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NT's raising the age to 12 a positive step, but more progress needed: Jesuit Social Services

As the Northern Territory prepares to raise the age of criminal responsibility from 10 to 12 years, with new laws to come into effect on August 1st, Jesuit Social Services says the move is a positive step that will support some children to lead more positive lives. The organisation says that the Territory Government must now look at the evidence of what works and raise the age to 14, with no exceptions, as soon as possible.

“Almost six years ago, the Royal Commission into the Protection and Detention of Children in the Northern Territory handed down its final report which contained 227 evidence-based recommendations including for the Territory to raise the age of criminal responsibility,” says Jesuit Social Services CEO Julie Edwards.

“The Territory’s move to raise the age from 10 to 12 is the right step in helping children at risk of entering or remaining in the youth justice system to remain connected to their family, culture and community, while giving them opportunities to address the underlying factors behind their behaviour. These new laws mean that children aged 10 or 11 who engage in concerning behaviour will now be supported through diversion activities, restorative youth justice conferencing and re-engagement with schools, ultimately helping them to lead positive and healthy lives.

“However, the job is only half done until the Territory raises the age of criminal responsibility to 14, with no exceptions. An analysis of 90 jurisdictions found that the most common international median age of criminal responsibility is 14, and by incarcerating primary-school aged children, Australia has long been out of step with human rights recommendations,” says Ms Edwards.

Research has shown that children who have contact with detention at a young age are more likely to have further contact with the justice system throughout their lives and into adulthood.

“Extensive research, and Jesuit Social Services’ own work with children and young people over more than 45 years, demonstrates children under 14 lack the ability to make comprehensive judgements, and are more likely to engage in impulsive behaviour than adults. As a society, we must do everything we can to ensure fewer children have contact with the justice system, which we know can have lifelong consequences.”

Ms Edwards says that if the Territory were to raise the age to 14, it should look to expand restorative justice responses involving children, their families and often a victim. These programs, including Youth Justice Group Conferencing which is delivered by Jesuit Social Services across the Territory, create a safe space for children to learn from their mistakes to reflect and develop insight and to make amends for their behaviour. A recent evaluation of Victoria’s Youth Justice Group Conferencing program reported that the program was associated with a reduction of up to 40 per cent in the likelihood of recidivism compared to traditional justice approaches.

“Through our work in the Territory, including delivering Youth Justice Group Conferencing and Back on Track, we know the best way to deal with young people in trouble is keeping them engaged with family, education and culture. We urge the Territory Government to raise the age of criminal responsibility to 14 as soon as possible, to give more children the chance to reach their potential.”

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