

# Proclamation – *Making Queensland Safer Act 2024*

Explanatory notes for SL 2025 No. 10

Made under the

*Making Queensland Safer Act 2024*

## General Outline

### Short Title

Proclamation commencing certain remaining provisions of the *Making Queensland Safer Act 2024*.

### Authorising law

Section 2 of the *Making Queensland Safer Act 2024*.

### Policy objectives and the reasons for them

On 13 December 2024, the *Making Queensland Safer Act 2024* (the Act) received assent. Section 2 of the Act provides for the commencement of Part 3 and Part 4, Division 3 on a day to be fixed by proclamation.

This proclamation fixes 28 February 2025 as the day for commencement of the following provisions of the Act which will provide for amendments to the Criminal Code and *Youth Justice Act 1992*:

- Part 3 – Amendment of Criminal Code;
- Part 4, Division 3, Sections 39 to 53 (inclusive) - Amendment of the *Youth Justice Act 1992*;
- Part 4, Division 3, Section 58, but only the insertion of new sections 438, 438A, 438B, 438C and 439 - Amendment of the *Youth Justice Act 1992*; and
- Part 4, Division 3, Section 59(1) which relates to the definition of a criminal history in Schedule 4 of the *Youth Justice Act 1992*.

The commencement of these provisions will:

- enable childhood findings of guilt to be admissible for a circumstance of aggravation relating to previous convictions for offences of dangerous operation of a motor vehicle (section 328A of the Criminal Code) in certain circumstances;
- ensure a child’s criminal history reflects their full history including by inserting a definition of criminal history of a child into the *Youth Justice Act 1992* which includes cautions, restorative justice agreements and contraventions of a supervised release order and a community based order; and

- enable a person’s child criminal history to be admitted when sentenced as an adult for a period of five years from the date of the outcome for the last childhood offence.

Other consequential amendments to the *Youth Justice Act 1992* and Criminal Code to achieve these objectives are commenced by the Proclamation, including to remove references to cautions not forming part of a child’s criminal history, and require, where relevant, for children to be informed that certain outcomes will form part of their criminal history.

## **Achievement of policy objectives**

The policy objective is achieved by fixing 28 February 2025 as the commencement date for certain remaining provisions of the Act.

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

The Proclamation is consistent with the policy objectives of the authorising law.

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

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

## **Alternative ways of achieving policy objectives**

There are no alternative means to achieve the policy objectives.

## **Benefits and costs of implementation**

Commencing certain remaining provisions of the Act will have benefits by enabling a court sentencing children and adults to have a more complete understanding of the offender’s criminal history and to be better placed to frame more appropriate sentences.

Government will monitor demand and the impacts of the legislative amendments. Any cost impacts will be dealt with as part of normal budget processes.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*.

## **Consultation**

As the Proclamation is machinery in nature, no external consultation has been undertaken in relation to the Proclamation.

As the Proclamation is minor and machinery in nature, no regulatory impact analysis is required under the *Queensland Government Better Regulation Policy*.