



CHILDREN IN CARE COLLECTIVE SUPPORTS THE CALL TO RAISE THE AGE OF CRIMINAL RESPONSIBILITY

The Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) have called on the Australian Council of Attorneys-General to raise the age of criminal responsibility from 10 years of age to the internationally recognised standard of 14 years.

In a media statement released ahead of the Council of Attorneys-General meeting in Adelaide on 29 November, the ANZCCG said the practice of holding young offenders aged between 10 and 13 years of age in criminal detention in Australia should stop. [View the media statement here.](#)

This was an issue raised in the Concluding Observations made by the United Nations Committee on the Rights of the Child (UNCRC) following the most recent periodic reports from Australia on the implementation of child rights in Australia. The UNCRC's recommendation is that 'Australia raise the minimum age of criminal responsibility to an internationally accepted level and make it conform with the upper age of 14 at which *doli incapax* applies' (paragraph 48(a) 'Concluding Observations on the combined fifth and sixth periodic reports of Australia' 30/09/19).

The Children in Care Collective's support for reviewing the age of criminal responsibility is based on its understanding of the unfortunate vulnerability of young people with a history of maltreatment to coming into contact with the youth justice system.

Those who do, often have a range of complex needs, including developmental trauma and problem behaviours. Common factors that are associated with an increased risk of offending for children and young people in out-of-home care include placement in residential care, placement instability and young people transitioning from care to independence (Australian Institute of Family Studies, [The intersection between the child protection and youth justice systems CFCA Resource Sheet July 2018](#)).

The communique from the Council of Attorneys-General notes that there is 'strong interest in the review of the age of criminal responsibility'. A Working Group will undertake targeted and public consultation as soon as practicable with a view to reporting back the Council in 2020. The Children in Care Collective looks forward to participating in consultations on this matter.