



25 November 2021

The Hon. Dominic Perrottet, MP
52 Martin Place
SYDNEY NSW 2000

Via email: epping@parliament.nsw.gov.au
CC to Mark Speakman: via webform

Dear Mr Perrottet,

RE: Raise The Age - Attorneys-General Meeting

We write following the disappointing announcement that the NSW Attorney-General has agreed to support "a proposal" to raise the age of criminal responsibility from 10 to 12 years old. NSWCCL demands that the government reconsider its position and raise the age of criminal responsibility to at least 14 years old.

The current proposal goes against medical evidence, which is unequivocal: children under the age of 14 lack the required capacity to be held criminally responsible. Research in child cognitive development clearly indicates that immaturity has a strong correlation with cognitive functioning, including impulsivity, reasoning and consequential thinking. At the age of 10, children continue to be in a position of trust and dependence. Without any developed self-determination, breaking away from cycles of offending and disadvantage is simply close to impossible.

Almost 500 children from ages 10 to 14 were arrested and detained by police in 2020 alone. If the age was raised to just 12 years old, then 456 out of the 499 children under 14 in prison last year would remain locked away behind bars. In NSW, this would translate to 99 out of 105 children under 14 remaining behind bars. The announcement places the rights of children behind political interests and is disappointing.

We firmly believe that supporting the welfare of children and young people to allow them to transition into productive and engaged citizens is the collective responsibility of the Australian community. Raising the age of criminal responsibility to 14 years will significantly improve children's rights in New South Wales and Australia's adherence to its obligations under the Convention on the Rights of the Child.

NSWCCL urges you to take immediate action and support the *Children (Criminal Proceedings) Amendment (Age of Criminal Responsibility) Bill 2021* that is already before the parliament. The Bill would achieve the aims of raising the age of criminal responsibility to fourteen and would prevent young people under the age of 16 from being detained. The passing of the Bill would represent a great step forward for respecting the rights of children in NSW and provide an example in leadership to put the interests of children at the forefront of policy in juvenile criminal justice.

We would be pleased to meet with you to discuss this issue further.

Yours sincerely,



Michelle Falstein
Secretary
NSW Council for Civil Liberties