

From the President

16 November 2022

Standing Council of Attorneys General
3–5 National Circuit
BARTON ACT 2600

Via Email: SCAGSecretariat@ag.gov.au; MAGSecretariat@ag.gov.au

Dear Attorneys-General

Raise the age of criminal responsibility to 14 now - no exceptions, no carve-outs

Paediatricians, physicians, and other medical specialists across Australia continue to campaign to raise the age of criminal responsibility from 10 to 14 years as a vital measure to protect the health and wellbeing of children, as part of the Raise the Age Campaign.

The Royal Australasian College of Physicians (RACP), the Australasian College for Emergency Medicine (ACEM), the College of Intensive Care Medicine of Australia and New Zealand (CICM), the Royal Australian College of General Practitioners (RACGP) and the Royal Australian and New Zealand College of Psychiatrists (RANZCP) calls on Attorneys-General around the country to raise the age of criminal responsibility in every jurisdiction, and we call for the immediate publication of the Review by the Standing Council of Attorneys General.

A Review was conducted by the Standing Council of Attorneys General in 2020, and the Raise the Age Campaign has called for Attorneys General to publish the submissions to that Review. The report that was provided to the Council of Attorneys General has never been published and there remains no national agreement to protect children by raising the age of criminal responsibility to 14 years. This is an abject failure of leadership.

- Children aged 10 to 13 in the youth justice system are physically and neurodevelopmentally vulnerable and require a different response to behavioural issues than older children.
- Most children in the youth justice system have significant additional neurodevelopmental delays.
- Children aged 10 to 13 years old in juvenile detention also have higher rates of pre-existing psycho-social trauma which requires support, stability and care, not incarceration.
- The harms from incarcerating very young children are severe and long lasting.

- Harms come from remand as well as custodial sentences – and most young people in custodial settings are not serving a sentence.
- Harms are caused by the criminal justice system even when there is no incarceration: a criminal record is a very large burden for a child to bear, with lifelong consequences.

The ABC's Four Corners program which aired on Monday 14 November 2022 contained deeply concerning stories of harm and abuse occurring to children who are arrested and charged with criminal offences. Let us be clear: this must stop.

The Four Corners program reported that the Standing Council of Attorneys General report recommends raising the age of criminal responsibility to **14 years without exception**. This advice was provided by the justice departments of the Commonwealth, States and Territories and was based on the advice of experts, including doctors. It's time this advice was implemented.

We cannot afford two more years of inaction and delay.

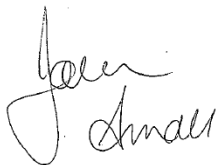
We are calling for:

- **The Federal Government to publish the report referred to on Four Corners**
- **The Federal Government to establish a task force to fix recurring problems in the youth justice system, in line with the advice of the National Children's Commissioner.**
- **All governments to immediately commit to raising the age of criminal responsibility to 14 years with no exemptions and no carve-outs.**

Reform includes justice reinvestment in community-supported, effective, and cost-effective alternatives to criminalising young children. Reform also requires investments in wraparound services, including Indigenous-led and culturally safe services in health, education, disability support and child protection to address systemic disadvantage, trauma and developmental disability to help these children to thrive.

Now is the time for governments around Australia to prioritise the future of our children and end the misery of the current youth detention system. It's time for legal reform to achieve justice.

Yours sincerely



Dr Jacqueline Small
President, The Royal Australasian College of Physicians



Dr Clare Skinner
President, Australasian College for Emergency Medicine



Dr Rob Bevan
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Adjunct Professor Karen L. Price
President, Royal Australian College of General Practitioners



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