

## STATES A STEP CLOSER TO RAISING THE AGE OF CRIMINAL RESPONSIBILITY

By Tammy Mills, Royce Millar, Andrew Taylor and James Massola  
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**State attorneys-general across the country agreed to support developing a proposal to raise the age of criminal responsibility from 10 to 12.**

**Australia's attorneys-general are a step closer to committing to raising the age of criminal responsibility from the age of 10 to 12 years old.**

The state attorneys-general on Friday supported developing a proposal to raise the age and have until Monday to agree to the wording, with a formal announcement expected early next week, *The Age* and *The Sydney Morning Herald* have confirmed.

It is a significant development since the country's lawmakers began reviewing the issue three years ago, particularly for states such as Queensland which had previously stated it had no plans to raise the age earlier this year.

But Aboriginal organisations and legal groups, some of whom received notice of the move from their respective governments on Friday, criticised what they called a "nothing announcement" that fell short of what they had been campaigning for, which is raising the age to 14.

Friday's proposed agreement did not include the territories, with the ACT having already committed to raising the age of criminal responsibility to 14, while the Northern Territory government has agreed in principle to increasing the age to 12, in line with a recommendation from a royal commission into youth detention.

A spokesman for Commonwealth Attorney-General Michaelia Cash on Saturday maintained the federal government's position that while the decision to raise the age was a matter for the states and territories, the federal government does not support the move.

"The Australian government continues to engage with jurisdictions to ensure treatment of young people in detention meets all expectations for the safety and protection of children under government care," the spokesman said.

The age of criminal responsibility remains at 10 in England and Wales, where there have been similar calls to raise the age. In Scotland and Canada, the age of criminal responsibility is 12, while in Norway and Sweden, it is 15.

Change the Record, an Aboriginal-led coalition of legal and health experts, said the proposal from the Australian state attorneys-general did nothing to improve the lives of children.

"The medical evidence is clear: governments should raise the age of criminal responsibility to 14 years old as a bare minimum," Change the Record co-chair Cheryl Axleby said.

The National Aboriginal and Torres Strait Islander Legal Services (NATSILS), the Human Rights Law Centre and the Victorian Aboriginal Legal Service also condemned the proposal on Saturday.

"We are sick and tired of meaningless statements and commitments," NATSILS executive officer Jamie McConnachie said.

"Raising the age to at least 14 is one action that Australian governments can take right now that will have an immediate and generational impact to end the over-incarceration of Aboriginal and Torres Strait Islander kids and give our kids a brighter future," Ms McConnachie said.

*(continued overleaf)*



# The Grandparent

A NEWSLETTER FOR AND BY GRANDPARENTS

grandparents  
VICTORIA



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According to figures from the Australian Institute of Health and Welfare, 499 children aged between 10 and 13 were imprisoned last year. About 91 per cent were aged 12 or over.

More than half of children aged 10-17 in detention on any given day were Indigenous, despite making up only 6 per cent of the overall population.

The UN Committee on the Rights of the Child recommended increasing the minimum age of criminal responsibility to at least 14 years, citing research that the capacity for reasoning is not fully developed in children aged 12 and 13.

Thirty-one member states of the UN, including Canada, Sweden and Spain, urged Australia to raise the age during a UN Human Rights Council periodic review in January.

A Victorian government spokesperson said on Saturday that the state would continue to “work with Commonwealth and other jurisdictions on this important issue and will have more to say as that process continues”.

The West Australian and NSW governments were also approached for comment on Saturday.

No government had acted since a draft report commissioned by Australia’s attorneys-general, leaked to media last month, recommended all governments raise the age of criminal responsibility to 14.

The report suggested two alternatives: lifting the minimum age to 12 or raising it to 14 with carve-outs for serious crimes such as murder, terrorism and sexual assault.