

National Victoria [Crime](#)

# Parliamentary inquiry recommends raising age of criminal responsibility to 14

By [David Estcourt](#) and [Sumeyya Ilanbey](#)

March 24, 2022 – 6.28pm

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A parliamentary inquiry into Victoria's justice system has recommended the state government raise the minimum age of criminal responsibility to 14.

The report, which made [more than 100 recommendations and 73 findings](#) and was supported by committee members across the political divide, said the reform should act in concert with “an expansion in the community-based support services required to address the factors underpinning children's criminal behaviours”.



Reason Party Leader Fiona Patten. EDDIE JIM

The inquiry found raising the legal minimum age of criminal responsibility was consistent with evidence about child development, international norms and human rights standards.

“The committee has made a number of recommendations for a strong focus on early intervention. We must identify individuals at risk and provide those social supports to divert them away from the system,” committee chair Fiona Patten, from the Reason Party, told Parliament on Thursday.

“I believe this includes changing the minimum age of criminal responsibility. It also needs to look at the way cautions and court-based diversions are used, they are a key mechanism to divert people away from the system but currently their application is inconsistent.”

Children aged 10 and older can be imprisoned in every state and territory in Australia, a setting the council of attorneys-general started reviewing in late 2018 in response to concerns Australia is not in lockstep with the rest of the world.

The most common age of criminal responsibility internationally is 14.

Australia’s attorneys-general last November agreed to [develop a plan to raise the age of criminal responsibility to 12](#). This move was criticised by legal, human rights and Aboriginal community groups who said it would achieve very little in reducing the number of children in prison.

Shadow attorney-general Michael O’Brien said Victoria had the “worst criminal justice system in the country” and being lenient to serious criminals would not help Victoria recover and rebuild from the COVID-19 pandemic.

“On the same day police arrested a 13-year-old over the stabbing homicide of Declan Cutler, Labor MPs want to raise the age at which a person can be held criminally responsible for their actions,” Mr O’Brien said.

“It shows that Labor doesn’t understand its proposal would be a green light for more crime. Compassion is important in criminal justice, but so is common sense. Labor’s radical proposals would make Victoria less safe.”

The opposition was also critical of any changes to parole and bail laws that have been strengthened following a series of high-profile crimes, including the murder of Jill Meagher almost 10 years ago and the 2017 Bourke Street massacre.

Victorian Council of Social Service chief executive Emma King said raising the age of criminal responsibility was a no-brainer, and that children belong in school and with their families and communities, not in prison cells.

“We don’t want our kids getting trapped in the quicksand of the criminal justice system. There are better ways to support, help and empower young people, while keeping our communities safe,” she said.

The report also found existing approaches to incarceration was not reducing crime or improving community safety, as reflected in persistently high recidivism rates. It recommended the Victorian government provide additional funding to attempt to curb recidivism in people leaving prison.

The Andrews government will need to respond to the report's recommendation within six months, putting more pressure on Victoria to reform its criminal justice system.

The government has promised to address the recommendations of the Royal Commission into Management of Police Informants in this term of government, and the [Yoorrook Justice Commission](#) will release its interim report in June.

Justice Reform Initiative executive director Mindy Sotiri urged the Victorian government to endorse and act upon the recommendations as an important first step towards long-overdue reform.

"Recidivism rates show very clearly that prison doesn't work to reduce reoffending," she said. "In Victoria, 44 per cent of people will return to prison within two years following release."

Dr Sotiri said she hoped the report signalled an end to "tough on crime" policies which have seen the number of people in prison increase by more than 50 per cent since 2011.

Jesuit Social Services chief executive Julie Edwards called for a bipartisan, evidence-based approach to reduce the number of people who are incarcerated and to keep people out of custody.

"The recommendations in the report make it clear that there is a better way forward – by focusing on what works in reducing crime in the first place, strengthening diversion pathways to ensure prison is only ever used as a last resort and providing holistic and effective support to prevent people from having contact with the system in the first place."

The report also recommended that the Victorian government "substantially" increase funding to meet demand for services that treat alcohol and other drug-use issues in the state's prisons and the community.

A Victorian government spokeswoman said: "We welcome the Legal and Social Issues Committee's report and the opportunity to further strengthen our justice system."

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