



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**JACS QToN No. 2**

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 Whowell took on notice the following question:

[Ref: Hansard Uncorrected Proof Transcript 15 June 2023 pp 13-14]

In relation to: Exceptions to the minimum age of criminal responsibility for serious offences

DR PATERSON: In the acting DPP's submission, he does speak to some research that says that, actually, they—you could find a difference between 10 and 12, but between ages 12 and 14 there was very little difference in understanding of what had gone on. The DPP makes the argument that a 13 year old, for example, would the difference between right and wrong for if they killed someone. Whereas, for example, sexual assault might be more complex.

So I am interested in your views around the 12 to 14 age group and the exceptions because the DPP puts forward quite an extensive list of other crimes that he believes should be considered. For example, recklessly inflicting grievous bodily harm which he says, you know, there is a few other crimes that he believes should be included, not just the four. Yes, again, just interested in terms of why you are—yes, your views on this.

[...]

DR PATERSON: I would be interested, if you could take on notice, your views about his annex A in the DPP's submission around some of the other crimes. If you do have any views on them.

MR PETER WHOWELL: The answer to the Member's question is as follows:—

If the Minimum Age of Criminal Responsibility is raised to 14 years, ACT Policing does not support offence exceptions for serious offences. As noted in our submission, ACT Policing's experience is that children either have the cognitive ability to understand their actions or not, regardless of the crime type.

ACT Policing will continue to work collaboratively with the Government in raising the Minimum Age of Criminal Responsibility, including an exploration of offence exceptions if required for the reasons raised in the Director of Public Prosecutions' submission.

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

Signature:

A handwritten signature in black ink, appearing to read 'Peter Howell', written over a light grey rectangular background.

Date: 27/6/23

MR PETER HOWELL  
Executive General Manager - Corporate  
ACT Policing