



**NATSILS**

National Aboriginal and  
Torres Strait Islander Legal Services

TRUE JUSTICE FOR OUR PEOPLE

**FOR IMMEDIATE RELEASE**

**27 July 2021**

**JOINT MEDIA RELEASE: Children continue to be jailed in year since Attorneys-General failed to raise the age**

Today marks one year since Australia's top legal officers failed to raise the age of criminal responsibility from 10 to 14, despite being handed an expert report overwhelmingly recommending that all states and territories and the federal government change laws to keep children out of prison.

In 2019-2020 alone, [499 children aged between 10 and 13 were imprisoned](#), 65 percent of whom are Aboriginal or Torres Strait Islander children.

47 organisations wrote to Attorney-General Michaelia Cash and the Meeting of Attorneys-General (MAG) Secretariat on Monday 19th of June requesting an update on progress to change these outdated laws since the report was presented to the MAG (then called the Council of Attorneys-General).

The letter also asked for clarity on the process going forward, including specific timeframes, and an update on work carried out to identify "adequate processes and services for children who exhibit offending behaviour", which was previously outlined by the Attorneys-General.

No response to the letter has been received to date.

The ACT is the only jurisdiction to have committed to raising the age from 10 to 14 years old to date. The Raise the Age coalition is calling on every state and territory to raise the age, and ensure these important reforms are not delayed.

**Cheryl Axleby, Co-Chair of Change the Record:**

"Every day that the Attorneys-General refuse to act, they are condemning a generation of our children to a lifetime behind bars. Ten year old children who get trapped in the criminal justice system don't come out. One year ago, every state and territory was given the chance to unite to close the gap and change the cruel laws that lock children as young as 10 years old away behind bars. They failed to take action then, we are calling on them to take action now to raise the age of criminal responsibility and invest in the community programs and family services that will keep our children safe and healthy and strong."

**Meena Singh, Legal Director, Human Rights Law Centre:**

“It beggars belief that the chief law officers in the country could be so complacent when it comes to raising the minimum age of criminal responsibility in Australia, which is totally out of step with international human rights law and international standards

The evidence is crystal clear – jailing children under 14 does not make the community any safer, while it greatly increases the risk of that child going on to have contact with the adult legal system in the future. In one year almost 500 children have been jailed unnecessarily, setting many on a path to future offending.”

**Priscilla Atkins, Chair of NATSILS:**

“This is an unjust and dangerous matter of political will. Ongoing inaction means a horrifying number of our young people continue to be trapped in the quicksand of the so called justice system. Now is a critical opportunity for the Australian Government to reimagine the justice system and commit to ending the over-incarceration of our children by raising the age of criminal responsibility to at least 14.”

**Maggie Munn, Associate Campaigner - Indigenous Rights, Amnesty International Australia**

“When you’re 13 you should be looking forward to new adventures in high school and thinking about what you might like to do when you grow up. Not thinking about when you might get out of detention. There is no need to kick the can any further down the road on raising the age. All the consultation has been done, the international experts agree and delaying raising the age is just entrenching the harm prison is doing to our kids.”

**Background:**

On 27 July 2020 the then Council of Attorneys-General were presented with a report from the Minimum Age of Criminal Responsibility Working Group’s public consultation, comprising submissions from 88 Aboriginal and Torres Strait Islander, human rights, social services and other not-for-profit organisations.

The report overwhelmingly recommended that the age of criminal responsibility be raised to at least 14, however it was not made public, and most of it was denied, including all submissions, following a Freedom of Information request by the Human Rights Law Centre. In May, 48 organisations decided to [publicly release their submissions](#).

So far only the ACT has committed to raise the age of criminal responsibility to 14, acting on the recommendations of the working group that was first appointed by the then Council of Attorneys-General (CAG) back in November 2018.

**END OF RELEASE**

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