

Raising the age of criminal responsibility

There are strong moral, medical and legal arguments for raising the age of criminal responsibility from 10 years of age. Most Australians already think that the age of criminal responsibility is 14 years or higher, and when told it is not most Australians support raising it to 14.

Discussion paper

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Change the Record and The Australia Institute shared the cost of opinion polling.

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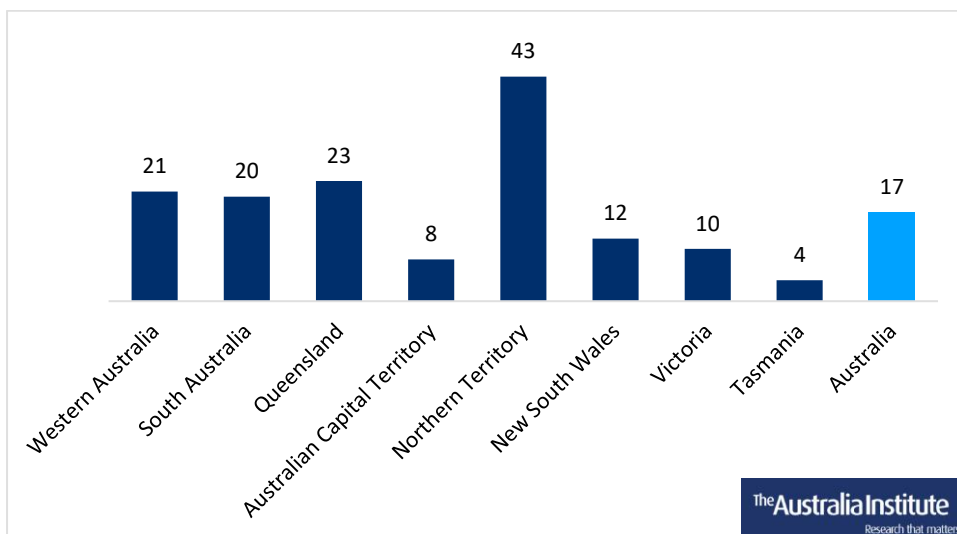
Summary

The age of criminal responsibility in all Australian states and territories is 10, well below the global median of 14 years. Australia’s age of criminal responsibility is out of step with the rest of the world and the medical science.

The medical evidence is that the brains of young children are not sufficiently developed for them to be held criminally responsible, and that imprisoning children can cause them lifelong harm. Juvenile detention is “criminogenic” – it increases their odds of reoffending – and can have serious negative consequences for a child’s health, education and employment outcomes, including leading to an early death.¹

The criminal legal system disproportionately affects Aboriginal and Torres Strait Islander children. Among those aged 10–13 that are in detention or supervision, 65% are Aboriginal and Torres Strait Islander children.² Aboriginal and Torres Strait Islander young people (aged 10 to 17 years) are imprisoned at 17 times the rate of their non-Indigenous peers.³

Figure: Ratio of Indigenous rate of youth detention to non-Indigenous rate



¹ See for example Australian Medical Association (2019) *AMA calls for age of criminal responsibility to be raised to 14 years of age*, <https://ama.com.au/media/ama-calls-age-criminal-responsibility-be-raised-14-years-age>; Cunneen (2017) *Arguments for raising the minimum age of criminal responsibility*, <https://trove.nla.gov.au/work/236398370>; Richards (2011) *What makes juvenile offenders different from adult offenders?*, <https://www.aic.gov.au/publications/tandi/tandi409>

² Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, table S5b, <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>

³ Sentencing Advisory Council (2020) *Indigenous Young People in Detention*, <https://www.sentencingcouncil.vic.gov.au/statistics/sentencing-trends/young-indigenous-people-in-detention>

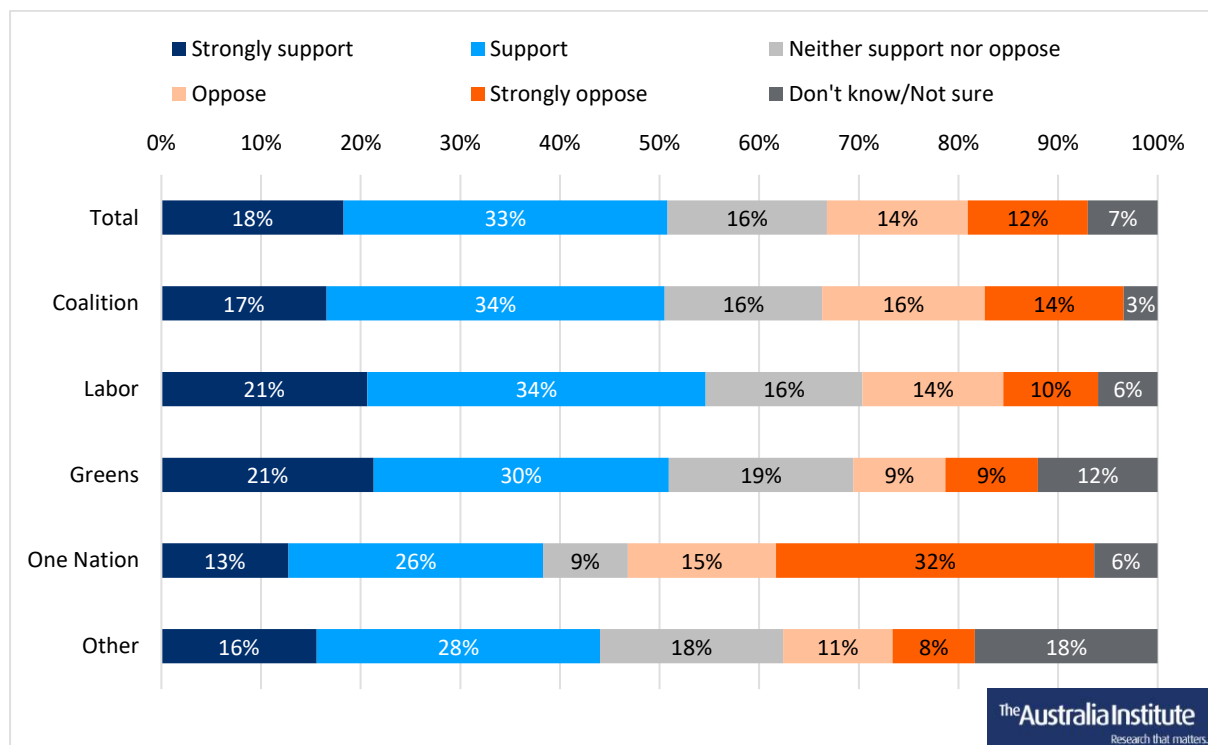
Original polling research shows that three in four Australians already think that the age of incarceration is higher than 10 years of age, including 51% who think it is 14 years or over.

