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ACT shows the country it is time to #RaiseTheAge: Jesuit Social Services

The Australian Capital Territory has paved the way for other states and territories to provide age-appropriate responses to children in trouble, following its Legislative Assembly voting to raise the age of legal responsibility from 10 to 14 years.

It is the first Australian state or territory to commit to changing its laws to ensure primary school aged children are not incarcerated, after the Council of Attorneys-General decided last month to defer recommendations about the issue.

“The leadership shown today by the Australian Capital Territory will improve outcomes for children, their families and the broader community,” says Jesuit Social Services CEO Julie Edwards.

“By locking up children as young as 10, Australian states and territories have long been out of touch with international standards and acted against recommendations by the United Nations. This is despite a wealth of evidence from Australia and abroad showing that children under 14 years do not possess the neurological maturity to form criminal intent.

“We also know that many children who have contact with the justice system are victims of trauma, abuse and mental illness. Instead of incarcerating them, we need to be supporting them in the community, connecting them with family and school, and helping them get their lives back on track.”

In Victoria, the most recent Annual Report by the Youth Parole Board shows the multiple, complex forms of disadvantage experienced by many children in the system. A survey of children and young people in the Parkville and Malmsbury youth justice centres showed that 67 per cent were victims of abuse, trauma and neglect, 68 per cent had been expelled or suspended from school, 48 per cent had a mental health issue, 38 per cent had cognitive difficulties that impacted daily functioning and 27 per cent had self-harmed or had thoughts of suicide.

“Children aged 10 to 14 within this group are particularly vulnerable, as it is estimated that children who are arrested before they turn 14 are three times more likely to re-offend as adults than children arrested after they turn 14,” says Ms Edwards.

Ms Edwards says the ACT’s decision must be the impetus for other states and territories to take similar action.

“Primary school aged children belong in the classroom, not in prison. Other states and territories must look at the leadership shown by the ACT today and commit to not helping, not harming, vulnerable children,” she says.

Last year, Jesuit Social Services released the discussion paper [Raising the age of criminal responsibility: There is a better way](#). The paper outlined a range of practical ways in which children can be held accountable for their actions in ways that prevent further anti-social behaviour and better protect the entire community.

“Today’s decision will give more children in the ACT the opportunity to flourish. It must be the beginning of systemic change across Australia.”

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