



1 August 2023

Statement

NORTHERN TERRITORY RAISE THE AGE OF CRIMINAL RESPONSIBILITY

The Office of the Children's Commissioner (OCC) acknowledges that the Northern Territory has today become the first jurisdiction in Australia to raise the age of criminal responsibility to 12 years of age.

The OCC calls on the NT Government to go further with this evidence based approach to youth justice as the facts are clear. The earlier in life a child is introduced to youth detention, the more likely they are to become entrenched in the criminal justice system. A shift in focus to local early intervention, family support and diversion in the Northern Territory can better support children through periods of developmental risk-taking and behaviours that challenge. This will result in safer communities for everyone.

The OCC urges the Northern Territory to effectively and appropriately raise the age of criminal responsibility to 14 years. This is consistent with the United Nations absolute minimum benchmark, and cognisant of recommendations from legal, medical and child rights experts in Australia and internationally. The 2017 Royal Commission recommended that no child under the age of 14 serve time in detention, except in cases of the utmost criminal seriousness.

Quotes attributable to Nicole Hucks, A/ Children's Commissioner NT:

- Raising the age to 12 years is one step in the right direction. The next critical step is to increase the minimum age of criminal responsibility to 14 years.
- Focussing on earlier intervention and supporting children at risk will increase prevention and positively impact on community safety.
- A vast majority of the children finding themselves in detention have experienced trauma and grappled with living below the poverty line. The NT government must effectively resource place-based programs and services for children and their families to address the adversity experienced and ensure basic needs like housing and food security are met.
- These programs must be accompanied by robust monitoring and evaluation to ensure these programs are responding to the community's needs.
- The continued and significant over-representation of Aboriginal children in NT youth detention centres requires a specific strategy. I implore the NT Government to develop an Aboriginal Youth Justice Strategy in partnership with Aboriginal leaders, communities and young people. This Strategy would set agreed actions, incremental targets and accountability measures; and support the NT to progress towards the Closing the Gap target of a 30% reduction in the rate of Aboriginal young people in youth detention by 2031.
- Exposing children to the detention environment does not address the causes of their offending behaviour. There are more effective alternatives that hold children accountable and help prevent them from engaging in these behaviours.
- Ensuring that everyone in our community is healthy and supported will result in increased community safety.

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