Only 7% of Australians correctly identified 10 as the age of criminal responsibility.

Half of Australians (51%) support or strongly support raising the age of criminal responsibility to 14; 26% oppose. That is, twice as many support raising the age of criminal responsibility as oppose raising the age. Most Coalition and Labor voters support raising the age.

Most Australians agree that politicians should be guided by the medical experts when deciding how to respond to children’s behaviour, public money spent on incarcerating children would be better spent on social services (“justice reinvestment”) and that the overall impact on the community of locking up children is negative.

Figure: Support for raising the age to 14, by voting intention



Introduction

In every state and territory in Australia, children as young as 10 years old can be arrested by police, taken to a police station, questioned, held in police custody and remanded or sentenced to imprisonment.

The Australian Medical Association, Law Council of Australia, Royal College of Australian Physicians and United Nations Committee on the Rights of the Child are among those that have called for the age of criminal responsibility to be raised to 14 years of age.

The Royal College of Australian Physicians says:

The RACP wants all governments to move to raise the minimum age of criminal responsibility from 10 to 14 years, in line with the significant body of evidence on child brain development and United Nations recommendations.⁴

The Australian Medical Association and Law Council of Australia say:

The [minimum age of criminal responsibility] of 10 in place across all Australian jurisdictions is out of step with medical consensus regarding child brain development. Children under the age of 14 are undergoing significant growth and development, which means they may not have the required capacity to be criminally responsible.

The age of criminal responsibility in Australia should be increased to 14 years old.⁵

The United Nations Committee on the Rights of the Child:

regrets that its previous recommendations have not been implemented and remains seriously concerned about:

- (a) The very low age of criminal responsibility;
- (b) The enduring overrepresentation of Aboriginal and Torres Strait Islander children and their parents and carers in the justice system;

⁴ The Royal Australasian College of Physicians (2019) *Physicians say age of criminal responsibility must be raised to help end abuse in custody*, <https://www.racp.edu.au/news-and-events/media-releases/physicians-say-age-of-criminal-responsibility-must-be-raised-to-help-end-abuse-in-custody>

⁵ Law Council of Australia & Australian Medical Association (2019) *Minimum age of criminal responsibility: Policy statement*, p. 3, <https://www.lawcouncil.asn.au/media/media-releases/lca-and-ama-call-on-australian-governments-to-raise-the-age-of-criminal-responsibility-to-14>

- (c) Reports that children in detention are frequently subjected to verbal abuse and racist remarks, deliberately denied access to water, restrained in ways that are potentially dangerous and excessively subjected to isolation;
- (d) The high number of children in detention, both on remand and after sentencing;
- (e) Children in detention not being separated from adults;
- (f) The continuing existence of mandatory minimum sentences applicable to children in the Northern Territory and Western Australia;
- (g) The continuing overrepresentation of children with disabilities in the justice system;
- (h) Children's lack of awareness about their rights and how to report abuses.

... the Committee urges [Australia] to bring its child justice system fully into line with the Convention and:

- (a) To raise the minimum age of criminal responsibility to an internationally accepted level and make it conform with the upper age of 14 years, at which *doli incapax* applies ...⁶

Aboriginal and Torres Strait Islander legal, health and community groups have long called for the age of criminal responsibility to be raised as a key measure to reduce the overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system.

NATSILS (the National Aboriginal and Torres Strait Islander Legal Services) is the peak body for Aboriginal and Torres Strait Islander legal services in Australia. They write:

We are of the view that raising the [minimum age of criminal responsibility] is a crucial and transformative step towards ending the overrepresentation of Aboriginal and Torres Strait Islander people in the legal system. In 2019, 70 percent of imprisoned children aged 10-13 years in Australia were Aboriginal and Torres Strait Islander children.

When children enter the legal system at very young ages, evidence shows that they are more likely to stay in the system, including as adults. Australia's low age of legal responsibility 17 exacerbates intergenerational cycles of imprisonment by

⁶ United Nations Committee on the Rights of the Child (2019) *Concluding observations on the combined fifth and sixth periodic reports of Australia*, p. 14, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fAUS%2fCO%2f5%20-6&Lang=en

criminalising the most disadvantaged children and young people in the country, and not helping them adequately.⁷

It is worth noting that very few children come into contact with the criminal legal system. The question that faces law-makers is how to best respond to the small number who do. Nationally, just 11% of the total offender population in Australia consisted of children aged between 10 and 17 years old. Those aged under 14 years made up just 0.01% of the total offender population.⁸

However, Indigenous children are overrepresented in every state and territory.⁹

Raising the age of criminal responsibility would have a small impact in terms of numbers of children affected, but a potentially life-long impact on those children who would, as a result, be kept out of the quicksand of the criminal legal system.

This briefing note summarises some of the evidence for raising the age of criminal responsibility to 14 and reports on public attitudes, as revealed through opinion polling, to an increase in the age and other related questions about youth justice.

⁷ NATSILS (2020) *Submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group Review*, p. 13,

<http://www.natsils.org.au/portals/natsils/submission/NATSILS%20submission%20to%20CAG%20Inquiry%20into%20age%20of%20criminal%20responsibility%20Feb%202020%20final.pdf>

⁸ ABS (2020) *4519.0 - Recorded Crime - Offenders, 2018-19*, table 21,

<https://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4519.0Main+Features12018-19?OpenDocument>

⁹ Sentencing Advisory Council (2020) *Indigenous Young People in Detention*

Evidence for raising the age of criminal responsibility

EFFECT OF INCARCERATION ON CHILDREN

There has been extensive research in Australia, and around the world, into the impacts of incarcerating children on future offending. Both national and international evidence demonstrates that locking children up does not keep the community safe, or reduce future offending by the child.

Criminologist Professor Chris Cunneen explains:

[A] small number of offenders commit a large proportion of detected offences and these tend to be those young people who first appeared in court at an early age. For this reason, it is recognised that criminal justice systems can themselves be potentially criminogenic, with early contact being one of the key predictors of future juvenile offending.¹⁰

Removing these (relatively small number of) children from their communities and placing them in youth prisons *increases* their risk of criminal offending and negative peer influence, with Kelly Richards writing for the Australian Institute of Criminology:

It is widely recognised that some criminal justice responses to offending, such as incarceration, are criminogenic; that is, they foster further criminality. It is accepted, for example, that prisons are 'universities of crime' that enable offenders to learn more and better offending strategies and skills, and to create and maintain criminal networks.¹¹

Rather than making our communities safer by promoting the positive development and rehabilitation of children, incarceration can increase the likelihood of reoffending.

