



19 July 2005

The Hon. Peter Beattie MLA
Premier of Queensland
Executive Building
100 George Street
BRISBANE QLD 4000

E-mail: ThePremier@premiers.qld.gov.au

Dear Premier

The treatment of 17 year olds as adults in the criminal justice system

Australian Lawyers for Human Rights (ALHR) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. It has a national membership of over 1,000, with active National, State and Territory committees.

The Queensland and National committees of ALHR express their concern that Queensland remains the sole Australian state to treat 17 year olds as adults in the criminal justice system.

The *Convention on the Rights of the Child* (CROC) defines a child to be "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier".

In Queensland, a person attains majority at the age of 18. As such, the Queensland parliament is obliged under Article 3 of the CROC to make the best interests of the child a primary consideration when legislating in relation to 17 year olds.

By depriving 17 year old children access to the restorative justice approach of the juvenile justice system, sentencing them in accordance with adult sentencing principles and imprisoning them in adult prisons, Queensland is in breach of articles 37, 39 and 40, as well as article 3, of the CROC.

The UN Committee on the Convention on the Rights of the Child is currently considering Australia's implementation of the Convention and will examine Commonwealth government and non-government organisations' reports in September 2005. The Committee has requested statistics on the number of children tried as adults. As Queensland is now the only state in Australia to continue to treat 17 years olds as adults, any criticism of Australia on this matter by the Committee will be a direct criticism of Queensland.

ALHR requests the Queensland government urgently to amend its laws so that 17 year old children are brought within its juvenile justice system. It appears antithetical for a Smart State not to put the best interests of 17 year old children first, ahead of any other policy or monetary considerations.

We respectfully request your urgent action in this regard.

Yours faithfully



Carla Klease

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