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Media Release: NTCOSS welcomes legislative changes to raise the age of criminal responsibility

We congratulate the Northern Territory Government for keeping its promise to raise the age of criminal responsibility to 12 and abolishing some mandatory sentencing laws.

We need a smarter approach to justice – one that works and one that breaks the cycle of reoffending.

NT Attorney General General Chansey Paech is to be commended for his dedication to raising the age in the current term of government and ensuring the cruel reality of 10-year-old children being jailed in the Territory will no longer happen.

“This is a step in the right direction and it is great to see the Northern Territory is leading the country in this space by becoming the first jurisdiction to raise the age to 12,” Northern Territory Council of Social Service CEO Deborah Di Natale said.

“I cannot think that anyone thinks that a 10-year-old being in jail is the right approach to problematic behaviour.”

The evidence is overwhelming that locking up and traumatising children is not the answer to making the Territory safer.

It makes the Territory less safe.

The NT Government’s own statistics indicate 77 per cent of children released

from detention return within a year.

Incarceration sets children with complex histories of disadvantage and trauma on a path of criminal offending and leads to high rates of self-harm.

This is not how we, as a civilised society, should treat our vulnerable children.

When children are ordered to complete a therapeutic, diversion program the opposite occurs: the majority do not re-offend within 12 months.

A therapeutic approach should be employed to address the causes of the child's behaviour and developmental needs.

"Children need to be supported to address their offending and locking them up is not the solution. It causes lifelong mental health issues.," Ms Di Natale said.

Between 2017 and 2022, children aged 10 or 11 represented only:

- 1% of children received into detention (18 children)
- 3% of children apprehended (296 children)
- 11% of children entered into police diversion (395 children)

In financial year 2020 – 2021, 10 and 11 year olds made up only 2.9% of the total youth offences committed in the Northern Territory (ABS).

The evidence shows that criminalising children under 14 and as young as 10 – most of whom are Aboriginal children in the Territory - causes them lifelong developmental and mental health issues.

It is more than six years since we saw the shocking footage on ABC's Four Corners program of the abuse of boys in detention in Darwin, prompting the Royal Commission and its 227 recommendations: including a trauma-informed therapeutic model of youth detention instead of a failed "tough on crime" approach and that the age of criminal responsibility be raised to 12 and that children under the age of 14 not be incarcerated.

We continue to recommend the age be raised to 14 in line with the UN Committee on the Rights of Child and international practice.

Australia has one of the lowest minimum age of criminal responsibility rates in the world.

Media Contact: Greg Roberts on 0429 515 013 or media@ntcoss.org.au