A study of incarcerated youth in Oregon, USA, found that children arrested before the age of 14 are three times more likely to reoffend as adults as children arrested when they are over 14 years of age.¹²

¹⁰ Cunneen (2017) *Arguments for raising the minimum age of criminal responsibility*, p. 12

¹¹ Richards (2011) *What makes juvenile offenders different from adult offenders?*, pp. 6–7

¹² Alltucker, Bullis, Close, & Yovanoff (2006) *Different Pathways to Juvenile Delinquency: Characteristics of Early and Late Starters in a Sample of Previously Incarcerated Youth*; cited in Queensland Family & Child Commission (2017) *The age of criminal responsibility in Queensland*, p. 30, <https://www.qfcc.qld.gov.au/kids/justice-system>

Other effects of incarceration

As well as failing to reduce future offending, incarceration can have significant negative effects on a child.

Children in contact with the criminal legal system are likely to suffer worse health, educational and employment outcomes and are “more likely to die an early death.”¹³

The Royal Australasian College of Physicians explains that:

*Adolescence is a critical time in a person’s development. Isolation and a lack of access to health services are damaging to the healthy development of a child.*¹⁴

NATSILS is the peak body of Aboriginal and Torres Strait Islander Legal Services and works closely with Indigenous children, and their families, who come into contact with the criminal justice system at a young age. NATSILS explains that while most Indigenous children and young people grow up in loving, supportive environments; due to the ongoing effects of colonisation, systemic disadvantage and discrimination and the disproportionate rates family separation and removals, some children experience compounding levels of disadvantage not experienced by their non-Indigenous peers.¹⁵ This makes them even more vulnerable to the other negative impacts of incarceration.

The early exposure to trauma experienced by some Indigenous children is compounded in the criminal justice system where children are separated from their families, culture, country and connection which is vital to healthy growth and development.¹⁶

NOT ALL CHILDREN ARE EQUAL BEFORE THE LAW

At every stage of contact with the criminal justice system Aboriginal children are overrepresented. Aboriginal children are significantly more likely than their non-Indigenous peers to be referred to court rather than receive a caution and be arrested rather than issued with a caution or diversion.¹⁷

¹³ Australian Medical Association (2019) *AMA calls for age of criminal responsibility to be raised to 14 years of age*

¹⁴ The Royal Australasian College of Physicians (2019) *Physicians say age of criminal responsibility must be raised to help end abuse in custody*

¹⁵ NATSILS (2020) *Submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group Review*, p. 11

¹⁶ Amnesty International (2018) *The sky is the limit: Keeping young children out of prison by raising the age of criminal responsibility*, p. 6, <https://www.amnesty.org.au/wp-content/uploads/2018/09/The-Sky-is-the-Limit-FINAL-1.pdf>; Australian Institute of Health and Welfare (2020) *Australia’s children*, <https://www.aihw.gov.au/reports/children-youth/australias-children/contents/background/introduction>

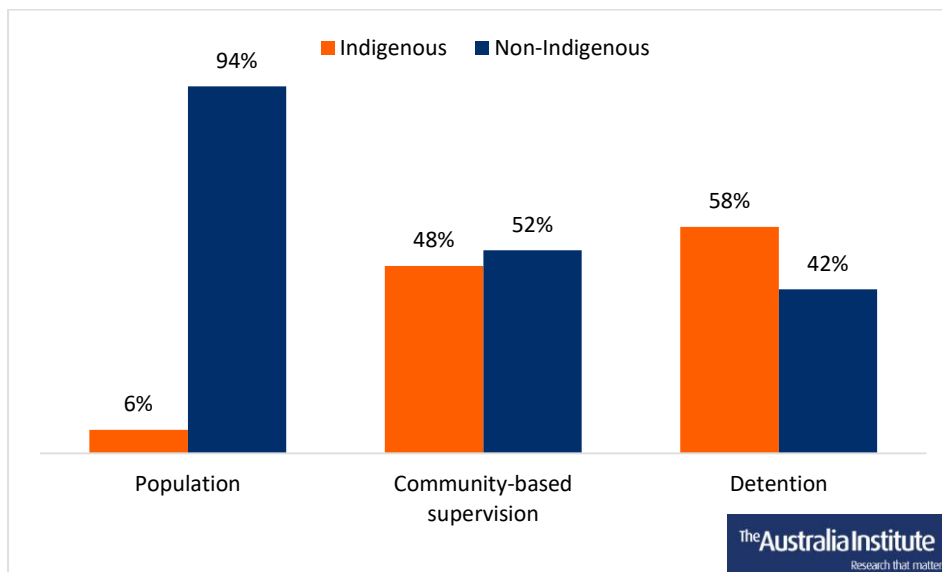
¹⁷ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (n.d.) *Doing Time - Time for Doing - Indigenous youth in the criminal justice system*, pp. 200–205,

The most recent figures from the Australian Institute of Health and Welfare (for the year 2018–19) reveal the extent of the disproportionate representation of young Indigenous people (ages 10–17) in supervision and detention.

Although only about 6% of young people are Indigenous:

- Half (50%) of those under some form of supervision are Indigenous.
- Almost half (48%) of those under community-based supervision are Indigenous.
- Three in five (58%) of those in detention are Indigenous.¹⁸

Figure 1: Share of population aged 10-17



Source: Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, pp. 9–10, <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>

In other words, an Indigenous young person is 15 times as likely to be under community-based supervision and 22 times as likely to be in detention as a non-Indigenous young person.¹⁹

Every Australian state and territory imprisons Indigenous children at a disproportionate rate to their share of the population. This can be measured using the Australian Institute of Health and Welfare’s data on what portion of young people (those aged 10–17) were in detention at some point during the year.

