

Proclamation – *Making Queensland Safer Act 2024*

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (the HR Act), I, the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity, provide this human rights certificate with respect to the proclamation made under the *Making Queensland Safer Act 2024* (the Act).

In my opinion, the Proclamation as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Proclamation commences certain provision of the Act. The provisions commenced by Proclamation amend the Criminal Code and the *Youth Justice Act 1992* to:

- 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.

The Proclamation fixes the commencement date of 28 February 2025.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

I have considered each of the rights protected by part 2 of the HR Act. The Human Rights Statement of Compatibility tabled with the Making Queensland Safer Bill 2024, as it relates to the contents and admissibility of child criminal histories continues to apply. As noted in the Statement of Compatibility, while these amendments will impose limitations on human rights,

the nature of the limitations are minor in scope, and arise within a broader exercise of judicial discretion.

In my opinion, the proclamation to commence these provisions does not engage or limit human rights.

Conclusion

I consider that the Proclamation is compatible with the HR Act because it does not limit human rights.

Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity

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