

# Making Queensland Safer Bill 2024

Amendments during consideration in detail to be moved by  
The Honourable the Attorney-General and Minister for Justice and Minister  
for Integrity

## 1 **Clause 19 (Insertion of new s 175A)**

Page 18, lines 3 to 6—

*omit, insert—*

- (b) order that the child be detained for a period not more than—
  - (i) if the court is not constituted by a judge—3 years; or
  - (ii) if the court is constituted by a judge—the maximum term of imprisonment that an adult convicted of the offence could be ordered to serve.

## 2 **After clause 22**

Page 21, after line 4—

*insert—*

### **22A Amendment of s 186 (Reference of case to Childrens Court judge for sentence)**

Section 186(3), after ‘section 175’—

*insert—*

or 175A

## 3 **After clause 25**

Page 21, after line 28—

*insert—*

### **25A Amendment of s 214 (Limitation on cumulative orders)**

Section 214—

*insert—*

- (1A) Subsection (1B) applies if a court constituted by a Childrens Court magistrate—
  - (a) makes 1 or more detention orders under section 175 and 1 or more detention orders under section 175A against a child on the same day or in the same proceedings; or
  - (b) makes 1 or more detention orders under section 175A against a child on the same day or in the same proceedings.
- (1B) The court is not to direct that a detention order be served cumulatively with another of the detention orders if the total period of the detention orders would exceed 3 years.

**4 Clause 26 (Amendment of s 227 (Release of child after service of period of detention))**

Page 22, lines 8 to 12—

*omit, insert—*

- (3A) If a court orders a child to serve a period of detention under section 175A—
  - (a) subsections (1) to (3) do not apply; and
  - (b) the court must order the child to be released from detention after serving the proportion of the period of detention that the court considers appropriate, subject to any requirement under the Criminal Code mentioned in section 175A(5) that relates to the offence.

**5 After clause 29**

Page 23, after line 11—

*insert—*

**29A Amendment of s 249 (Matters relevant to making further order)**

Section 249—

*insert—*

- (2A) If the community based order is a community service order made under section 175A(9), the court need not, when resentencing the child for the offence for which the order was made, make another community service order.

**29B Amendment of s 252D (General options available to a Childrens Court magistrate on chief executive's application)**

- (1) Section 252D(4) and (5), '1 year'—

*omit, insert—*

the prescribed period

- (2) Section 252D—

*insert—*

- (6) In this section—

***prescribed period*** means—

- (a) for a sentence imposed under section 175A—3 years; or  
(b) otherwise—1 year.

**29C Amendment of s 252E (General options available to a court if child found guilty of indictable offence)**

- (1) Section 252E(3)(b) and (c), '1 year'—

*omit, insert—*

the prescribed period

(2) Section 252E(6)—

*insert—*

***prescribed period*** means—

- (a) for a sentence imposed under section 175A—3 years; or
- (b) otherwise—1 year.

**6 Clause 38 (Amendment of sch 4 (Dictionary))**

Page 37, lines 10 to 12—

*omit.*

**7 Clause 38 (Amendment of sch 4 (Dictionary))**

Page 37, lines 16 to 18—

*omit.*

**8 Clause 39 (Insertion of new s 6)**

Page 38, lines 15 to 22—

*omit, insert—*

- (d) all decisions, findings and orders made, and actions taken, by a court, Childrens Court judge, Childrens Court magistrate or other judicial officer—
  - (i) under section 245, 246 or 246A in relation to the child's contravention of a community based order; or
  - (ii) under section 247 on an application made by the child or the chief executive in relation to a community based order made against the child; or
  - (iii) under section 252D, 252E or 252F in relation to the child's contravention of a supervised release order.

**9 Clause 39 (Insertion of new s 6)**

Page 38, after line 29—

*insert—*

(4) In this section—

**action** includes a decision to take no further action.

**child—**

(a) in relation to a child against whom a community based order has been made, see section 236; and

(b) for a child on release from detention under a supervised release order, see section 252A.

**10 Clause 50 (Amendment of s 150 (Sentencing principles))**

Page 43, lines 4 to 8—

*omit, insert—*

**50 Amendment of s 150 (Sentencing principles)**

(1) Section 150(3)(e), as renumbered by this Act, ‘previous offending’—

*omit, insert—*

criminal

(2) Section 150, as renumbered by this Act—

*insert—*

(8A) Without limiting the matters a court may have regard to in sentencing a child for an offence, the court may have regard to any relevant matter on the child’s traffic history under the *Transport Operations (Road Use Management) Act 1995*.