As shown in Figure 2, for every 10,000 non-Indigenous young people just 10 were in detention at some point during the year. For every 10,000 Indigenous young people, 161 were in detention. In three states – Western Australia, South Australia and Queensland –

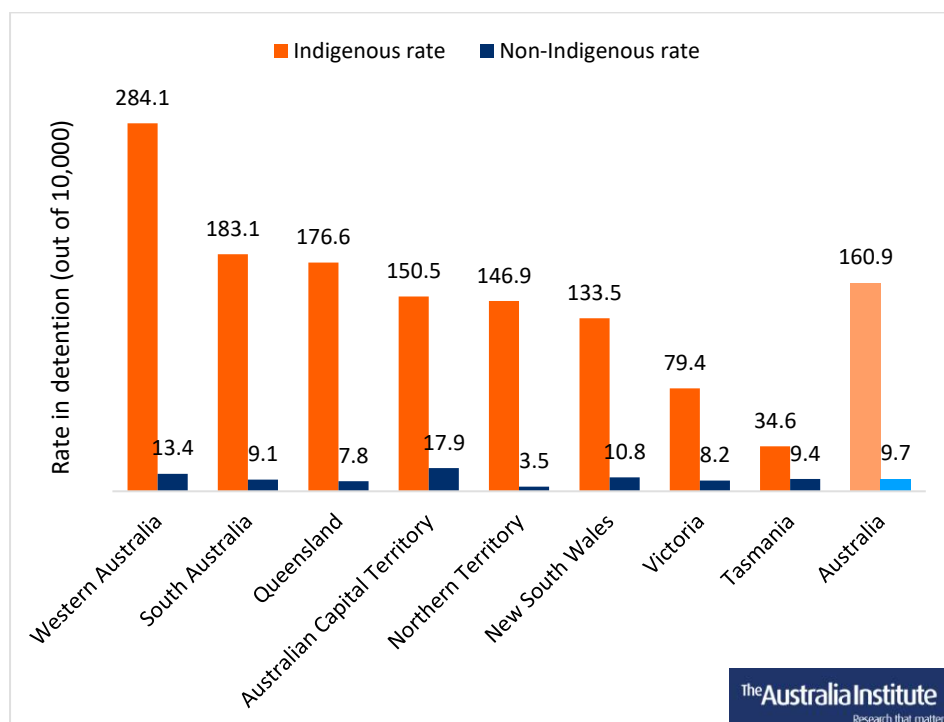
https://www.aph.gov.au/Parliamentary_Business/Committees/Committees_Exposed/atsia/sentencing/report

¹⁸ Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, pp. 9–10

¹⁹ Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, pp. 9–10

children are detained at a rate greater than the national average, as high as 284 children out of every 10,000 in the case of Western Australia.

Figure 2: Rate in detention during 2018–19, by state and territory

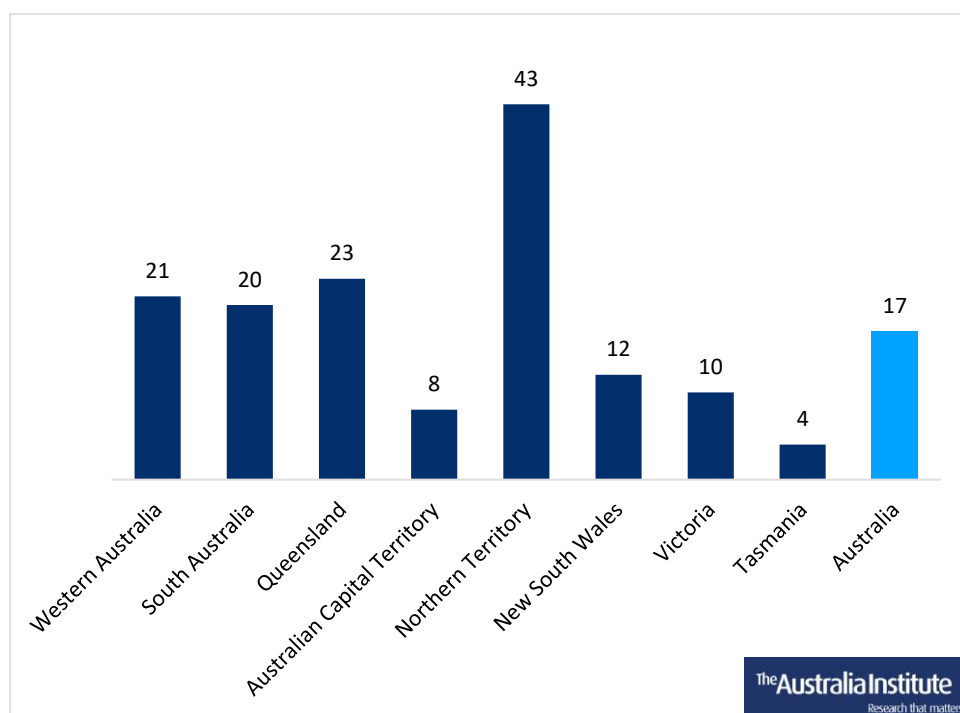


Source: Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, table S85b

Comparing the rate in detention for Indigenous children with the rate in detention for non-Indigenous children demonstrates that, overall, Indigenous children are 17 times more likely to be incarcerated.

This data shows that although the Northern Territory detains fewer Indigenous children per 10,000 than some other states, it detains Indigenous children more often relative to non-Indigenous children than any other state or territory. In the Northern Territory, Indigenous children are 43 times more likely to be incarcerated than their non-Indigenous peers, as shown in Figure 3 below.

Figure 3: Ratio of Indigenous rate of youth detention to non-Indigenous rate



Source: Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19 - Data*, table S85b

Note: States and territories are ordered based on their overall Indigenous youth detention rate, as shown in Figure 2.

Taken together, the data paints a concerning picture of youth incarceration in Australia. In four states/territories, an Indigenous child is 20 or more times more likely to be detained than a non-Indigenous child. In all states and territories bar Victoria and Tasmania, one to two out of every 100 Indigenous children are detained in a given year. In Western Australia, the rate is closer to three out of every 100.

CHILD DEVELOPMENT AND CULPABILITY

The Law Council of Australia and the Australian Medical Association say that holding 10-year-old children criminally responsible is “out of step with medical consensus regarding brain development”, and other Australian laws take into account graduated child development.²⁰

Developmental impairment and psychiatric disorders are common among incarcerated young people, with 89% of children in detention in Western Australia that were surveyed found to have “at least one domain of severe neurodevelopmental impairment” and a NSW

²⁰ Law Council of Australia & Australian Medical Association (2019) *Minimum age of criminal responsibility: Policy statement*, p. 2

study in 2005 finding 88% of young people in custody reported symptoms consistent with a psychiatric disorder.²¹

Higher function, like planning, reasoning, judgement and impulse control, is only fully developed in a person's third decade (their 20s).²² Brain development research has been instrumental in court cases that have limited the culpability of young people.²³ Children in grades four, five and six do not have the cognitive development to be held criminally responsible for their actions.

Children under the age of 14 years have not yet developed the social, emotional and intellectual maturity necessary for criminal responsibility. This is why children and adults are treated differently by the legal system and afforded different legal rights and capacities at different stages of development (e.g. the right to drink, vote, marry etc.) The age of criminal responsibility of 10 years old is out of step with these other legal rights and responsibilities.

