

Tuesday 15 November, 2021

## Proposal to raise the age does not go far enough

All 15 of Australia's children's commissioners, guardians and advocates say a [commitment](#) by state attorneys-general to develop a proposal to raise the age of criminal responsibility to 12 does not go far enough.

In a joint statement, Australian children's commissioners, guardians and advocates said: "We are pleased that some jurisdictions have for the first time indicated they will look at raising the age, but this process is not going far enough or fast enough.

"The minimum age of criminal responsibility in all Australian states and territories should be 14 years. That is what the UN Committee on the Rights of the Child has recommended, based on a wealth of evidence and expert advice, and it is the international benchmark.

"Furthermore, it is now three years since attorneys-general began reviewing the age of criminal responsibility, and still there has been no substantive change in any jurisdiction.

"This is despite conclusive evidence, unanimous expert advice and widespread popular support for urgent action that would have an immediate effect on breaking cycles of disadvantage, reducing recidivism, and providing better outcomes for affected children, as well as increased safety for the wider community.

"While this statement from attorneys-general is a positive step, we urgently need legislation to be tabled in each Australian state and territory that would see the minimum age of criminal responsibility raised to 14 years, as per the ACT Government's commitment in this regard.

"We acknowledge that such legislation cannot occur in isolation and must be accompanied by system-wide reform of the kind proposed in the [review recently published](#) by the ACT Government.

"We urge all jurisdictions to prioritise the twin actions of legislating to raise the age of criminal responsibility and implementing holistic systems of early intervention and diversion.

"These are clearly children who desperately need our care and protection, and we need to apply a more sophisticated approach to child wellbeing. This announcement highlights the need for a greater focus from government on the wellbeing of children generally."

The Australian Institute of Health and Welfare [reported](#) that there were 499 children under the age of 14 who spent time in detention between June 2019 and June 2020 throughout Australia – but only 43 of those were aged under 12.

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