

MEDIA RELEASE

18th November 2021

“A society is fruitful when it is able to generate processes of inclusion and integration, of caring and trying to create opportunities and alternatives that can offer new possibilities to the young, to build a future through community, education and employment”

— Pope Francis, World Youth Day 2019, speaking at Las Garzas de Pacora Juvenile Detention Centre

Kicking the Kids Down the Road

The Communique from the November Meeting of the Australian States and Territories’ Attorneys-General (MAG) in relation to the issue of children in custody was underwhelming. While it is good to see that the MAG has continued to speak about the serious problem of keeping children of a very young age in prison, it is now three years since its previous proposal to study the issue. Despite much public concern and hundreds of local and international organisations and experts, including the UN, advocating to ‘raise the age’ to at least 14, the MAG’s announcement has kicked the issue, and therefore the kids, down the road by announcing it will support ‘*development of a proposal to increase the minimum age of criminal responsibility from 10 to 12*’.

This ‘announcing an announcement’ is not the commitment we need that will give children the best chance at a bright future and keep our communities safe over the short and long term. To be clear: this is **not** a national commitment to raise the age to 12, but rather a minimal mention of ‘developing a proposal’, surrounded by a contingent of caveats and exemptions.

“CSSV takes criminal justice and child welfare seriously. Raising the age two years from 10 to only 12 defies all expert and international advice. As last reported numbers stand, it would actually impact less than 10% of the 500+ children under the age of 14 in custody across the country, a mere token.” says Josh Lourensz, Executive Director of CSSV.

“It falls short of the bare minimum age standard of 14 that legal (the Law Council), medical (AMA) and indigenous experts declare necessary and urgent. The ACT alone has taken substantial action in line with expert advice, committed to raising the age to 14 and has addressed MAG’s ultra-cautious concerns in [a clear roadmap](#) for releasing under-14s from custody.”

“We know that raising the age to at least 14 can break cycles of disadvantage, reduce recidivism, and can provide better outcomes for affected children, while simultaneously increasing safety for the wider community.”

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We want our communities and our children kept safe and able to flourish. To do this, we need to raise the age to at least 14:

- The evidence is abundant: child prisons are always harmful, but 14 is the youngest age a child should ever bear the punitive weight of an ill-adapted adult penal system.
- Raising the age requires system reform, but there are [effective interventions](#) for children of this age that can give them the best chance of a bright future, and keep our communities safe in the present and long term.
- Many 12 year-olds are still at primary school. 13 year-olds are entering early high school. These formative years wasted in custody can set children on a lifelong trajectory involving crime, a disproportionate result of actions made at such an early stage of cognitive and moral development.
- If governments only raise the age to 12, then 456 of 499 children under 14 would remain behind bars.

Australia can do better. Victoria can do better. Kids must no longer be kicked down the road, into the 'Can', and left there. They are [#worthasecondchance](#), and they need the right interventions and support for a bright future. The MAG needs to rethink its responsibility to Australian children, rethink its understanding of child development and listen to the experts and organisations doing the work.

Catholic Social Services Victoria (CSSV) is peak body for over 43 social and community service organisations working to support the welfare of over 200,000 Victorians per year. CSSV is a member of and endorses the [Raise the Age](#) Coalition: a broad alliance of over 100 medical, legal, human rights and service delivery organisations.

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