

Tuesday, 28 July 2020

## Law Council President, Pauline Wright, statement on lack of action to raise the age

Children as young as 10 are still to be considered criminally responsible, following yesterday's decision by the Council of Attorneys-General to defer consideration of the proposal to raise the age of criminal responsibility for at least twelve months.

While the decision is disappointing, with the welfare of children in the juvenile justice system at stake, it provides the legal profession and others in civil society with the opportunity to liaise with government to formulate a workable policy framework for non-criminal, therapeutic diversion options for 10 to 14 year olds.

According to 2019 figures supplied by the Australian Institute of Health and Welfare, across the country there are around 600 children under the age of 14 in our prisons every year – some as young as 10 years old.

These are some of the most vulnerable children in society. Many have been abused or neglected during their short lives. Many have cognitive impairments and many come from disadvantaged backgrounds. Aboriginal and Torres Strait Islander children aged between 10 and 17 are 23 times more likely to be in detention than non-Indigenous young people.

The evidence strongly suggests that a low minimum age of 10 years old does not make our communities safer. Instead, it is likely to entrench criminality and creates cycles of disadvantage that heighten reoffending rates.

We know that younger children are not sufficiently able to reflect before acting or comprehend the consequences of a criminal action.

Their brains, like their bodies, are experiencing significant growth and development. The part of the brain that governs a child's reasoning, impulsivity and consequential thinking is most affected.

Australia's laws are out of step with international human rights standards, and out of step with the rest of the world.

Instead of incarceration, there should be alternative, health and welfare-based responses, to introduce policies and programs which maximise the chances of rehabilitating the child, and upholding community safety in both the immediate and longer-term.

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