



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**JACS QToN No. 1**

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),  
Mr Andrew Braddock MLA

**Inquiry into Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**15 June 2023**

Asked by DR PATERSON on 15 JUNE 2023: Mr Caruana took on notice the following question:

[Ref: Hansard Uncorrected Proof Transcript 15 June 2023 p 6]

In relation to: Search warrants and police powers regarding children under the age of criminal responsibility

**DR PATERSON:** I guess that is where the DPP highlights the problem exists because if they are not criminally culpable, well then there is no investigation, but if they were of the view that what this child is doing is causing or may cause further harm, how do police then address this gap. If it is not for the collection of evidence, should there be some clause in there that says if there is any view that this what the kid is doing is causing further harm or may cause further harm, is there any views on this?

Australian Federal Police Association: The answer to the Member's question is as follows:–

The AFPA agrees there should be legislation that allows police to conduct an investigation, for children aged between 12 and 14 regardless of the criminal offence. It is the AFPA's preference that police investigate the incident, and provide a brief of evidence to the DPP, who then determine if the incident goes before the judiciary.

There are already mechanism and legislation in place that protects a child taken into custody, such a time limits for a young person to be charged, and police require a formal extension from a Magistrate to go beyond this time frame.

The AFPA supports that no criminal investigation could occur for a child under 12, which currently applies for children under the age of 10.

Of interest, while police couldn't charge a person under the age of 12, what role does the Coroner provide if a young person between the age of 12 and 14 commits a serious crime such as murder?

Will the Coroner be able to decide if that they young person should be charged?

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

Date: 10/7/23

By AFPA Media and Government Relations Manager – Troy Roberts