

Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025

Explanatory Notes

Short title

The short title of the Bill is the Making Queensland Safer (Adult Crime, Adult Time) Amendment Bill 2025 (the Bill).

Policy objectives and the reasons for them

The objective of the Bill is to enhance community safety by prescribing new ‘Adult Crime, Adult Time’ offences, and to make minor amendments to ensure the recently introduced Making Queensland Safer laws operate as intended.

The Making Queensland Safer Plan (the Plan) was a cornerstone of the Government’s 2024 State Election campaign. The Plan is the direct response of the Government to increasing community concern and outrage about youth offenders committing serious crimes. The Adult Crime, Adult Time sentencing scheme, introduced by the *Making Queensland Safer Act 2024* (MQS Act), is a key component of the plan. Under the scheme, young offenders are liable to the same maximum, minimum and mandatory penalties as adults for 13 specified offences.

The Bill adds a further 20 offences (including three where only certain aggravated forms of the offences are prescribed) to the existing 13 offences which are of concern to the community, following advice from an Expert Legal Panel about offences that cause most harm to individuals and to the community more broadly.

The Bill also includes a technical amendment to omit a redundant cross-reference to the *Police Powers and Responsibilities Act 2000*.

Achievement of policy objectives

To achieve its policy objectives, the Bill makes the following amendments.

Adult Crime, Adult Time

The Bill will insert new offences into section 175A of the *Youth Justice Act 1992* (YJ Act), to which the ‘Adult Crime, Adult Time’ policy will apply. The new offences are:

Criminal Code:

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| s.69 | Going armed so as to cause fear |
| s.75 | Threatening violence |
| s.306 | Attempt to murder |
| s.307 | Accessory after the fact to murder |

s.313(2)	Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the unborn child
s.320A	Torture
s.328C	Damaging emergency vehicle when operating motor vehicle
s.328D	Endangering police officer when driving motor vehicle
s.349	Rape
s.350	Attempt to commit rape
s.351	Assault with intent to commit rape
s.352	Sexual assault, if the circumstance in subsection (2) (involving any part of the mouth) or (3) (while armed, in company, or involving penetration) applies
s.354	Kidnapping
s.354A	Kidnapping for ransom
s.355	Deprivation of liberty
s.398	Stealing, if item 12 (a vehicle) or 14 (a firearm for use in another indictable offence) applies
s.412	Attempted robbery, if the circumstance in subsection (2) (armed or in company) or (3) (armed and with violence) applies
s.461	Arson
s.462	Endangering particular property by fire

Drugs Misuse Act 1986

s.5	Trafficking in dangerous drugs
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The effects of prescribing these offences in s.175A are as follows:

- If a court is sentencing a child for one of the offences, the court may order that the child be placed on probation for a period not longer than three years or detained for a period not more than the maximum penalty that an adult convicted of the offence could be ordered to serve (capped at three years if dealt with by a magistrate, an increase from one year for other offences). This lifts the maximum periods of probation and detention orders that could previously be imposed for these offences under sections 175 or 176 of the YJ Act to align the sentences that can be imposed on children with adult penalties.
- For some of the new offences, the maximum penalty for a child will increase to life detention (where that is currently only the maximum penalty if the offence is particularly heinous and involves the commission of violence against a person). For those offences, if a child is sentenced to life they will be liable to the same 15 year mandatory minimum non-parole period that applies to an adult.

