



23 January 2012

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

Inquiry re *Crimes Amendment (Fairness for Minors) Bill 2011*

I am writing in support of the *Crimes Amendment (Fairness for Minors) Bill 2011*.

The Youth Advocacy Centre (YAC) is a community legal and welfare centre which offers legal and welfare assistance to young people between the ages of 10 and 17. The nature of our work ranges from legal advice and representation, to education, counselling, family mediation, and support for young people around issues such as accommodation, education and income. Our Centre also participates in law and policy reform activities.

YAC supports the Bill without reservation and it is our view that the justice system must be scrupulous in its treatment of anyone who has been charged with an offence, whether they are citizens or not.

I have one suggestion for an amendment to the Bill because of the fact that Queensland treats 17 year olds as adults in the criminal justice system, in contravention of the United Nations *Convention on the Rights of the Child*. This means that if a 17 year old were to be prosecuted in Queensland, they would not be afforded the protections of the youth justice system but would be exposed to the adult criminal justice system. If they were prosecuted in any other state or territory in Australia, this breach of their human rights would not arise.

I note that in your suggested section 15(2), the person must be remanded in a youth justice facility. It is of utmost importance to separate children from adults in custodial situations, for the child's safety and to reduce the likelihood of re-offending. However, this separation is only one of the differences between the adult and youth criminal justice systems and it is our view that children should be given the benefit of the youth justice system as a whole; not just in respect of custodial matters.

I respectfully suggest that you make an amendment to the Bill in the form of an additional item to ensure that any child charged with a Commonwealth offence is not prosecuted as an adult in Queensland. To this end, I suggest an amendment to the Bill to add a new section 4O to the *Crimes Act 1914* as follows:

A child under 18 years old cannot be dealt with as an adult for an offence against a law of the Commonwealth.

If I can be of further assistance or you have any queries, please do not hesitate to contact me

Yours faithfully

Cristy Dieckmann
Director