



Tuesday, 26 October 2021

11.00 am

ORDER OF BUSINESS:

Acknowledgement of Traditional People

Prayers

Petitions

Notice of Question

Notice of Motion

Answers to Questions

Tabling of Papers

Leave of Absence – Member for Huon

Special Interest Matters

Notices of Motion Nos. 1,4,10 &11 and Order of the Day No. 11

Notices of Motion

1 Ms *Forrest* to move — That the Parliamentary Standing Committee of Public Accounts report No. 14: “Office of the Ombudsman and Health Complaints Commissioner” be considered and noted.

4 Ms *Webb* to move —

(1) That the Legislative Council notes:

- (a) The United Nations Convention on the Rights of the Child requires countries to establish a minimum age below which children are presumed not to have the capacity to breach the criminal law, and that countries should work towards a minimum age of criminal responsibility of 14 years or older; and
- (b) the global median minimum age of criminal responsibility is 14, while the minimum age of criminal responsibility in all Australian jurisdictions is 10 years.

(2) That the Legislative Council further notes:

- (a) Groups including, but not limited to, Amnesty International, the National Aboriginal and Torres Strait Islander Legal Services, Australia’s National Children’s Commissioner, the Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists, and the Royal Australasian College of Physicians have called on governments to raise the minimum age of criminal responsibility to at least 14;
- (b) in Tasmania, groups including the Commissioner for Children and Young People, the Law Society of Tasmania and the Tasmanian Council of Social Service (TASCOSS) agree that the minimum age of criminal responsibility should be raised to at least 14 years;

- (c) evidence demonstrates that, at the age of 10, a child's brain is still developing, particularly as to reasoning, impulsivity and consequential thinking;
 - (d) evidence shows that many children involved in the criminal justice system come from disadvantaged backgrounds and have complex needs better addressed outside the criminal justice system through a developmentally appropriate, trauma-informed and culturally safe early intervention model that supports children in their families and communities; and
 - (e) evidence also indicates that the younger children are when they first encounter the youth justice system, the more likely they are to reoffend.
- (3) That the Legislative Council further notes:
- (a) The Council of Attorneys-General initiated a Working Group on the minimum age of criminal responsibility in November 2018, but have not reached a nationally agreed way forward; and
 - (b) notwithstanding the national Working Group discussions, the age of criminal responsibility is entirely a matter for the state, and there is no reason why Tasmania cannot proceed to raise the age of criminal responsibility in this state.
- (4) That the Legislative Council call on the Tasmanian Government to:
- (a) Raise the minimum age of criminal responsibility to at least 14; and
 - (b) commit to the principles of justice reinvestment, divert young people – particularly those under the age of 14 – away from the youth justice system into programs and services that address the underlying causes of their behaviour, and implement a program for Aboriginal youth led by Indigenous people.

10 Ms *Howlett* to move — That the Legislative Council:

- (1) Acknowledges our Tasmanian athletes who have represented Australia at the Tokyo Paralympic Games – Todd Hodgetts (shot put), Alexandra Viney (rowing) and Deon Kenzie (1500 metres);
- (2) Pays tribute to their dedication and hard work in realizing their Olympic dream; and
- (3) Recognises them as outstanding and inspirational role models for all young Tasmanian athletes.

11 Ms *Forrest* to move — That the Legislative Council notes:

- (1) The achievement of Wynyard Yacht Club members Chris Symonds and his support worker Ela Klinger who will be travelling to Palermo, Sicily, to participate in the Hansa Para World Championships scheduled for 2-9 October 2021;
- (2) Chris Symonds:
 - (a) Has been living with Kennedy's Disease, a rare neuromuscular disorder, for a number of years and is an NDIS participant;
 - (b) started sailing in the Hansa 303 class in 2014, competing nationally and internationally; and
 - (c) is the winner of two World Championships and runner up in five since 2017;
- (3) Chris Symonds and Ela Klinger are the only Australians of the 101 entries from 23 nations to compete in the Para World Championships in Palermo, Sicily in 2021; and
- (4) An exemption for Chris Symonds and Ela Klinger to depart Australia was granted in the "National Interest" on 28 July 2021, and that strict COVID safe protocols will be followed for the duration of the competition and on their return to Australia.

Order of the Day

11 Report of the Legislative Council Government Administration Committee 'A' Inquiry into the Impact of the Commonwealth Horizontal Fiscal Equalisation System as assessed by the Commonwealth Grants Commission as it applies to Tasmania's expenses and delivery of services: Consideration and noting. (Ms *Forrest*)

Question Time 2.30 pm

Notices of Motion and Order of the Day continued

Adjournment

D T PEARCE
Clerk of the Council