

c2025-318G
GRNS--The Greens

LEGISLATIVE COUNCIL

Children (Criminal Proceedings) and Young Offenders Legislation Amendment Bill 2025

First print

Proposed amendments

No. 1 **Age of criminal responsibility**

Page 3, Schedule 1[1], proposed section 5(1) and (2), lines 6–10. Omit all words on the lines. Insert instead—

- (1) It is conclusively presumed that a child who, at the time of the alleged commission of an offence, is under 14 years of age cannot be guilty of the offence.
- (2) It is presumed that a child who, at the time of the alleged commission of an offence, is 14, 15 or 16 years of age cannot be guilty of the offence.

No. 2 **Matters to be considered**

Page 3, Schedule 1[1], proposed section 5(5), lines 20–28. Omit all words on the lines. Insert instead—

- (5) In determining whether the presumption has been rebutted, a court—
 - (a) must have regard to the following matters, if known to the court—
 - (i) the conduct that constitutes the alleged offence,
 - (ii) the child's intellectual and moral development and education,
 - (iii) the environment in which the child was raised, and
 - (b) may have regard to the circumstances surrounding the commission of the alleged offence, if known to the court.

Example of circumstances surrounding commission of alleged offence—
the child taking steps to plan the conduct, including equipping themselves for the conduct or to avoid detection

No. 3 **Example of circumstances**

Page 3, Schedule 1[1], proposed section 5(5)(b), example, lines 24–26. Omit all words on the lines.

No. 4 **Rebuttal of presumption**

Page 3, Schedule 1[1], proposed section 5(7), lines 30–38. Omit all words on the lines.

No. 5 **Offences covered by Act**

Page 6, Schedule 2[8], lines 15–23. Omit all words on the lines.

-
- No. 6 **Verbal non-denial statements**
Page 6, Schedule 2[9], proposed section 10(4), line 40. Omit “must, if practicable”. Insert instead “may”.
- No. 7 **Offences for which warnings may be given**
Page 7, Schedule 2[11], lines 23–25. Omit all words on the lines.
- No. 8 **Entitlement to be dealt with by caution**
Page 7, Schedule 2[13], line 30. Omit all words on the line. Insert instead—
Omit section 20(7).
- No. 9 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 7, Schedule 2[15], lines 34 and 35. Omit all words on the lines.
- No. 10 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 8, Schedule 2[18], lines 7 and 8. Omit all words on the lines.
- No. 11 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 8, Schedule 2[22], lines 19 and 20. Omit all words on the lines.
- No. 12 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 8, Schedule 2[25], lines 25 and 26. Omit all words on the lines.
- No. 13 **Referrals for conferences by DPP and courts**
Page 8, Schedule 2[28], lines 32–37. Omit all words on the lines.
- No. 14 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 9, Schedule 2[29], lines 1 and 2. Omit all words on the lines.
- No. 15 **No caution if dealt with, referred for or given a caution on 3 or more occasions within the previous 3 years.**
Page 9, Schedule 2[33], lines 24 and 25. Omit all words on the lines.
- No. 16 **Non-denial statements inadmissible**
Page 10, Schedule 2[39], proposed section 67A, line 23. Omit “certain”.
- No. 17 **Non-denial statements inadmissible**
Page 10, Schedule 2[39], proposed section 67A(1), lines 24–28. Omit all words on the lines. Insert instead—
(1) This section applies if an investigating official believes the child could be dealt with by way of a caution or conference for the offence if the child makes a non-denial statement.
- No. 18 **Making of certain non-denial statements inadmissible**
Page 10, Schedule 2[39], proposed section 67A(3). Insert after line 37—
(b1) that the child is entitled to seek legal advice,
-