Dear Attorney-General, Minister Burney, and Minister Aly,

Congratulations on your recent election victory and your respective appointments as Attorney-General and Cabinet Secretary, Minister for Indigenous Australians, and Minister for Youth and Early Childhood Education. We are writing today as 82 organisations who are part of the national Raise the Age alliance to raise the age of criminal responsibility across Australia to at least 14 years of age.

We have been extremely heartened by recent public comments that the current age of criminal responsibility at ten years old is too young and that the Commonwealth can take a leadership role working with all states and territories to achieve this reform.

Our organisations are committed to working collaboratively with the Commonwealth, State and Territory governments to achieve the best outcomes for children and young people by raising the age and implementing therapeutic and age-appropriate services that provide alternatives to the current criminal legal system.

Over the past two years, we have consistently engaged in the Meeting of Attorneys-General (MAG) process on this issue. Many of our organisations provided detailed submissions to the MAG Minimum Age of Criminal Responsibility Working Group in 2020 addressing why the age needs to be raised to at least 14 and what a new system should look like.

As the MAG did not make the submissions public, we have self-published a number of the alliances' submissions on the Raise the Age website here. The public statement released to accompany the publication of these submissions highlights the delays in the MAG process. We are hopeful that your new government will seize the opportunity to demonstrate leadership in the MAG process and address this issue with the urgency it needs.

We note the announcement in November last year that the MAG agreed to ‘support the development of a proposal to increase the minimum age of criminal responsibility from 10 to 12’. We wish to reiterate that the medical evidence and internationally accepted standards make it clear that 14 is the bare minimum for the age of criminal responsibility. The health and medical organisations who are part of this campaign have previously outlined the
comprehensive evidence for raising the age to at least 14 in an open letter which can be found here.

The current low age of criminal responsibility disproportionately impacts Aboriginal and Torres Strait Islander children and is a key driver of contact with police and the legal system. Aboriginal and Torres Strait Islander children have the right to grow up connected to culture and in a safe and healthy environment. They must be supported to remain with their families and communities. Raising the age of criminal responsibility would have an immediate and generational impact on the over-incarceration of Aboriginal and Torres Strait Islander people in Australia. This reform is likely to reduce overrepresentation of Aboriginal and Torres Strait Islander children in detention, which is a Closing The Gap target.

It is essential that all Australian governments raise the age to at least 14 in order to protect the rights and health of our children. Our organisations and the communities we represent will remain strong and united and will continue to work together until the age is raised to at least 14 in all jurisdictions.

The 27th of July this year will mark two years since the MAG was presented with the report prepared by the Minimum Age of Criminal Responsibility Working Group, based on our submissions. This report recommended that the age be raised to 14 with no carve-outs for any crimes or circumstances. This date will also mark three and a half years since the MAG first committed to working on this issue.

We are hopeful that another year will not go by with this devastating status quo being perpetuated. Every time a child below the age of 14 is taken into the legal system, this causes harm to the child, their family, the community, and the reputation of Australia on the international stage.

We look forward to your continued leadership in this area and working with you and your government to achieve this vital reform to raise the age of criminal responsibility to at least 14.

Yours sincerely,

Aboriginal Legal Service (NSW/ACT)

ACOSS

ACTCOSS

Amnesty International Australia
Anglicare Southern Queensland

Australian Association of Social Workers

Australian Healthcare & Hospitals Association

Australian Indigenous Doctors’ Association

Australian Law Students’ Association

Australian Research Alliance for Children & Youth

Australian Youth Affairs Coalition

Central Australian Youth Justice

The Centre for Excellence in Child and Family Welfare

Centre for Innovative Justice

Change the Record
Youthlaw

Youth Action

Youth Advocacy Centre

Youth Affairs Council Victoria

Youth Affairs Council of Western Australia

Youth Law Australia