



Sentencing children in Queensland

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In Queensland, the criminal justice system treats children differently to adults. The purpose of dealing with children differently is to acknowledge that children have different maturity levels to an adult and may not have the same life experience, mental capacity and legal understanding to make adult-like decisions.

The *Youth Justice Act 1992* (Qld) outlines how children under the age of 18 years are to be sentenced in Queensland.

What sentence options are available to young offenders?

The *Youth Justice Act* outlines a number of different penalties that a court may consider imposing when determining the appropriate penalty for a child.

These options include:

- **Cautions** – if the court determines that the police should have administered a caution, the magistrate can make such an order instead;
- **Reprimand** – the court can formally warn the child;
- **Good behaviour order** – the court can order that the child be subject to a period of good behaviour and not to commit a further offence during the particular period of time;
- **Fine** – the court can order that a child pay a fine (if they have the capacity to pay);
- **Graffiti removal order** – the court can order that a child remove either their own graffiti or do other work to remove graffiti to clean up a neighbourhood or place;
- **Restorative justice order** – the court can order that a child participate in a mediation-like process, called a [restorative justice conference](#), to discuss the impact of breaking the law on the community and/or complainant person;

- **Probation order** – the court can order that a child be subject to a supervisory order with a focus on rehabilitation and support while they continue to live in the community;
- **Conditional release order** – if a child is sentenced to detention, the court may decide to not send the child into detention immediately. This means the child can be released into the community on strict conditions without actually serving time in detention;
- **Detention** – the court can order that the child be sentenced to detention at a Youth Detention Centre.

When does a court record a criminal conviction for a child?

If a child is being sentenced for an offence before the court, the magistrate or judge will have to decide whether they should record a conviction against the child.

The court will have to consider the following factors when sentencing a young offender:

- the child's age;
- any previous convictions of the child;
- the nature, seriousness and type of offence committed by the child; and
- how a conviction may affect the child's prospect of rehabilitation and any detrimental impact on their future employment.

If a criminal conviction is recorded against a child, this will not form part of their [adult criminal history](#).

Will my child's court proceedings be confidential?

Generally, the media cannot publish or identify the identity of a child unless particular exceptions can be met by an applicant, such as a media organisation. The matters being heard in the Children's Court are closed court proceedings.

Put simply, in contrast to the adult courts, members of the public or media are not permitted in the courtroom unless a magistrate has ordered otherwise.

Choosing a criminal lawyer to represent your child

The lawyers at Gilshenan &Luton have expertise in the specialised and complex area of youth crime law and can provide representation for your child or a child you care for at any stage of a criminal matter.

The legal system can be an intimidating and confronting process, especially for a child. It is vital that you obtain advice and assistance from knowledgeable lawyers with expertise in this area at the earliest opportunity.

Contacting Gilshenan &Luton Criminal Defence Lawyers

[07 3361 0222](tel:0733610222) (24/7)

gnl@gnl.com.au

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