- The court can still make a conditional release order under section 220 of the YJ Act, even where a mandatory sentence applies.
- A court sentencing a child for one of the offences will apply the sentencing considerations under section 150 of the YJ Act, and in sections 150A and 150B if the child is or has been declared a serious repeat offender.
- Sections 183 (Recording of conviction) and 184 (Considerations whether or not to record conviction) of the YJ Act continue to apply.
- The court can still sentence the child to a sentence order under section 175 of the YJ Act. However, the court can no longer sentence the child to a restorative justice order under sections 175(1)(da) or (1)(db) as this sentencing order is not available for adults.
- The court must still consider whether to make a court diversion referral or a presentence referral to a restorative justice process under section 163 of the YJ Act, having regard to the nature of the offence, the harm suffered by anyone because of the offence and whether the interests of the community and the child would be served by having the offence dealt with under a restorative justice process. This is because adult restorative justice conferencing is available for adult defendants.
- Before a court can impose a period of detention for one of the offences, a pre-sentence report must still be ordered and considered pursuant to section 207 of the YJ Act.
- Where a child is sentenced to detention, the court must order that the child be released from detention after serving whatever period of detention that the court considers appropriate. This means that the requirement in section 227 of the YJ Act that the child must serve 70% of the detention, unless the court orders they be released after serving 50% or more of the detention, does not apply. Rather, for consistency with sentencing of adults, the court has discretion as to the release date.
- The *Penalties and Sentences Act 1992* (PS Act), including the Serious Violent Offence scheme and indefinite sentence provisions under Parts 9A and 10, does not apply when sentencing a child for one of the offences (other than by express reference – for example, PS Act provisions about victim impact statements apply – see YJ Act s.256A).
- Where a Childrens Court magistrate sentences a child for one of these offences, the order can still be subject to a sentence review under section 118 of the YJ Act.

These amendments will apply to sentences for offences committed after commencement.

The statement of compatibility for the Bill concludes that these amendments are not compatible with the human rights protected by the *Human Rights Act 2019*, and notes that the provisions inserted by the amendments are subject to the override declaration in existing section 175A of the YJ Act. The override declaration itself (s.175A(12)), and its expiry date (five years after the commencement of subsection 175A(12)), are not affected by the amendments.

‘Opt out’ eligible persons register for victims

MQS Act s.54, which is yet to commence, alters the arrangements for the ‘eligible persons register’ under the YJ Act, through which victims of violent or sexual offences committed by a

child can receive information about the offender's custody movements, including for example any leave of absence, transfers between facilities, and release dates.

The Bill amends the YJ Act (as it will be amended by the MQS Act) to ensure that persons who are automatically registered will have the option to nominate someone else to receive information on their behalf, so that those victims can have control over the way they receive potentially triggering information.

Removal of reference to a repealed section of the Police Powers and Responsibilities Act 2000

Section 50 of the YJ Act includes a reference to a provision of the *Police Powers and Responsibilities Act 2000* (PPRA), which was repealed and not replaced when public intoxication was decriminalised. The Bill will amend section 50 to remove this section reference.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Estimated cost for government implementation

The Bill is likely to increase demand for courts, police, the legal profession, corrective services, and youth justice. The Bill may increase the amount of time that young offenders spend in detention centres and corrective services facilities, increasing demand for these facilities. The 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 Bill has been prepared with due regard to the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* (LS Act). The amendments to Adult Crime, Adult Time engage the fundamental legislative principle that legislation must have sufficient regard to the rights and liberties of individuals, including children, under section 4(2)(a) of the LS Act.

While a child's liberty may be impacted by imposing mandatory minimum non-parole periods for certain offences where a child is sentenced to life imprisonment, this is limited to specific serious offences that cause significant harm to victims in order to achieve the policy intent of holding young offenders accountable for their actions.

Three of the offences attract lower maximum penalties: going armed to cause fear, threatening violence, and deprivation of liberty (Criminal Code sections 69, 75 and 355). However, they are considered serious in this context as they are offences that cause considerable fear and psychological harm to victims, and have the potential for significant escalation of violence in the community.

Having had regard to the potential impacts on the rights and liberties of individuals, the consequences imposed by the amendments are reasonable to achieve the policy intent as they are limited to certain serious offences.

The amendments in relation to child criminal histories and the PPRA are consistent with fundamental legislative principles.

Consultation

The Expert Legal Panel conducted consultation with stakeholders.

Consultation on the proposals in the Bill will occur as part of the parliamentary committee process.

