

Legislative Council—No 59

As introduced and read a first time, 22 July 2020

South Australia

**Young Offenders (Age of Criminal Responsibility)
Amendment Bill 2020**

A BILL FOR

An Act to amend the *Young Offenders Act 1993* and to make related amendments to the *Spent Convictions Act 2009* and the *Youth Justice Administration Act 2016*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Young Offenders (Age of Criminal Responsibility) Amendment Act 2020*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

3—Commencement

- 10 This Act comes into operation 1 month after the day on which it is assented to by the Governor.

Part 2—Amendment of *Young Offenders Act 1993*

4—Amendment of section 4—Interpretation

Section 4(1), definition of *youth*—delete "10" and substitute:

- 15 14

5—Amendment of section 5—Age of criminal responsibility

Section 5—delete "10" and substitute:

14

Schedule 1—Related amendments

5 Part 1—Amendment of *Spent Convictions Act 2009*

1—Amendment of section 3—Preliminary

(1) Section 3(1)—after the definition of *designated judicial authority* insert:

designated juvenile offence means an offence that was committed while the defendant was under 14 years of age;

10 (2) Section 3(1), definition of *eligible juvenile offence*—delete "a child" and substitute:
of or above the age of 14 years

(3) Section 3(1), definition of *eligible sex offence*—after paragraph (b) insert:

(c) a sex offence that is a designated juvenile offence;

2—Amendment of section 5—Scope of Act

15 Section 5(1)—after paragraph (c) insert:

(d) a conviction for a designated juvenile offence.

3—Insertion of section 8B

After section 8A insert:

8B—Spent conviction for a designated juvenile offence

20 A conviction for a designated juvenile offence is, on the commencement of this section, immediately spent.

4—Amendment of Schedule 1—Exclusions

Schedule 1, clause a1(1)—after paragraph (b) insert:

25 (c) does not apply in relation to a designated juvenile offence that is spent under section 8B.

Part 2—Amendment of *Youth Justice Administration Act 2016*

5—Amendment of section 4—Interpretation

Section 4(1), definition of *youth*—delete "10" and substitute:

14

6—Amendment of section 28—Safe rooms

(1) Section 28(2)—delete the subsection

(2) Section 28(4)(a)—delete "between 12 and"

7—Amendment of section 37—Transfer of young offenders to this State

Section 37(2)(a)—delete "over the age of 10" and substitute:
of or over the age of 14