



Significant changes to youth justice laws in Queensland

Date: Monday January 13, 2025

On 13 December 2024, the Queensland Parliament passed the *Making Queensland Safer Act 2024 (MQS Act)*, introducing significant amendments to the *Youth Justice Act 1992 (YJ Act)* and the *Childrens Court Act 1992 (Childrens Court Act)*.

These changes mark a major shift in the way the justice system approaches young offenders, with some amendments already in effect and others set to come into force in 2025.

Key changes to the *Youth Justice Act 1992*

1. Equal penalties for children and adults for specified offences

Previously, child offenders were exposed to lesser maximum penalties, usually half of those applicable to adults. One of the most significant changes is the application of adult penalties to children who commit certain serious offences.

Under the MQS Act, children who commit crimes such as murder, manslaughter, robbery, dangerous operation of a vehicle, and several others will face the same maximum, mandatory, and minimum penalties as adults.

Some examples of the impact the new legislation will have on young offenders include:

- **Murder:** mandatory life detention with a minimum non-parole period of 20 years (25 years for the murder of a police officer or 30 years for multiple murders).

- **Serious offences:** offences such as grievous bodily harm, wounding, and robbery will result in extended detention periods, with probation orders up to three years.
- **Community Service Orders:** certain offences committed in public while intoxicated may lead to mandatory community service orders in addition to any other sentence.

1. Removal of the principle of 'detention as a last resort'

The MQS Act has also removed the principle of '*detention as a last resort*' from the YJ Act. This means that courts are no longer required to consider detention as a last resort when sentencing children for offences.

The court must, however, now consider the impact of the offence on the victim. The amendment reflects that this is now a primary factor for a Magistrate or Judge sentencing a child.

1. Changes to the transfer of detainees over 18

Under the new rules, detainees who turn 18 while in youth detention centres will now automatically be transferred to adult corrective services facilities. The decision to transfer a detainee can still be reviewed by the chief executive, but there will be no right to appeal the transfer (unless by judicial review), marking a shift towards more streamlined adult custodial procedures for young offenders.

Key Changes to the *Childrens Court Act 1992*

The MQS Act also introduced significant amendments to the *Childrens Court Act 1992*, impacting the rights of victims and the media in youth criminal proceedings. As of 13 December 2024:

Victims relatives in court

Relatives of victims (even where the victim is not deceased) can now attend criminal proceedings.

Exclusion orders

The court's ability to make exclusion orders preventing victims' representatives or media from attending hearings has been removed, except in limited cases where it's necessary for the safety of individuals or the proper administration of justice.

These changes are said to increase transparency and provide victims and their families with greater access to proceedings, ensuring they can be more directly involved in the criminal justice process.

Youth justice legislative amendments yet to be implemented

While the amendments discussed above are already in effect, several provisions of the MQS Act are still being finalised. These will come into effect by proclamation in 2025.

Some of the anticipated changes include:

Juvenile criminal history records

Police cautions, [restorative justice agreements](#), and breaches of community-based sentences will be included in a child's criminal history, which will remain accessible even once they are sentenced as an adult. This also extends to childhood findings of guilt that may affect sentencing for dangerous operation of a vehicle or other aggravating offences.

Automatic registration for victims

Victims and their families will no longer have to apply to be placed on the eligible persons register to receive updates about an offender's custodial status. They will be automatically included unless they choose to opt-out. This change will make it easier for victims to stay informed about the status of offenders who harmed them or their loved ones.

Conclusion

The *Making Queensland Safer Act 2024* represents a significant shift in the way Queensland's justice system handles young offenders.

With stricter penalties for serious crimes, the removal of the principle of detention as a last resort, and more transparency for victims, these changes by the Queensland government are said to increase accountability and protect the community.

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.

If you have questions about how these changes could affect your legal situation or require advice on matters related to youth justice, contact our experienced legal team today. We are here to help guide you through these changes and ensure that your rights are protected in this new legal environment.

Contacting Gilshenan &Luton Lawyers

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