

19 April 2016

Hon Anne Tolley
Minister of Social Development
Hon Amy Adams
Minister of Justice
Parliament Buildings
Wellington

By email: anne.tolley@parliament.govt.nz
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Dear Ministers

Investing in New Zealand's children and their families: youth justice reforms

The New Zealand Law Society welcomes the Government's announcement on 7 April 2016 that Cabinet has agreed to investigate extending the upper age of the youth justice jurisdiction to include 17 year olds.

As Minister Tolley has indicated in her Cabinet paper, extending the age to include 17 year olds would be consistent with overseas jurisdictions and the United Nations Convention on the Rights of the Child (UNCROC). In its submission on the draft Fifth Periodic Report by the Government of New Zealand on UNCROC, the Law Society noted New Zealand's statutory inconsistencies relating to the definition of a "child" and recommended that the definition of a "child" as a person under the age of 18 years should be adopted. The Government's announcement is a welcome step in addressing the Committee on the Rights of the Child's recommendation that New Zealand should consider setting the age for criminal majority at 18 years.¹

Minister Tolley also notes that including 17 year olds takes into account developments in brain science and our understanding of how teenagers mature. Significant benefits are likely to accrue to both a young person who offends at this critical age and society as a whole, if the young person is managed in the youth jurisdiction rather than the adult jurisdiction.

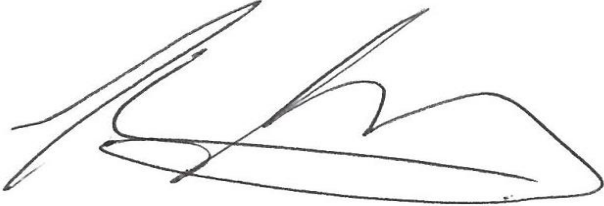
The Law Society also notes that Cabinet has agreed to carry out further investigation into:

- mechanisms for transfer of cases from the youth jurisdiction to the adult jurisdiction;
- how traffic offences committed by young people should be treated in the justice system;
- arrangements for the custody of 17 year olds who commit serious offences; and
- the potential for the Youth Court to hear cases involving 18 or 19 year olds where it is in the interests of justice.

¹ United Nations, Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention: Concluding observations: New Zealand*, CRC/C/NZL/CO/3-4, 11 April 2011, at [56(b)].

Please contact me if the Law Society can be of any assistance during the development of these proposals. I can be contacted in the first instance through the Law Society's Law Reform Manager Vicky Stanbridge (vicky.stanbridge@lawsociety.org.nz / 04 463 2912).

Yours sincerely

A handwritten signature in black ink, appearing to be 'K. Beck', written in a cursive style.

Kathryn Beck
President