

**Legislative Council—No 26**

As introduced and read a first time, 6 July 2022

South Australia

**Young Offenders (Age of Criminal Responsibility)  
Amendment Bill 2022**

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 the age of 14 years;

10 (2) Section 3(1), definition of *eligible juvenile offence*—after "child" insert:

of or above the age of 14 years

#### 2—Amendment of section 5—Scope of Act

Section 5(1)—after paragraph (d) insert:

(e) a conviction for a designated juvenile offence.

#### 15 3—Insertion of section 8D

After section 8C insert:

##### **8D—Spent conviction for designated juvenile offence**

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

#### 20 4—Amendment of Schedule 1—Exclusions

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

(d) does not apply in relation to a designated juvenile offence that is spent under section 8D.

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

#### 25 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

30 (2) Section 28(4)—delete subsection (4) and substitute:

(4) A resident of a training centre may only be detained in a safe room for so long as is necessary in the circumstances but, in any event, for no longer than 24 hours.

**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 above the age of 14