**11 Clause 58 (Insertion of new ss 438–440)**

Page 48, line 10 to page 50, line 18—

*omit, insert—*

**58 Insertion of new ss 438–440**

After section 437—

*insert—*

**438 Admissibility and use of childhood criminal histories in sentencing adults**

- (1) This section applies in relation to a proceeding against an adult for an offence.
- (2) The former Act applies to a proceeding for an appeal from a sentence that happened before the commencement.
- (3) Subject to subsection (2) and section 438A, the new Act applies in relation to a proceeding for an offence—
  - (a) whether the proceeding was started before, or is started after, the commencement of this section; or
  - (b) whether the offence was committed before, or is committed after, the commencement of this section.
- (4) In this section—

*former Act* means this Act as in force immediately before the commencement of the amending Act, part 4, division 3.

*new Act* means this Act as in force from the commencement of the amending Act, part 4, division 3.

**438A Admissibility of childhood findings of guilt against an adult for particular purposes**

- (1) New section 148B applies to a proceeding

before a court in relation to an offence under the Criminal Code, section 328A only if the offence is committed after the commencement.

(2) In this section—

*new section 148B* means section 148B as in force from the commencement of the amending Act, part 4, division 3.

### **438B Application of new s 150**

(1) New section 150(3)(e) and (8A) applies in relation to the sentencing of a child for an offence—

(a) whether the offence was committed before, or is committed after, the commencement of this section; or

(b) whether the finding of guilt against the child for the offence occurred before or after the commencement of this section.

(2) In this section—

*new section 150(3)(e) and (8A)* means section 150(3)(e) and (8A) as in force from the commencement of the amending Act, part 4, division 3.

### **438C Application of new s 150A**

(1) New section 150A(2)(c)(i) and (3)(e) applies in relation to the sentencing of a child for a prescribed indictable offence—

(a) whether the offence was committed before, or is committed after, the commencement of this section; or

(b) whether the finding of guilt against the child for the offence occurred before or

after the commencement of this section.

(2) In this section—

*new section 150A(2)(c)(i) and (3)(e)* means section 150A(2)(c)(i) and (3)(e) as in force from the commencement of the amending Act, part 4, division 3.

### **439 Criminal histories**

(1) In new section 6—

- (a) a reference to a caution does not include a caution administered to a child before the commencement; and
- (b) a reference to a finding of guilt includes a finding of guilt against a child that occurred before the commencement; and
- (c) a reference to a restorative justice agreement does not include a restorative justice agreement—
  - (i) made by a child before the commencement; or
  - (ii) made by a child on or after the commencement as a consequence of a referral of an offence for a restorative justice process that was made before the commencement; and
- (d) a reference to a decision, finding, order or action of a court, Childrens Court judge, Childrens Court magistrate or other judicial officer in relation to a community based order or a supervised release order for a child does not include a decision, finding or order



made, or action taken, before the commencement unless—

- (i) an order was made for the resentencing of the child for an offence; and
  - (ii) the court ordered that a conviction be recorded against the child in relation to the offence as part of the resentencing of the child.
- (2) New section 6 applies in relation to a person—
- (a) whether the person is a child or an adult on the commencement; and
  - (b) whether an offence committed by the person as a child was committed before, or is committed after, the commencement of this section; and
  - (c) whether a proceeding for an offence against the person as a child was started before, or is started after, the commencement of this section.
- (3) For applying section 11 of the Act in relation to a child after the commencement, a reference to a child's criminal history is taken to include any previous cautions administered to the child for an offence.
- (4) In this section—
- new section 6* means section 6 as in force from the commencement.

#### **440 Release of information to eligible persons**

New part 8, division 7 applies in relation to detainee information about a child whether the violent offence or sexual offence for which the child has been detained was

committed before or after the commencement.

## 12 Clause 59 (Amendment of sch 4 (Dictionary))

Page 50, lines 19 to 22—

*omit, insert—*

### 59 Amendment of sch 4 (Dictionary)

(1) Schedule 4—

*insert—*

*criminal history*, of a child, see section 6.

(2) Schedule 4, definition *applicant*, ‘section 282A(2)’—

*omit, insert—*

section 282BA(1)

(3) Schedule 4, definition *nominee*, ‘section 282A(4)’—

*omit, insert—*

section 282BA(3)

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