



Guardian
for Children and
Young People



**Training
Centre
Visitor**

MEDIA RELEASE

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South Australian Government proposes to raise the age of criminal responsibility to 12-years-old

For far too long, it has been within the law in South Australia for children in Year 5 at primary school to be detained in South Australia's youth detention centre.

Today, Guardian for Children and Young People and Training Centre Visitor, Shona Reid, welcomes the government's announced intention to raise the age of criminal responsibility from 10 to 12 years old.

"This is an important step in the right direction. It will help protect our children from harm, help them grow and develop, help guide them to better choices and it will help our communities be stronger and safer – now and into the future", Ms Reid said.

The announcement proposes to raise the minimum age of criminal responsibility to 12 years and intends to include exceptions for serious offences.

"Whilst I welcome this first step, I have to say I am disappointed that our government is only proposing to raise the age to 12. My position has been firm, and it remains so. The age of criminal responsibility must be raised to at least 14 years, without exception. The evidence is clear and our obligations to children's rights is clear."

As the [Training Centre Visitor, Ms Reid recently published an Annual Report](#), which revealed key information about the youth detention population and the quality of care they receive whilst in detention. In 2022-23, information provided by the Department showed that there was a total of 39 children under the age of 14 detained, with five of those under 12 years.

While those children were typically only detained for very short periods, those aged 12 to 13 years became subject to longer periods of detention and concerning institutional practices. This includes physical restraints that are primarily intended for older adolescents, and which may be dangerous for the smaller bodies of pre-pubescent children.

"I don't want to undermine the importance of this moment, because any child who is spared from the experience of youth detention at such a young age is good news for our communities. But I also don't want us to forget about those children who are 12 and 13 years old, who also might still be in primary school or just entering high school. These children should not be subjected to police cells or detention centres.

"The evidence is clear that, at this age of development, decision-making capacity is growing rapidly but it still does not meet our standards of forming criminal intent and fault. Children under the age of 14 years do not fit within the purpose and structures of the criminal justice system and we know that exposure to this system adversely impacts their health, wellbeing and long-term outcomes."





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We must not forget the standards we have for children this age in other spaces. At 12 or 13 they're not able to open a bank account on their own, get a job, or make their own medial decisions. We still require parent or guardian consent for them to do just about anything – including school excursions.

“The whole point of these rules is we know children that age are still developing their understanding of the world around them and the ability to make good and safe decisions. So why would we treat them as though they have the same abilities as an adult to make very serious decisions about committing crimes?”

In considering the discussion paper put forward by the Attorney General, Ms Reid notes the importance of ensuring that alternative supports in place for children are therapeutic, child-focussed and prioritise services in the community.

“I don't discount the supports that South Australian police officers provide to young people under the age of 14 years, often through the criminal justice system. I know that sometimes bringing them into custody or detention feels like the only option to keep them and the people around them safe.

While respecting that work, I firmly believe we need to come up with better options. We are capable of providing our children, now and into the future, something more meaningful than a room at a police facility or detention centre.”

Ms Reid will be reading the discussion paper closely, to assess the proposed alternative diversion model. In the coming months, she will provide her commentary and evidence to make sure South Australia gets this model right, to protect young children from exposure to the criminal justice system and being deprived of their liberty in places that are unsafe and unsuitable for them.

“The way we treat children today, right now, will directly impact their interaction with society when they become adults. So, I urge us all to think about what want for our future generations – because the decisions we make today will dictate that.”

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