with fundamental legislative principles

The proclamation is consistent with fundamental legislative principles.

Consultation

An Impact Analysis Statement has been completed that identifies that the proclamation is not subject to regulatory impact assessment requirements under the Queensland Government Better Regulation Policy as it is a regulatory proposal that is machinery in nature commencing provisions of the JOLA Act.