



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

JACS QToN No. 3

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 Clifford took on notice the following question:

[Ref: Hansard Uncorrected Proof Transcript 15 June 2023 p 40]

In relation to: Cross-jurisdictional extradition issues where the minimum age of criminal responsibility differs between states and territories

DR PATERSON: Thank you.

My substantive is probably directed at Mr Clifford. You work across jurisdictions, ACT and New South Wales. The police pointed out in their submission that there may be some complexity with extraditions, in the handing over a child to another jurisdiction that has—you know, where the child may be imprisoned or detained. Is there a problem there, do you think?

Aboriginal Legal Service NSW/ACT: The answer to the Member's question is as follows:—

No, we do not expect there to be an issue regarding interstate warrants where there is a different MACR between states. Extradition warrants are common in the ACT and are governed by the *Service and Execution of Process Act 1992 (Cth)*. That Act provides that a person (including a child) can be apprehended in the ACT pursuant to a warrant issued in another jurisdiction. The proposed changes in the *Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023* do not alter these powers. The existing powers do not require the offence to which the warrant relates to be an offence in the arresting jurisdiction to enable apprehension under a warrant.

The age of criminal responsibility is in the jurisdiction of each state and territory. Extradition arrangements are no impediment to a jurisdiction taking the appropriate step of raising the MACR in their jurisdiction.

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

Signature: 

Date: 20/6/23

By Mr James Clifford, Managing Solicitor, Children's Criminal Practice, Aboriginal Legal Service
NSW/ACT