



Josephite Justice Office
PO Box 1508 North Sydney NSW 2059

The Hon Linda Burney MP
Minister for Indigenous Australians
Parliament House
Canberra ACT 2600

22 April 2024

Dear Minister Burney,

Age of Criminal Responsibility

I write as the Coordinator of the Josephite Justice Network, a ministry of the Congregations of the Sisters of St Joseph. We serve, educate, advocate and work for justice, for earth and for all peoples, but especially for those pushed to the margins of our world. As women who have been involved in the care and education of children since our foundation by Mary MacKillop and Tenison Woods in 1867, we believe that the current age of criminal responsibility in Australia is inherently opposed to justice, human rights and the best interests of the child.

The Sisters of St Joseph were members of the 202 organisations, which endorsed the UPR Report of the Australian Non-Government Coalition to the United Nations in 2020. One of its strongest recommendations was the call for the Australian Government to raise the age of criminal responsibility. At this time, we are particularly concerned that the Government has ignored the recommendations of this report, as well as the resultant calls from 31 countries, that the age of criminal responsibility be raised in this country to at least 14.

- The current imprisonment of children violates their human rights under the [Convention of the Rights of the Child](#).
- Australia continues to ignore the research and evidence from other jurisdictions such as Denmark, where the age of criminal responsibility is 15 years, and the focus is on education and rehabilitation. The most recent reports on [Danish Policy on Youth crime](#) show that youth crime in that country has been declining since 2006.
- In Australia, [The adverse effects of imprisoning children at such an early age](#) have been well documented by medical professionals, with clear evidence that children become entrapped in a cycle of disadvantage and criminal activities, and that this disproportionately impacts on children from low socio-economic backgrounds.
- The [earlier a child enters the justice system](#), the more likely it is that the child will have repeat interactions with the system.
- The current laws are contributing to the [over-representation of Indigenous children](#) in the Australian justice system. Indigenous children are 17 times more likely to be in detention than non-Indigenous children, while over 60% remain unsentenced.
- The Government is continuing to ignore the recommendations of successive Royal Commissions, and its professed commitment to the Closing the Gap measures regarding youth incarceration.

I urge you therefore, Minister, to use your influence and power to raise the minimum age of criminal responsibility to at least 14.

While the statement of your Government is accurate, that responsibility in this area is shared between the Commonwealth and the states and territories, we believe this to be a clear evasion of its own accountability. Both Federal and State Governments are well aware that the

Commonwealth is well within its rights to take the lead in the area. It is of serious concern however, that the Commonwealth has taken no initiative to raise the age of criminal responsibility across this country. The decision of the ACT to increase the minimum age provides a model for all governments in this country, including the Commonwealth.

The recent bail laws instituted in NSW and the continuing misplaced emphasis on law and order in Queensland, are particularly concerning, particularly when we know that this focus is supported by Labor Governments. The recommendations of multiple organisations and communities in the latest UPR reports, the distress of many community workers and advocates for justice, the clear results of widespread research, and the recommendations of 31 nations to the Australian Government, make it clear that, for the sake of justice and the rights of the child, the Commonwealth must take leadership on these issues.

As Josephites, we believe it to be imperative that Australia raise the age of criminal responsibility, for the sake of the children, the future of human rights in Australia, and the very character of this country. I am sure, Minister Burney, that you also believe that this action is a critical step if we wish to demonstrate our concern for "closing the gap initiatives".

The question for all of us must be faced. What sort of country will our children, grandchildren and great grandchildren inherit, if we continue to refuse to act for justice, compassion and human rights?

May we support one another into this journey.

Yours sincerely,



Jan Barnett rsj
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