Indigenous children who have experienced trauma may be impacted even further. The Australian Early Development Census provides evidence that the types of systemic disadvantage faced by some Indigenous children can have a profound impact on the development of a child's brain, and Indigenous children are more likely to be developmentally vulnerable than their peers.²⁴ As NATSILS writes, this can have implications for the ability of a child to manage stress, learn, manage their behaviour and can lead to adverse mental and physical health impacts that may bring the child to the attention of police and law enforcement.²⁵

²¹ Bower et al. (2018) *Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia*, <https://bmjopen.bmj.com/content/8/2/e019605>; Richards (2011) *What makes juvenile offenders different from adult offenders?*, p. 4

²² Gluckman & Hayne (2011) *Improving the Transition: Reducing Social and Psychological Morbidity During Adolescence*, pp. 24–25, <https://www.pmcsa.org.nz/wp-content/uploads/2011/06/Improving-the-Transition-report.pdf>

²³ Becroft (2013) *"From Little Things, Big Things Grow": Emerging Youth Justice Themes in the South Pacific*, p. 6, https://web.archive.org/web/20160330131231/https://www.aic.gov.au/media_library/conferences/2013-youthjustice/presentations/becroft-paper.pdf; see also Steinberg (2007) *Risk Taking in Adolescence: New Perspectives From Brain and Behavioral Science*, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.519.7099&rep=rep1&type=pdf>

²⁴ Australian Early Development Census (2015) *2015 AEDC National Report*, p. 17, <https://www.aedc.gov.au/resources/detail/2015-aedc-national-report>; (2019) *Brain development in children*, <https://www.aedc.gov.au/resources/detail/brain-development-in-children>

²⁵ NATSILS (2020) *Submission to the Council of Attorneys-General Age of Criminal Responsibility Working Group Review*, pp. 11–12

OUT OF STEP WITH THE REST OF THE WORLD

The median age of criminal responsibility worldwide is 14 years old.²⁶ The United Nations Committee on the Rights of the Child has called on Australia to set a minimum age of criminal responsibility no lower than 14 years and said that laws should ensure children under 16 years of age (or another fixed age) may not be legally deprived of their liberty.²⁷

Australia is out of step with many other countries. In Austria, Denmark, Finland, Germany, Iceland, Italy, Norway, Portugal, Spain and Sweden, among others, children under 14 years old (and in some cases even older) cannot be arrested, charged with a crime or sent to youth detention centres.²⁸

²⁶ Human Rights Law Centre (2018) *Explainer: Raising the age*,
<https://www.hrlc.org.au/factsheets/2018/2/8/explainer-raising-the-age>

²⁷ United Nations Committee on the Rights of the Child (2019) *Concluding observations on the combined fifth and sixth periodic reports of Australia*, p. 14; (2019) *General comment No. 24 (2019) on children's rights in the child justice system*, sec. 89,
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsqkirKQZLK2M58RF%2F5F0vEnG3QGKUxFivhToQfjGxYjV05tUAlgpOwHQJsFPdJXCiixFSrDRwow8HeKLLh8cgOw1SN6vJ%2Bf0RP R9UMtGkA4>

²⁸ Australian Institute of Health and Welfare (2020) *Youth justice in Australia 2018–19*, p. 43,
<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/data>

Public opinion

The Australia Institute surveyed a nationally representative sample of 1,012 Australians about their views on the incarceration of children.

- Only 7% of Australians correctly identified 10 as the age of criminal responsibility.
 - 73% of respondents think the age of criminal responsibility is greater than 10, and 51% think it is 14 years or greater.
- Half of Australians (51%) support or strongly support raising the age of criminal responsibility to 14 – that is, twice as many as those who oppose raising the age to 14 (26%).
 - Most Coalition (51%) and Labor (55%) voters support raising the age of criminal responsibility to 14.
- Seven in 10 (72%) agree that politicians should be guided by the medical experts when deciding how to respond to children’s behaviour. 17% disagree.
- Two in three (65%) agree that public money spent on incarcerating children would be better spent on social services (“justice reinvestment”). 24% disagree.
- Half of Australians (52%) agree that the overall impact on the community of locking up a child is a negative one. 34% disagree.
- 45% of Australians agree that sending children aged 13 and under to detention centres makes our communities less safe in the long term, compared to 37% who disagree.

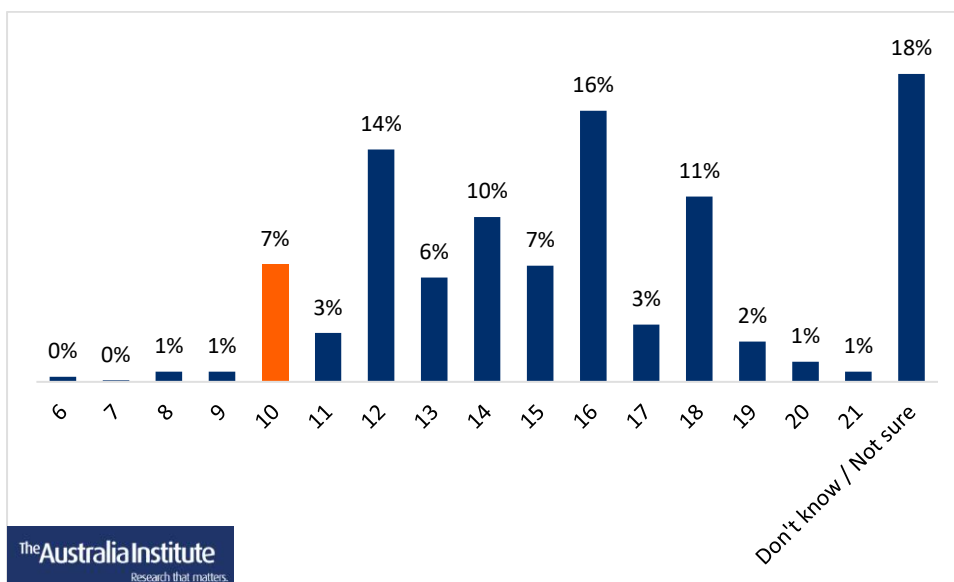
AGE OF INCARCERATION

Respondents were asked what they thought was the youngest age at which a person can be held criminally responsible and locked up in a youth detention centre.

