



Hon Mark Dreyfus KC MP

Hon Shane Rattenbury

Hon Mark Speakman SC

Hon Chanston Paech

Hon Shannon Fentiman

Hon Kyam Maher

Hon Elise Archer MP

Hon Jaclyn Symes

Hon John Quigley LLB JP

8 December 2022

Dear Attorneys-General

We write to you as a network of Councils of Social Service in the wake of deeply concerning media coverage of mistreatment and abuse of children in Australia's youth prisons, and to call for urgent action to better protect and support Australian children.

Our network has long stood with Aboriginal and Torres Strait Islander organisations, medical and legal experts, service providers, Australian and international human rights organisations, the global community and multiple foreign governments, and UN human rights bodies, advocating for Commonwealth, state and territory governments to raise the age of criminal responsibility to at least 14 in all circumstances.

Research consistently shows children in youth detention are some of the most disadvantaged in Australia, with high rates of cognitive impairment, mental health issues, trauma and experiences of abuse and neglect. We also know criminal justice responses are ineffective in either reducing crime or supporting young people to make better choices; in fact, involvement in the criminal justice system increases the likelihood that a young person will go on to offend in the future.

We know the youth justice system is failing Aboriginal families and communities. Aboriginal children are overrepresented in youth detention in every state and territory. Current laws disproportionately harm Aboriginal children and families, as well as undermining meaningful progress towards Closing the Gap and reconciliation efforts between Aboriginal peoples and governments across Australia.

We have also seen the evidence relating to the appalling conditions for children in detention. Last month, we once again saw shocking footage of children being mistreated and abused inside a youth justice facility. These are not isolated incidents - the footage from Don Dale detention centre released in 2016, and the evidence from the recent Commission of Inquiry into the Tasmanian Government's responses to Child Sexual Abuse in Institutional Settings, demonstrated the shocking conditions within youth prisons, and highlighted the need for urgent reform.



Last month's coverage cites a 2020 report from the Council of Attorneys-General (CAG) on the review into raising the age of criminal responsibility. This network made one of the 90 submissions to the review in 2019. This report has never been publicly released. However, we understand Four Corners obtained a copy of the report and have indicated that it recommends, "the Commonwealth, State and Territory governments should raise the minimum age of criminal responsibility to 14 years of age, without exception".

In light of the above concerns, we call for the following:

- **The immediate public release of the CAG report and all recommendations**

Some state and territory governments have advised that a key step towards committing to raising the age of criminal responsibility in their own jurisdictions is alignment with recommendations made by the CAG report once released. While CAG refuses to publicly release the report, most Australian governments have not committed to reform. In the meantime, Australian children continue to be locked up in youth prisons and be subject to physical and psychological harm.

- **The development of a national plan for youth justice, including a national taskforce to investigate and report on options for reform**

All Governments across Australia should be working to address existing issues in the youth justice system and implement strategic reforms. Experts from several fields, including the Royal Australasian College of Physicians, the Australian Human Rights Commission and the National Children's Commissioner, have been calling for a national multidisciplinary Taskforce, as well as the development of a national framework, to transform youth justice in Australia.

- **An immediate commitment from all State and Territory Governments to raise the age of criminal responsibility from 10 to at least 14 years in all circumstances**

The evidence is clear - involving children in the criminal justice system is harmful and ineffective. We need changes to better support our children, families and communities. Raising the age of criminal responsibility is a logical first step.

Yours sincerely

Cassandra Goldie
CEO, ACOSS

Emma Campbell
CEO, ACTCOSS

Joanna Quilty
CEO, NCOSS

Deborah Di Natale
CEO, NTCOSS

Aimee McVeigh
CEO, QCOSS

Ross Womersley
CEO, SACOSS

Adrienne Picone
CEO, TasCOSS

Emma King
CEO, VCOSS

Louise Giolitto
CEO, WACOSS