

MEDIA RELEASE – APRIL 2, 2020

New report highlights urgent need to raise the age of legal responsibility: Jesuit Social Services

A new report released by the Sentencing Advisory Council today reveals the unique vulnerabilities of children aged 10 to 13 years who have contact with the child protection and youth justice systems – and adds to the volume of evidence highlighting the need to raise the age of legal responsibility, says Jesuit Social Services.

“The current age of legal responsibility in all Australian states and territories is 10, meaning a primary school aged child can be put in prison. These laws are out of step with human rights standards and medical science on child development,” says Jesuit Social Services CEO Julie Edwards.

“This report shows that the younger a child is when they are first sentenced in the youth justice system, the more likely they are to be known to child protection. Of the 438 children aged between 10 and 13 in the study group of children who were sentenced or diverted in the Children’s Court in 2016-17, half were the subject of a report to child protection and one in three were the subject of a child protection order.

“These findings are also consistent with those of our 2013 report *Thinking Outside*, which found that every single child aged 10 to 12 who was remanded in Victoria in 2010 was known to child protection.

“These are primary school aged children who should be in the playground, not in prison. As we await the Council of Attorneys-General’s recommendations on raising the age of legal responsibility later in 2020, our country is imprisoning children as young as 10 years of age against advice from child development experts and legal and community services sectors.”

The report also finds that of all children in the study group who had been subject to at least one child protection order, the overwhelming majority [94 per cent] were known to child protection before they committed their first sentenced or diverted offences.

“This puts in stark focus the fact that children who end up in the child protection system have been failed by the broader community, denied opportunities that many others their age have and are often victims of abuse, neglect and trauma,” says Ms Edwards.

“We welcome the Victorian Government’s recent introduction of new framework which aims to improve outcomes for young people in residential care and hope that it leads to vulnerable children being given more opportunities stay on the right pathway and to flourish.

“At the same time, there is a lack of transparency around the residential care model. We call for greater transparency, to allow us to assess which models are effective in their goal in supporting vulnerable children and young people towards better futures.”

Media enquiries – Kathryn Kernohan, 0409 901 248 or kathryn.kernohan@jss.org.au