Consistency with legislation of other jurisdictions

Adult crime, adult time

The amendments related to ‘adult crime, adult time’, are specific to Queensland and not uniform with or complementary to legislation of the Commonwealth or another state.

In New South Wales, the Children’s Court must commit children’s serious indictable offences to a higher court to be dealt with ‘according to law’ under the *Crimes (Sentencing Procedure) Act 1999*. Children’s serious indictable offences are limited to the most serious offences and include offences, for example, that are punishable by up to 25 years imprisonment or life imprisonment. The Children’s Court has discretion when dealing with a child charged with an indictable offence to commit that child to a higher court to be dealt with ‘according to law’ under the *Crimes (Sentencing Procedure) Act 1999* and must consider a range of factors including the nature and seriousness of the offence. Even where a child is dealt with ‘according to law’, mandatory and minimum sentences do not apply and neither do standard non-parole periods.

Notes on Provisions

Clause 1 provides that the Act may be cited as the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Act 2025*.

Clause 2 provides that part 2, division 3 (clauses 6-9, which amend provisions to be inserted by provisions of the *Making Queensland Safer Act 2024* (MQS Act) that are yet to commence) commences immediately after the commencement of s.54 of the MQS Act.

Clause 3 provides that part 2 amends the *Youth Justice Act 1992* (YJ Act).

Clause 4 omits the reference to section 378 of the *Police Powers and Responsibilities Act 2000* from section 50(3) of the YJ Act.

Clause 5 amends section 175A of the YJ Act so that the following offences (including three that are limited to particular circumstances of aggravation) are prescribed under the Adult Crime, Adult Time sentencing scheme:

Criminal Code:

- s.69 Going armed so as to cause fear
- s.75 Threatening violence
- s.306 Attempt to murder
- s.307 Accessory after the fact to murder
- s.313(2) Assaulting a pregnant person and killing, or doing grievous bodily harm to, or transmitting a serious disease to the child
- s.320A Torture
- s.328C Damaging emergency vehicle when operating motor vehicle
- s.328D Endangering police officer when driving motor vehicle
- s.349 Rape
- s.350 Attempt to commit rape
- s.351 Assault with intent to commit rape
- s.352 Sexual assault, if the circumstance in subsection (2) (involving any part of the mouth) or (3) (while armed, in company, or involving penetration) applies
- s.354 Kidnapping
- s.354A Kidnapping for ransom
- s.355 Deprivation of liberty
- s.398 Stealing, if item 12 (a vehicle) or 14 (a firearm for use in another indictable offence) applies

- s.412 Attempted robbery, if the circumstance in subsection (2) (armed or in company) or (3) (armed and with violence) applies
- s.461 Arson
- s.462 Endangering particular property by fire

Drugs Misuse Act 1986

- s.5 Trafficking in dangerous drugs

The offences of going armed so as to cause fear (section 69) and threatening violence (section 75) include a circumstance of aggravation under section 52B of the Criminal Code, applying a higher maximum penalty if the offender was wholly or partly motivated by hatred or serious contempt for a person or group of persons based on a particular attribute (race, sexuality, etc). It is intended that children found guilty of this circumstance of aggravation for an offence under section 69 or 75 will be sentenced under 175A.

Clause 6 inserts a transitional provision clarifying that the offences listed in clause 5 apply to sentences for offences committed after commencement.

Clause 7 inserts new subsection 282A(3A) into the 'eligible persons' register' provisions of the YJ Act to provide that persons registered under new section 282A(3) may nominate a person to receive detainee information on their behalf.

Clause 8 ensures all nominees, including those nominated under new subsection 282A(3A), are covered under sections 282E(4) and (5).

Clause 9 ensures all nominees, including those nominated under new subsection 282A(3A), are covered under section 282F(2).

Clause 10 amends the definition of 'nominee' in the dictionary in Schedule 4 to include a reference to the new subsection 282A(3A).