

Raise the age of criminal responsibility: Australian and New Zealand Children's Commissioners and Guardians

Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) call on the Council of Attorneys-General to consider the views of children when considering whether to raise the age of criminal responsibility across Australia at their meeting on 29 November 2019.

The ANZCCG continues to recommend governments in Australia and New Zealand raise the minimum age of criminal responsibility to at least 14 years, consistent with international standards.

The age of criminal responsibility in all Australian jurisdictions and New Zealand is currently 10 years. ANZCCG members are concerned about the number of children aged between 10 and 13 held in youth detention across Australia.

Children who come into contact with the justice system before the age of 14 are less likely to complete schooling and find employment. They are also more likely to move into the criminal justice system as adults.

Children in contact with the youth justice system are some of the most vulnerable and disadvantaged members of our communities. A disproportionate number are Aboriginal and Torres Strait Islander children in Australia, and Māori children in New Zealand.

Poverty, homelessness, abuse and neglect, mental illness and neurodevelopmental impairments are also risk factors associated with children coming into contact with the youth justice system.

Children's brains are still developing during adolescence. This impacts their ability to reason, predict consequences, control impulses, and comprehend criminal proceedings.

The ANZCCG calls for governments to move from a justice response for children under 14 years to a developmentally-appropriate, trauma-informed and culturally safe early intervention model that supports children in their families and communities.

Earlier this year, Commissioners and Guardians viewed an advanced screening of the documentary film 'In My Blood It Runs', which features Djuwan, a 10 year old Arrente, Garrwa boy living in a town camp in Mparntwe (Alice Springs).

In September, Djuwan became the youngest person to address the United Nations Human Rights Council, advising:

“Adults never listen to kids - especially kids like me. But we have important things to say. I came here to speak with you all because our government is not listening. There are some things I want to see changed: I want my school to be run by Aboriginal people who are like me and understand me. I want the adults to stop locking up 10 year old kids in prison. I want my future to be out on land with family, strong in culture and language. I hope you can find a way to make things much more better.”

The ANZCCG urges the Council of Attorneys-Generals to listen to the voices of children like Djuwan when considering this important issue.

Statement endorsed by the [Australian and New Zealand Children’s Commissioners and Guardians](#):

- Andrew Johnson, Advocate for Children and Young People, New South Wales
- April Lawrie, Commissioner for Aboriginal Children and Young People, South Australia
- Cheryl Vardon, Principal Commissioner, Queensland Family and Child Commission
- Colin Pettit, Commissioner for Children and Young People, Western Australia
- Colleen Gwynne, Children’s Commissioner, Northern Territory
- Helen Connolly, Commissioner for Children and Young People, South Australia
- Janet Schorer, Children’s Guardian, New South Wales
- Jodie Griffiths-Cook, Public Advocate and Children and Young People Commissioner, Australian Capital Territory
- Judge Andrew Becroft, Children’s Commissioner, New Zealand
- Justin Mohamed, Commissioner for Aboriginal Children and Young People, Victoria
- Leanne McLean, Commissioner for Children and Young People, Tasmania
- Liana Buchanan, Principal Commissioner, Commission for Children and Young People, Victoria
- Megan Mitchell, National Children’s Commissioner, Australian Human Rights Commission
- Natalie Siegel-Brown, Public Guardian, Queensland
- Penny Wright, Guardian for Children and Young People, South Australia