



Wednesday 19th of May 2021

We the undersigned 76 organisations call on all levels of government to raise the age of criminal responsibility from 10 to 14 years of age as a matter of urgency.

Today, we publicly release 48 submissions, which the Council of Attorneys-General (CAG) has had for over a year, that provide extensive evidence for the need for this necessary reform. Australian politicians have said they need more research-based evidence before they raise the age. We strongly disagree. There already exists a sufficient body of evidence to support raising the age.

Raising the age of criminal responsibility has been identified as an area for urgent reform for the physical and psychological health of nearly 600 children under 14 who are locked up in prisons each year in Australia. This is a view shared by Aboriginal and Torres Strait Islander organisations, medical and legal experts, service providers, Australian and international human rights organisations, the global community and multiple foreign governments through United Nations (UN) processes, and UN human rights bodies.

Children belong in schools and playgrounds, connected to their families, communities and culture, not placed in handcuffs, held in watchhouses or locked away in prisons. Our submissions demonstrate that raising the age of criminal responsibility is a critical reform for every Australian state and territory to embrace. The evidence overwhelmingly shows that when children as young as 10 years of age are forced through a criminal legal process during their formative developmental phases, they suffer immense harm. This negatively impacts their health, wellbeing and futures. These impacts are further exacerbated for young people with recognised disabilities such as Fetal Alcohol Spectrum Disorder (FASD) or on the Autism spectrum, whether diagnosed or not, and for those dealing with the other developmental delays and difficulties associated with complex developmental trauma.

Aboriginal and Torres Strait Islander children have a right to grow up connected to culture and in a safe and healthy environment, supported to remain with their families and communities. The low age of criminal responsibility disproportionately impacts these children and is a key driver of their contact with police and the justice system. In 2019, 65 percent of children in detention in Australia aged 10 to 13 years were Aboriginal and Torres Strait Islander children. Raising the age of criminal responsibility would have an immediate and generational impact on the over-incarceration Aboriginal and Torres Strait Islander people in Australia and its consequences, including increasing the likelihood of reducing the rate of overrepresentation of Aboriginal children in the criminal legal system, which is a Closing The Gap target.

All governments in Australia could act today to raise the age of criminal responsibility to 14 years.

The following timeline demonstrates the inaction of the CAG, and failure of leadership from the Commonwealth Government.



- At their meeting on 23 November 2018, CAG (now known as the Meeting of Attorneys-General) established the Minimum Age of Criminal Responsibility Working Group (the Working Group) to examine whether to raise the age of criminal responsibility. In their post-meeting communique, they promised that the Working Group would draw from “relevant jurisdictional and international experience, and will report back within 12 months”.
- On 16 December 2019 (more than 12 months after their commitment to report back), this Working Group called for submissions from the general public to answer 11 detailed questions on whether to raise the minimum age of criminal responsibility and what an alternative system would look like.
- By the due date of 14 February 2020, we understand some 88 non-confidential submissions were provided to the Working Group, including the submissions we release today.
- In a CAG meeting on 27 July, the Working Group presented its report with recommendations regarding raising the age. Despite having this detailed report and all the evidence from these submissions, CAG again deferred making a decision on raising the age and gave no timeline on when it would make a decision.
- On 19 October 2020, 52 organisations who support the Raise the Age campaign wrote a joint letter to the CAG Chair and the Working Group requesting that the submissions received by the Working Group and the report they presented to CAG were made public in the interest of transparency and public accountability. This request continues to be ignored.
- On 18 January 2021 the Human Rights Law Centre made a request under Freedom of Information (FOI) laws to the Commonwealth Attorney-General’s Department requesting access to the public submissions and the report.
- On 17 March 2021 this FOI request was declined. A formal review was sought and on 17 May 2021 the request was again declined.
- We believe it is in the public interest for as many submissions as we have access to to be on the public record. This is why we are releasing these 48 submissions today. A number of these submissions were endorsed by more than one organisation, indicating a far larger number of responses, and support for raising the age.

After over 2 years of inaction, with substantial evidence to support raising the age, it is now time for action. We call on all levels of government to raise the age of criminal responsibility from 10 to 14 years of age.

Yours sincerely,

Aboriginal Justice Caucus  
Aboriginal Legal Service (NSW/ACT)  
Aboriginal Legal Service of Western Australia  
ACT Human Rights Commission  
Amnesty International Australia  
Anglicare Southern Queensland  
Australian Association for Adolescent Health



Australian Capital Territory Council of Social Service (ACTCOSS)  
Australian Council of Social Service (ACOSS)  
Australian Medical Association  
Australian Healthcare & Hospitals Association  
Australian Lawyers Alliance  
Australian Lawyers for Human Rights  
Australian Youth Affairs Coalition  
ANTaR  
CareSouth  
Catholic Social Services Victoria  
Centre for Excellence in Child and Family Welfare  
The Centre for Innovative Justice  
The Centre for Multicultural Youth  
Change the Record  
Children's Ground  
Civil Liberties Australia  
CLCs Australia  
Council of Social Service Network  
Danila Dilba Health Service  
Deadly Connections Community & Justice Services  
First Peoples Disability Network Australia  
Foundation for Alcohol Research and Education (FARE)  
Hello Initiative Incorporated  
Human Rights Law Centre  
I CAN Network Ltd  
Jesuit Social Services  
Just Reinvest NSW  
Justice Connect  
The Kimberley Foundation  
Liberty Victoria  
Liberty Victoria's Rights Advocacy Project  
Mission Australia  
Multicultural Youth Advocacy Network Australia (MYAN)  
Murdoch Children's Research Institute  
National Aboriginal & Torres Strait Islander Legal Services (NATSILS)  
North Australian Aboriginal Justice Agency (NAAJA)  
Northern Territory Council of Social Service (NTCOSS)  
Northern Territory Legal Aid Commission  
PeakCare Queensland  
People with Disability Australia  
Public Health Association of Australia  
Public Interest Advocacy Centre  
Queensland Council of Social Service (QCOSS)  
The Royal Australian and New Zealand College of Psychiatrists (RANZCP)  
Royal Australian College of General Practitioners



Save the Children  
The Shopfront  
Social Reinvestment WA  
South Australian Council of Social Service (SACOSS)  
St John's Youth Services  
Twenty10  
UnitingCare Australia  
Uniting Church, Synod of Victoria and Tasmania  
Uniting Vic.Tas  
VACRO  
The Valuing Children Initiative  
Victorian Aboriginal Child Care Agency (VACCA)  
Victorian Aboriginal Legal Service (VALS)  
Victorian Council of Social Service (VCOSS)  
Western Australian Council of Social Service (WACOSS)  
Whitelion  
Youth Affairs Council Victoria (YACVic)  
Youth Action  
Youth Advocacy Centre  
Youth Affairs Council of Western Australia (YACWA)  
Youth Affairs Network of Queensland  
Youthlaw  
Youth Law Australia  
Youth Network of Tasmania