In Australia, the age of criminal responsibility is 10.²⁹

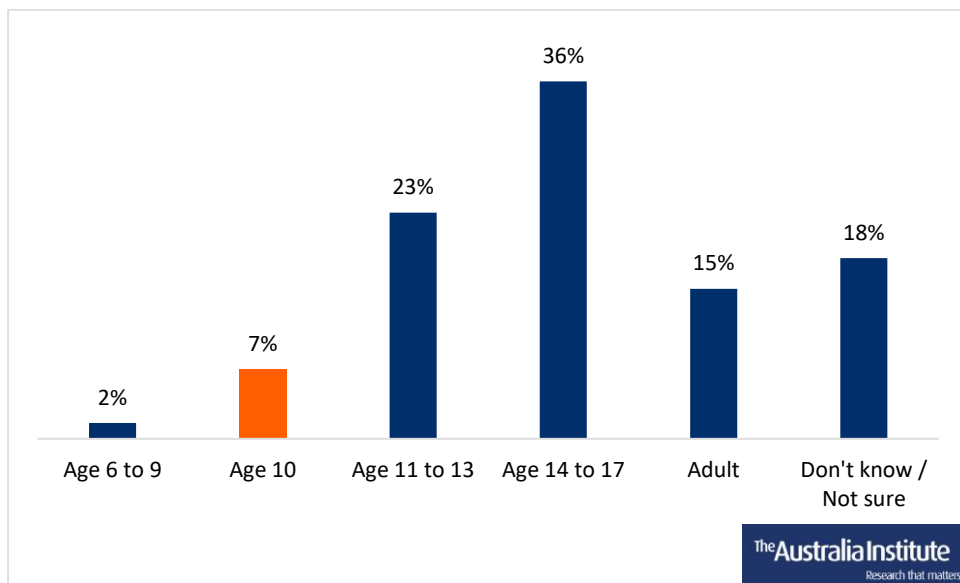
- Only 7% of Australians correctly identified 10 as the age of criminal responsibility.
- 2% of respondents gave a lower number (6–9 years of age).
- 15% of respondents thought adulthood was the age of criminal responsibility (18–21 years of age).
- Overall, 73% of respondents gave an age greater than the actual age of criminal responsibility.
 - 51% gave an age of 14 years or greater.
- 18% of respondents selected don't know/not sure.

Figure 4: Age of criminal responsibility, best guess



²⁹ VCOSS (2020) *Review on Raising the Age of Criminal Responsibility*, <https://vcoss.org.au/policy/review-on-raising-the-age-of-criminal-responsibility/>

Figure 5: Age of criminal responsibility, best guess (categorised)



SUPPORT FOR AMA PROPOSAL TO RAISE AGE OF CRIMINAL RESPONSIBILITY

Respondents were presented with a statement from the Australian Medical Association (AMA), the national association representing medical professionals:

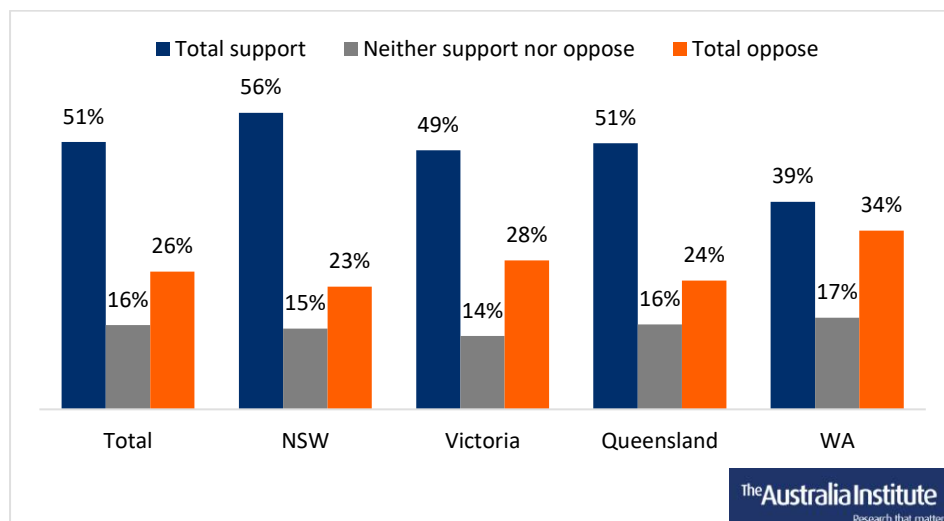
The [minimum age of criminal responsibility] of 10 in place across all Australian jurisdictions is out of step with medical consensus regarding child brain development. Children under the age of 14 are undergoing significant growth and development, which means they may not have the required capacity to be criminally responsible.

The age of criminal responsibility in Australia should be increased to 14 years old.³⁰

Respondents were then asked if they support or oppose raising the age of criminal responsibility.

- Half of Australians (51%) support or strongly support raising the age of criminal responsibility to 14.
- One in four Australians (26%) oppose or strongly oppose raising the age of criminal responsibility to 14.
- 16% neither support nor oppose raising the age of criminal responsibility to 14.

