

Question on Notice

No. 669

Asked on 24 May 2023

MR P WEIR ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON Y D'ATH)—

QUESTION:

With reference to recidivist juvenile offenders (children under the age of 18) — Will the Attorney-General advise when a juvenile offender has been released from custody back into the community, (a) who is responsible for the child's welfare, (b) who is responsible for implementing strategies to ensure the juvenile offender does not continue participating in dangerous and risk-taking behaviours, (c) who is responsible for the juvenile offender if they commit a further crime and as a result they are killed or maimed or are responsible for the death of an innocent community member and (d) who is responsible for the duty of care of the juvenile offender?

ANSWER:

I thank the Member for the question.

In response to part (a), when a child is released from custody, the guardian whose care they are returned to is responsible for the child's welfare.

In response to part (b), as per the Administrative Arrangements Order, this question does not fall within the responsibility of the Attorney-General and should be directed to the appropriate Minister.

In response to part (c), subject to section 29 (Immature age) of the Criminal Code, a juvenile offender who commits a further offence which results in injury to themselves or the death of another may be criminally responsible for that offence. Whether a person other than the juvenile offender can also be criminally responsible for the offence would depend upon the circumstances. Whether responsibility arises under other areas of the law would also depend upon the circumstances.

In response to part (d), whether a person can be responsible for a juvenile offender's duty of care is a complicated legal question and would ultimately depend upon the circumstances.