

MEDIA RELEASE

MORE ACTION NEEDED ON RAISING THE AGE OF CRIMINAL RESPONSIBILITY



NEW SOUTH WALES
BAR ASSOCIATION

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The NSW Bar Association calls on the NSW Government to establish the support services required to be able to raise the age of criminal responsibility within a clear timeframe.

The NSW Attorney General has stressed the need to introduce adequate support services for children aged below any revised age of criminal responsibility. The NSW Government should expedite that work to facilitate the change.

“This important reform should not be allowed to drift. There should be clear goals and timeframes,” said Dr Ruth Higgins SC, President of the NSW Bar Association.

“A Standing Council of Attorneys-General (SCAG) Working Group report has provided useful advice on support services that could be provided to children aged below any revised age of criminal responsibility, but the recent SCAG meeting did not reach any national consensus to raise the age.”

“The Northern Territory, the Australian Capital Territory, and Victoria have all acted, or announced their intention to act, on the clear evidence that raising the age of criminal responsibility is best practice policy. It is time for NSW to progress reform in the interests of our young people,” said Dr Higgins SC.

Numerous reports have demonstrated why the age of criminal responsibility should be raised, including the draft report of the Age of Criminal Responsibility Working Group, which found that:

- Evidence as to the development of children indicates that a child under the age of 14 years is unlikely to understand the impact of their actions or to have the maturity necessary for criminal responsibility.
- Children in the youth justice system, particularly First Nations children, are more likely to come from disadvantaged backgrounds, have experienced trauma, or have complex needs.
- An educational, medical, psychological, social and cultural response that deals with the underlying causes of child and youth offending, rather than a purely justice-based approach, can lead to better outcomes for children and for the broader community.

“Raising the age of criminal responsibility to 14, without exception, is crucial if we are to realise Closing the Gap. The latest BOCSAR figures from June 2023 show that Aboriginal young people represent 58.9% of the juvenile detention population in NSW and that the numbers of Aboriginal young people in remand increased by a disquieting 95.2% from June 2021 to June 2023,” said Dr Higgins SC.

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