Figure 6: Support for raising the age to 14, by state

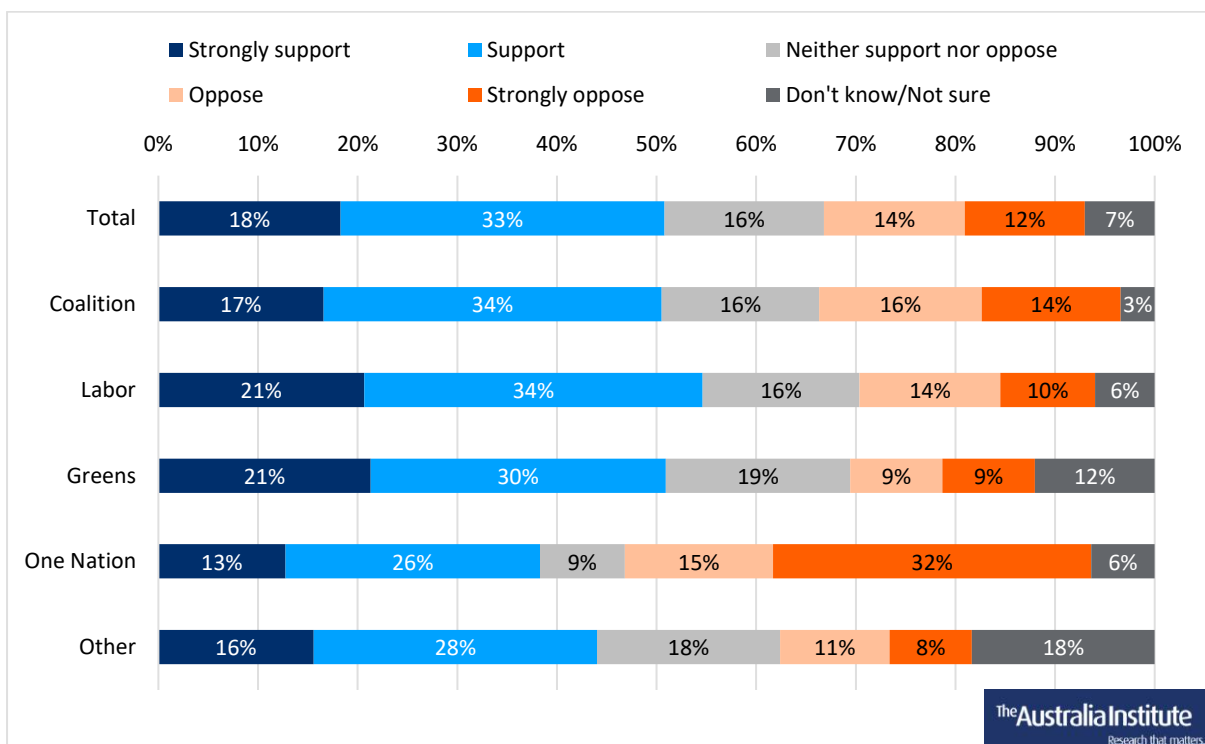


- Most NSW (56%) and Queensland (51%) residents support raising the age of criminal responsibility to 14, twice as many as those who oppose (23% and 24%).

³⁰ Law Council of Australia & Australian Medical Association (2019) *Minimum age of criminal responsibility: Policy statement*, p. 3

- Almost half of Victorian residents (49%) support raising the age of criminal responsibility to 14, almost twice as many as those who oppose (28%).
- In Western Australia, more support raising the age of criminal responsibility to 14 than oppose it (39% vs 34%).
- Women and men are equally likely to support raising the age of criminal responsibility to 14 (50% and 51% respectively).
- Most Coalition (51%), Labor (55%) and Greens (51%) voters support raising the age of criminal responsibility to 14.
 - Twice as many Independent/Other voters support raising the age to 14 as oppose raising the age (44% vs 19%).

Figure 7: Support for raising the age to 14, by voting intention

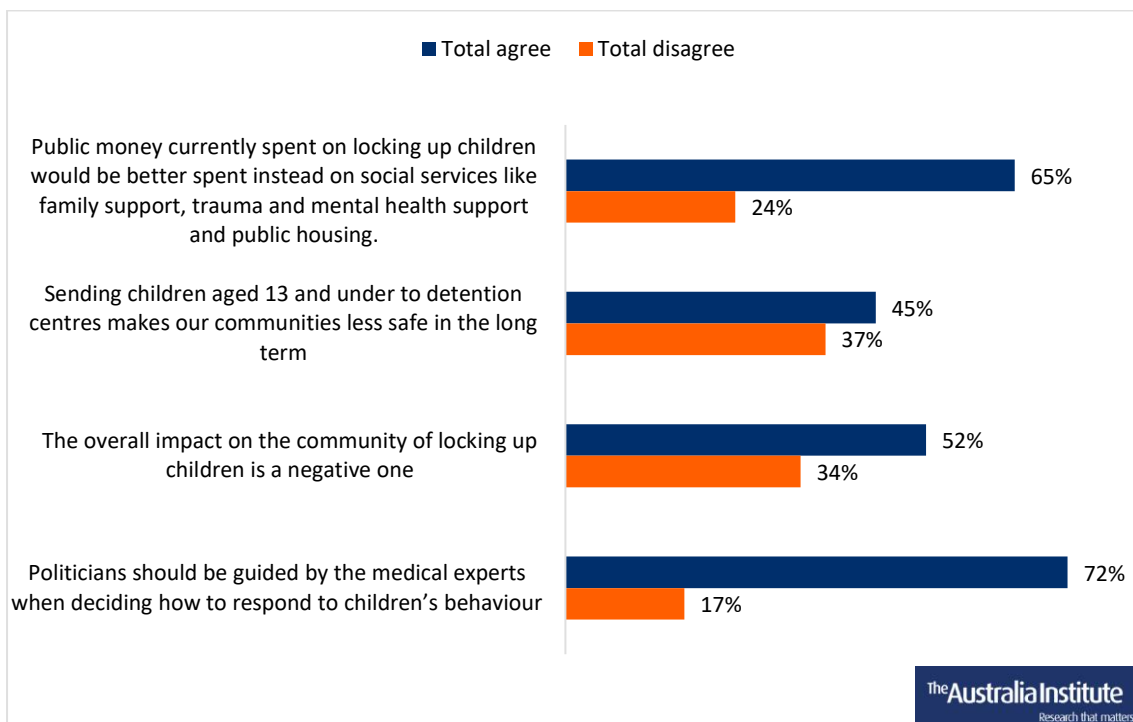


ATTITUDES TO YOUTH INCARCERATION

Respondents were then asked four questions to test their attitudes to different issues of youth incarceration.

- Seven in 10 (72%) agree that politicians should be guided by the medical experts when deciding how to respond to children’s behaviour. 17% disagree.
- Two in three (65%) agree that public money spent on incarcerating children would be better spent on social services (“justice reinvestment”). 24% oppose.
- Half of Australians (52%) agree that the overall impact on the community of locking up a child is a negative one. 34% disagree.
- 45% of Australians agree that sending children aged 13 and under to detention centres makes our communities less safe in the long term, compared to 37% who disagree.

Figure 8: Youth incarceration attitude questions



Appendix: Polling results

Method

The Australia Institute surveyed 1,012 people on 2–3 July 2020, online through Dynata’s Rapid Results polling, with nationally representative samples by gender, age and region.

The margin of error (95% confidence level) for the national results is 3.1%.

Results are shown only for larger states.

Voting crosstabs show voting intentions for the House of Representatives. Those who were undecided were asked which way they were leaning; these leanings are included in voting intention crosstabs. “Coalition” includes separate responses for Liberal and National. “Other” includes Centre Alliance, Jacqui Lambie Network and Independent/Other.

Detailed results

These questions are about young people being detained or imprisoned in Australia.

Currently in your state or territory, what do you think is the youngest age at which a person can be held criminally responsible and locked up in a youth detention centre?

Respondents were presented with a slider where they could select a result between 6 and 21, or tick a box to indicate “Don’t know / Not sure”.

