

Australian and  
New Zealand Children's  
**COMMISSIONERS**  
AND **GUARDIANS**

19 September 2019

The Hon. Christian Porter MP  
Attorney-General  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

The Hon. David Parker MP  
Attorney-General  
C/o Crown Law  
PO Box 18 888  
WELLINGTON NZ 6140

**Raise the Minimum Age of Criminal Responsibility**

Dear Attorneys-General,

The Australian and New Zealand Children's Commissioners and Guardians (ANZCCG) write encouraging all Federal and state/territory governments in Australia, and the New Zealand government, to raise the age of criminal responsibility.

The ANZCCG comprises national, state and territory children and young people commissioners, guardians and advocates. The aim of the ANZCCG is to promote and protect the safety, well-being and rights of children and young people in Australia, and ensure that the best interests of children and young people are considered in public policy and program development across Australia.

Currently, the age of criminal responsibility in all Australian jurisdictions and New Zealand is 10 years old.

The ANZCCG is concerned that children of this young age are being sentenced in courts and locked up in detention centres across Australia. This is contrary to human rights standards and the recommendations of the United Nations Committee on the Rights of the Child.


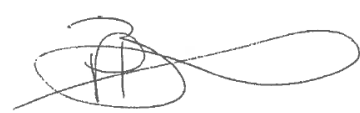



We know that the children who appear in court are some of the most vulnerable and disadvantaged members of our communities. Research suggests that young children aged 10-14 years are particularly likely to have a background of abuse or neglect. Further, a disproportionate number of the children charged with criminal offences each year are Aboriginal and Torres Strait Islander children in Australia, and Māori children in New Zealand.

There is a well-established risk that children who have early contact with the criminal justice system are more likely to continue to offend and become trapped in the criminal justice system. The diversion of matters away from the criminal justice system and into appropriate alternative programs and support services should be the preferred option for children and young people.

We are joining a growing chorus of voices from bodies such as the Australian Medical Association, the Royal Australian College of Physicians, and Amnesty International, in calling for an end to the punitive and unnecessary incarceration of young children.

The ANZCCG is strongly recommending that the age of criminal responsibility be raised to at least 14 years, in line with recommendations by the United Nations Committee on the Rights of the Child.

Yours sincerely,

 Jodie Griffiths-Cook Children and Young People Commissioner (ACT)	 Megan Mitchell National Children's Commissioner
 Andrew Johnson Advocate for Children and Young People (NSW)	 Janet Schorer PSM Children's Guardian (NSW)
 Colleen Gwynne Children's Commissioner (NT)	 Natalie Siegel-Brown Public Guardian (QLD)
 Cheryl Vardon Principal Commissioner, Queensland Family and Child Commission	 Philip Brooks Commissioner, Queensland Family and Child Commission
 Helen Connolly Commissioner for Children and Young People (SA)	 April Lawrie Commissioner for Aboriginal Children and Young People (SA)
 Penny Wright Guardian for Children and Young People and Training Centre Visitor (SA)	 Leanne McLean Commissioner for Children and Young People (Tas)
 Liana Buchanan Principal Commissioner for Children and Young People (Vic)	 Justin Mohamed Commissioner for Aboriginal Children and Young People (Vic)
 Colin Pettit Commissioner for Children and Young People (WA)	 Judge Andrew Becroft Children's Commissioner (NZ)