



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

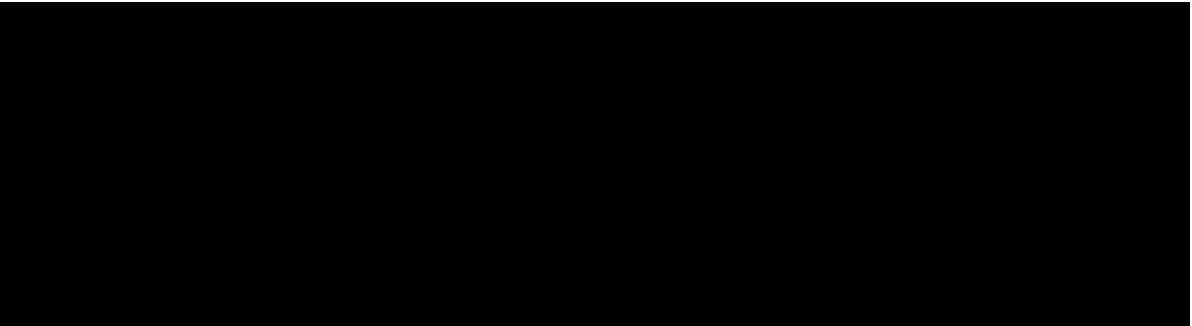
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023

Submission Number: 002

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Dear Committee Secretary ,Chair and members ,

Allow me to make this brief submission into your enquiry into this bill now before the Assembly .

Whilst I can see no good reason to change the law from what it has been for decades (ie leaving it up to a court to ensure that a young person aged 10 to 13 inclusive knew what they did was wrong before the court proceeded further) , and noting that I have both prosecuted and defended a number of offences committed by 11, 12 and 13 year olds, I note the Assembly seems hellbent on proceeding with this bill.

I would suggest that by all means give it a try on the basis of what you have included for serious offences in schedule 1 (Murder, rape ,assault occasioning GBH plus 1st degree sexual assault .) but for 10 to 12 year olds (ie kids of 10 and 11 . I don't think the sky will fall if that occurs . It still leaves open the ability to prosecute the most serious crimes (eg Murder (- remember Jamie Bulger's killers aged 10 and 11 in the UK 30 years ago.) but does reflect that there are statistically very few 10 and 11 olds charged with criminal offences,so it's worth a go. I'd suggest a sunset clause of 5 years just to make sure it's working well.

I think the current bill in not allowing prosecution of 11 and 10 year olds for those most serious of offences is flawed .

For 12 and 13 year olds I fear you are making a grave mistake in what you are doing. 12 and 13 year olds regularly commit all manner of crimes . Naturally the majority of you are hardly likely to take any notice of me on that point ,but at the very least if you continue to want to ensure 12 and 13 year olds can't be prosecuted , (and remember there have been quite a few 13 year olds charged in last 12 months in Australia with horrendous crimes), you need to add to your schedule some extra offences than just the 4 you have . Supplying prohibited drugs is one such offence as is aggravated burglary Those 2 spring to mind immediately .

Thanks for reading this submission which I am happy to have published and I note you don't seem to be having any public enquiry but if you are I am happy to appear to answer questions etc if you are . I am also , in my capacity as Patron of VOCAL ,also sending them a copy of it in case they wish to add additional comments from a victim's perspective .

Kindest Regards,

Bill Stefaniak AM,RFD
(former ACT Attorney General and former Police minister , ex crown prosecutor (ACTand Commonwealth ,defence counsel ACT and NSW and former special magistrate ACT)