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>NSW</i>	<i>Victoria</i>	<i>Queensland</i>	<i>WA</i>
6	0%	0%	0%	1%	0%	0%	0%
7	0%	0%	0%	0%	0%	0%	0%
8	1%	1%	1%	2%	0%	0%	0%
9	1%	1%	1%	1%	1%	1%	0%
10	7%	7%	7%	6%	6%	9%	7%
11	3%	3%	3%	2%	1%	3%	6%
12	14%	14%	13%	13%	16%	11%	17%
13	6%	7%	6%	5%	5%	11%	3%
14	10%	10%	9%	12%	10%	7%	13%
15	7%	7%	7%	7%	7%	7%	5%
16	16%	14%	18%	17%	15%	17%	13%
17	3%	5%	2%	2%	4%	4%	5%
18	11%	11%	11%	11%	14%	8%	10%
19	2%	3%	2%	2%	2%	3%	2%
20	1%	2%	1%	1%	1%	1%	0%
21	1%	0%	1%	1%	0%	1%	1%
Don't know / Not sure	18%	16%	20%	18%	18%	17%	20%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
6	0%	0%	0%	0%	0%	1%
7	0%	0%	0%	0%	0%	0%
8	1%	1%	1%	0%	2%	1%
9	1%	0%	1%	1%	0%	1%
10	7%	6%	7%	6%	13%	7%
11	3%	3%	4%	3%	4%	0%
12	14%	15%	14%	13%	21%	6%
13	6%	6%	6%	4%	11%	8%
14	10%	9%	9%	9%	13%	14%
15	7%	7%	7%	8%	2%	6%
16	16%	20%	13%	18%	15%	13%
17	3%	3%	4%	3%	6%	2%
18	11%	11%	13%	10%	2%	7%
19	2%	2%	3%	3%	0%	2%
20	1%	1%	2%	2%	0%	0%
21	1%	1%	0%	4%	0%	0%
Don't know / Not sure	18%	15%	18%	17%	11%	33%

The Australian Medical Association is the national association representing medical professionals. It has this to say about the minimum age that children should be held criminally responsible and locked up for their actions:

“The [minimum age of criminal responsibility] of 10 in place across all Australian jurisdictions is out of step with medical consensus regarding child brain development. Children under the age of 14 are undergoing significant growth and development, which means they may not have the required capacity to be criminally responsible.

“The age of criminal responsibility in Australia should be increased to 14 years old.”

Do you support or oppose raising the age of criminal responsibility to at least 14 years old?

	Total	Male	Female	NSW	Vic	Qld	WA
Strongly support	18%	18%	19%	19%	14%	22%	17%
Support	33%	33%	32%	37%	35%	28%	23%
Neither support nor oppose	16%	15%	17%	15%	14%	16%	17%
Oppose	14%	14%	14%	12%	16%	12%	16%
Strongly oppose	12%	14%	10%	11%	12%	13%	18%
Don't know/Not sure	7%	6%	8%	5%	9%	9%	9%

	Total	Coalition	Labor	Greens	One Nation	Other
Strongly support	18%	17%	21%	21%	13%	16%
Support	33%	34%	34%	30%	26%	28%
Neither support nor oppose	16%	16%	16%	19%	9%	18%
Oppose	14%	16%	14%	9%	15%	11%
Strongly oppose	12%	14%	10%	9%	32%	8%
Don't know/Not sure	7%	3%	6%	12%	6%	18%

To what extent do you agree or disagree with each of the following statements?

Public money currently spent on locking up children would be better spent instead on social services like family support, trauma and mental health support and public housing.

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>NSW</i>	<i>Victoria</i>	<i>Queensland</i>	<i>WA</i>
Strongly agree	26%	27%	26%	30%	24%	22%	19%
Agree	38%	34%	42%	38%	40%	37%	44%
Disagree	16%	16%	16%	17%	14%	18%	16%
Strongly disagree	9%	13%	5%	9%	9%	9%	9%
Don't know/Not sure	11%	11%	11%	7%	13%	14%	12%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
Strongly agree	26%	20%	32%	36%	17%	22%
Agree	38%	43%	36%	38%	32%	35%
Disagree	16%	16%	16%	13%	15%	19%
Strongly disagree	9%	12%	7%	4%	21%	6%
Don't know/Not sure	11%	10%	10%	9%	15%	18%

Sending children aged 13 and under to detention centres makes our communities less safe in the long term.

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>NSW</i>	<i>Victoria</i>	<i>Queensland</i>	<i>WA</i>
Strongly agree	16%	14%	17%	18%	14%	16%	10%
Agree	29%	31%	27%	31%	29%	26%	27%
Disagree	26%	24%	28%	25%	26%	29%	23%
Strongly disagree	11%	15%	8%	11%	12%	13%	13%
Don't know/Not sure	18%	16%	20%	15%	18%	17%	28%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
Strongly agree	16%	13%	17%	26%	9%	10%
Agree	29%	31%	30%	31%	17%	26%
Disagree	26%	29%	26%	18%	30%	25%
Strongly disagree	11%	10%	11%	10%	28%	12%
Don't know/Not sure	18%	17%	17%	16%	17%	28%

The overall impact on the community of locking up children is a negative one.

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>NSW</i>	<i>Victoria</i>	<i>Queensland</i>	<i>WA</i>
Strongly agree	18%	19%	17%	19%	18%	16%	13%
Agree	34%	32%	35%	35%	34%	33%	34%
Disagree	24%	23%	26%	26%	21%	27%	24%
Strongly disagree	10%	14%	6%	8%	12%	11%	10%
Don't know/Not sure	14%	12%	16%	12%	16%	13%	19%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
Strongly agree	18%	13%	25%	20%	9%	14%
Agree	34%	37%	29%	45%	23%	31%
Disagree	24%	28%	24%	10%	30%	26%
Strongly disagree	10%	11%	8%	6%	21%	8%
Don't know/Not sure	14%	12%	14%	18%	17%	21%

Politicians should be guided by the medical experts when deciding how to respond to children's behaviour.

	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>NSW</i>	<i>Victoria</i>	<i>Queensland</i>	<i>WA</i>
Strongly agree	26%	26%	27%	29%	23%	24%	27%
Agree	46%	41%	50%	47%	46%	47%	39%
Disagree	12%	16%	8%	9%	13%	13%	15%
Strongly disagree	5%	7%	4%	5%	8%	5%	6%
Don't know/Not sure	11%	10%	11%	9%	10%	11%	14%

	<i>Total</i>	<i>Coalition</i>	<i>Labor</i>	<i>Greens</i>	<i>One Nation</i>	<i>Other</i>
Strongly agree	26%	24%	31%	35%	15%	17%
Agree	46%	48%	46%	44%	32%	44%
Disagree	12%	13%	10%	8%	23%	12%
Strongly disagree	5%	6%	4%	3%	19%	6%
Don't know/Not sure	11%	9%	10%	10%	11%	21%