

What do the new “adult crime, adult time” laws say?

Queensland has new laws about youth crime. If you commit an offence while you are under 18 this is what the changes may mean for you.

What is “adult crime, adult time”?

There are now 13 offences for which children can receive the same penalty as an adult.

The offence must have been committed **after the 12th December 2024** for this to apply.

The 13 offences are:

- Unlawful use of a motor vehicle
- Unlawful entry of a vehicle
- Dangerous operations of a motor vehicle
- Break and enter premises
- Burglary
- Robbery
- Serious assault
- Wounding
- Acts intended to cause grievous bodily harm
- Grievous bodily harm
- Unlawful striking causing death
- Manslaughter
- Murder

For these offences a magistrate may now sentence you to up to three years probation or detention. A judge can give you the same maximum penalty that an adult can get.

A court can no longer order a restorative justice order for these offences. The court can still send you to another type of restorative justice process, like a pre-sentence (before sentence) referral.

A mandatory sentence is a sentence that the court must give. If these apply to adults for the 13 offences they now apply to you as a child.

What if I've committed an offence on or before the 12th December 2024?

The “adult crime, adult time” laws won’t apply: you will be sentenced as the law was before these changes.

If you are over 18, the laws about you being held in or moved to an adult prison will apply even if your offence took place on or before the 12th December 2024.

How has sentencing changed?

If you are found guilty for any offence committed as a child after the 12th of December then the matters to be considered to determine your penalty has changed.

The new law says the court **cannot** consider that detention should be a last resort and that it would be preferable for you to stay in the community.¹

The new law now requires a court to **primarily consider the impact of the offence on any victim** when sentencing you.

What does the impact to a victim mean?

The impact to a victim could mean how the offending affected the victim’s mental health, physical and emotional wellbeing, financial wellbeing, the cost of repairs, the time taken off work, the impact of not having a car and their feelings of safety.

What criminal history is considered when I go to court?

There are changes about when your criminal history can be given to an adult court and what can be included on your criminal history including cautions and restorative justice processes. These changes have not started yet.

I am in a youth detention centre and will turn 18 before I am released. When will I need to be moved to an adult prison?

Under the new laws, if you are in detention and you turn 18 you will usually be transferred to an adult prison. This will occur within 30 days of your 18th birthday. In limited circumstances, Youth Justice may allow you to stay in the detention centre if they think you are not a threat to the centre or people in it.

If you are transferred to an adult prison and you are on a sentence, you will be released on parole on the day you would have been released from detention. If you are on remand and you are sentenced to a period of detention you will serve the sentence in an adult prison.

If you believe you will turn 18 while in detention you should talk to your lawyer and case worker. They may be able to talk to Youth Justice about where you will stay.

¹ Making Queensland Safer Bill 2024 (Qld) cl 15.

Who is now able to come into the Childrens Court?

Members of the public have always been able to attend most Childrens Courts where there is a judge. This has not changed.

Most members of the public cannot be in a Childrens Court when the matter is before a magistrate. Your parents, the victims of the offence, and other people involved in your matter have always been able to come into the court before a magistrate.

Under the new laws, a victim’s relative and a victim’s representative may also come into court. Media people like news people, journalist, reporters can now also be in court and any person the court believes has a proper interest in being there.

It is still an offence for anyone to publish anything that would identify a child charged with an offence, including their name, photo or address.

If you are in court, remember that whatever you say might be reported in the media.

Who can I contact for support

Youth Advocacy Centre (YAC) www.yac.net.au 3356 1002

Aboriginal & Torres Strait Islander Legal Service (24hrs 7 days a week) www.atsils.org.au 3025 3888 or (free call) 1800 012 255

Logan Youth & Family Legal Service www.yfs.org.au 3826 1500

Legal Aid Queensland www.legalaid.qld.gov.au 1300 651 188

Hub Community Legal www.hubcommunity.org.au 3372 7677

Youth Legal Advice Hotline (Monday – Thursday 8am – 9pm; Friday 8am – Sunday 5pm)

1800 527 527

Community Legal Centres (CLCs) see www.nacclc.org.au for your nearest CLC



About the Youth Advocacy Centre

The Youth Advocacy Centre offers free and confidential legal and social support services for young people in Queensland.

www.yac.net.au

(07) 3356 1002