



MEDIA RELEASE

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Guardian highlights the need for an urgent response as UN criticises Australia's failure to raise the minimum age of criminal responsibility

Penny Wright, South Australia's Guardian for Children and Young People and Training Centre Visitor, has called on the South Australian Government to urgently raise the minimum age of criminal responsibility from 10 to 14 years. This arises in the context of the current UN five-yearly Universal Periodic Review of Australia's human rights record.

"UN Members have rightly questioned Australia's failure to raise the minimum age of criminal responsibility from 10 to 14 years and highlighted the extreme rates of incarceration for Aboriginal and Torres Strait Islander peoples," Ms Wright said.

"I see the impact of this failure to act on vulnerable children and young people firsthand. Unfortunately, some detainees are very young and many are Aboriginal, and in the care of the State."

"We also know that most of them are only detained on remand and may never be found guilty of an offence," Ms Wright said.

During 2019-20, 35 individual 10-13 year olds were detained at the Kurlana Tapa Youth Justice Centre.

The criticisms aimed at Australia during the UN Universal Periodic Review have highlighted the failures of Federal and State Governments to meet some core human rights obligations, including in relation to ensuring the best outcomes for children and young people.

In response to increasing concerns about children and young people in care who are placed in youth justice detention ('dual status' children and young people), the Training Centre Visitor has developed a new role in her office to advocate for them, with a specific focus on those who are Aboriginal.

Data reported in the Training Centre Visitor's 2019-20 Annual Report shows that -

- those in care accounted for almost 40% of all admissions to Kurlana Tapa Youth Justice Centre, despite the care population making up approximately 1% of the state's children and young people,

- just under half of all children and young people detained at Kurlana Tapa were Aboriginal, despite constituting less than 5% of all children and young people in SA
- ten to 13 year olds (inclusive) accounted for 10% of individuals detained at Kurlana Tapa, but represented 20% of all admissions. This suggests a failure of the youth justice system to rehabilitate these young children, which is a key objective of the *Young Offenders Act*.

“This new position in my office will enable us to better address the needs of dual status individuals, and the systemic failures which have led to their incarceration,” Ms Wright said.


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