



Guardian
for Children and
Young People



MEDIA RELEASE

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Children and young people in detention speak out about Raising the Age

Guardian for Children and Young People and Training Centre Visitor, Shona Reid, has today released a new publication sharing the direct voices of children and young people in detention about the minimum age of criminal responsibility.

In South Australia, that age is currently set at 10 years old. That means children who are in still in primary school can be arrested by police, face criminal charges and sent to detention.

While Ms Reid has been a firm advocate for raising the minimum age of criminal responsibility to 14 years, she welcomed the government's announcement earlier this year that planning is underway to raise the age to 12 years. Ms Reid said,

"I will continue to advocate that the minimum age of criminal responsibility should be raised to 14 years, urgently, and with no exceptions. My experience and advice from national and international experts have led me to believe that 14 is too young for any child to be in court or locked up in cells.

I do acknowledge that raising the age to 12, as the government proposes, is still an important first step in the right direction. Any day that a child can be spared from criminal justice processes is one more day we are able to support them, guide them and create a safer community for everyone."

To ensure the voices of children and young people are front and centre in discussions about raising the age, Ms Reid's new publication – [From Those Who Know](#) – puts forward the views of 27 young people detained at the Adelaide Youth Training Centre. With their express permission and on their behalf, Ms Reid has submitted these views to the South Australian government.

Commenting on this important submission from children and young people, Ms Reid said,

"Every day, we see news stories and hear adults talking about 'youth crime' and their views on the problems and solutions – what is missing from these conversations is the views and perspectives of the actual people who are going through the youth justice system themselves.

To help address this, I have submitted to government the direct words of these brave children and young people who spoke out about what's gone wrong in their lives, what they need and what would work going forward.



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Their voices are direct and clear, and they are speaking to all the adults in their lives and with the power to change things. While we're off arguing about money and laws and whose job it is, the young people are telling us what needs to change. Their solutions are far more sensible and less expensive than all the places and laws we build to keep them locked up.

They talked about their bad decisions and its impact on others. They also talk about growing up with no one to care or be there for them – some talked about this as something they have been missing from the day they were born. They said that detention at young ages did not help them, it did not teach them a lesson, it did not rehabilitate them... rather it made things worse. They said that they need people to be there for them when they make mistakes; they need safe places to go; they need safe people to be with.

The children and young people have spoken, and it is now on our government to dig deep and find the humility to listen, and the courage to give their ideas a try.”

The powerful words and perspectives of children and young people also shaped the Guardian and Training Centre Visitor’s formal submission to the government’s consultation, regarding the proposed alternative diversion model for children under 12 years. Ms Reid’s submission raised serious human rights concerns about the proposed model and called on government to properly consult with experts (including young people with lived experience), communities and the sector. Ms Reid said:

“I welcome the debate and exploration of raising the minimum age of criminal responsibility, but I am disappointed in the government’s plan for children under 12 years. I am seriously concerned that the model put forward has the potential to inadvertently bring more children – who have never had contact with the law – into a youth justice and detention setting.

Raising the age is about taking children out of the criminal justice system, because we know that doesn’t work for them. But the model that government has put forward is, quite frankly, bizarre. It still lets police lock children in cells, it still funnels children into court processes and it still allows those courts to send children to detention. So, I have to ask, what’s in it for the kids? And how will this make our community safer?

I have told government that they need to go back to the drawing board and come up with something that will actually work and protect our children and our community. Come back with something that upholds international human rights standards, and provides genuine help and rehabilitation opportunities for those children who need it most.

I am confident that South Australian families, communities and our government are committed to finding better solutions for helping our children and our young people. We know that children and young people find themselves in these situations because they have been let down many times over their short lives. Let’s not let them down now. Lets look to how we can set them up for a prosperous future where they feel safe with us.”

Both submissions are available on the Office of the Guardian for Children and Young People’s website, at www.gcyp.sa.gov.au.

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