

Warrant for 12-year-old

Boy on driving-death charge fails to front court

SEAN FEWSTER

AN arrest warrant has been issued for a boy, 12, who allegedly killed one person and seriously injured a second in a car rollover.

On Wednesday, the boy – whose identity is automatically suppressed under state law – was scheduled to appear before the District Court.

Prosecutors had filed an application to have his bail revoked before his trial, which is scheduled to begin in the second week of May.

However, the boy did not attend court to answer his bail and Judge Heath Barklay issued a warrant for his arrest.

It is not the first time the boy has failed to attend court – a hearing in November was cancelled after he had “gone missing”. The boy has pleaded not guilty to causing death and of causing harm by dangerous driving.

The charges arise from an incident at Jubilee Park, Whyalla Stuart, in July 2020, when a Holden Commodore lost control and rolled into scrub.

One of its passengers, aged 20, died of his injuries while a second passenger 11, suffered multiple limb injuries. Initially, the case against the boy – who sustained only minor injuries – was heard in the Youth Court.

His lawyers argued the case should not proceed at all, saying he is too young to have capacity to have legally committed the crime.

They successfully applied for the matter to be transferred to the adult jurisdiction of the District Court in order for that legal issue to be determined.

Before 2017, judges were obliged to sentence child offenders under the terms of youth justice – prioritising care, correction and guidance over penalty – even in adult courts. However, former attorney-general John Rau SC introduced laws allowing juveniles to be sentenced as adults to “come into line with mainstream opinion”. That prompted renewed scrutiny of the age of criminal liability, with advocates calling for it to be

raised from 10 years to 14 years.

In January, Commissioner for Children and Young People Helen Ms Connolly said South Australia was making “slow but positive progress” against United Nations benchmarks.