

# **Submission to the Inquiry into Australia's youth justice and incarceration system**

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Justice and Equity Centre  
ABN 77 002 773 524  
[www.jec.org.au](http://www.jec.org.au)

Gadigal Country  
Level 5, 175 Liverpool St  
Sydney NSW 2000  
Phone + 61 2 8898 6500  
Email [contact@jec.org.au](mailto:contact@jec.org.au)



# About the Justice and Equity Centre

The Justice and Equity Centre is a leading, independent law and policy centre. Established in 1982 as the Public Interest Advocacy Centre (PIAC), we work with people and communities who are experiencing marginalisation or disadvantage.

The Centre tackles injustice and inequality through:

- legal advice and representation, specialising in test cases and strategic casework;
- research, analysis and policy development; and
- advocacy for systems change to deliver social justice.

We actively collaborate and partner in our work and focus on finding practical solutions. We work across five focus areas:

**Disability rights:** challenging discrimination and making the NDIS fairer to ensure people with disability can participate equally in economic, social, cultural and political life.

**Justice for First Nations people:** challenging the systems that are causing ongoing harm to First Nations people, including through reforming the child protection system, tackling discriminatory policing and supporting truth-telling.

**Homelessness:** reducing homelessness and defending the rights of people experiencing homelessness through the Homeless Persons' Legal Service and StreetCare's lived experience advocacy.

**Civil rights:** defending the rights of people in prisons and detention, including asylum seekers, modernising legal protection against discrimination, raising the age of criminal responsibility to 14, advancing LGBTIQA+ equality and advocating for open and accountable government.

**Energy and water justice:** working for affordable and sustainable energy and water and promoting a just transition to a zero-carbon energy system.

## Contact

Jonathan Hall Spence  
The Justice and Equity Centre  
Level 5, 175 Liverpool St  
Sydney NSW 2000

T: +61 2 8898 6500  
E: [jhallspence@jec.org.au](mailto:jhallspence@jec.org.au)

Website: [www.jec.org.au](http://www.jec.org.au)

The Justice and Equity Centre office is located on  
the land of the Gadigal of the Eora Nation.

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# Recommendations

## **Recommendation 1**

*The Commonwealth Parliament raise the minimum age of criminal responsibility nation-wide to at least 14 years old, without exception.*

## **Recommendation 2**

*The Commonwealth Parliament legislate minimum standards for the treatment of children and young people in all criminal legal systems, including those of the states and territories.*

## **Recommendation 3**

*The Commonwealth Parliament incorporate the UN Convention on the Rights of the Child into Australian law through a National Children's Act.*

## 1. Introduction

The Justice and Equity Centre ('JEC'), formerly the Public Interest Advocacy Centre ('PIAC'), is pleased to provide a submission to the Inquiry of the Senate Legal and Constitutional Affairs Reference Committee into Australia's youth justice and incarceration system.

We make this submission further to our original submission to the committee's Inquiry into Australia's youth justice and incarceration system in the 47th Parliament, dated 10 October 2024 (the 'October 2024 Submission'). A copy of the October 2024 Submission is at **Annexure A**.

In the October 2024 Submission, we recommended that the age of criminal responsibility be raised in all jurisdictions to at least 14 years of age, without exception (**Recommendation 1**) and that, the Commonwealth, where it is within constitutional power, legislate to provide for minimum standards in youth detention facilities Australia-wide, including with respect to solitary confinement-like practices (**Recommendation 10**).

Since that time, the JEC and the National Aboriginal and Torres Strait Islander Legal Services ('NATSILS') have received expert legal advice that the Commonwealth has the constitutional power to:

- raise the minimum age of criminal responsibility to 14 years old across Australia; and
- legislate minimum standards for the treatment of children and young people in all criminal legal systems, including those of the states and territories.

A copy of that advice (the 'National Child Rights Advice'), prepared by Kate Eastman AM SC and Emma Dunlop of counsel, is at **Annexure B**.

The National Child Rights Advice confirms that the Commonwealth Parliament has the constitutional power to legislate to protect children in state and territory criminal legal systems. We consider that national legislation is necessary to remedy the inconsistent and uncoordinated approaches to legal protections of child rights across Australia and protect Australia's children from harmful laws being passed by state and territory governments across the country.

We recommend that the Commonwealth Parliament exercise its constitutional authority to legislate to raise the minimum age of criminal responsibility nation-wide to 14 years old, and legislate minimum standards for the treatment of children and young people in all criminal legal systems, including those of the states and territories.

We consider this would be most appropriately achieved through a National Children's Act, incorporating Australia's obligations under the UN Convention on the Rights of the Child into Australian law, as recommended by the former National Children's Commissioner in her landmark 2024 report, *'Help Way Earlier! How Australia can transform child justice to improve safety and wellbeing'* ('Help Way Earlier!' report)<sup>1</sup>. A copy of that report is at **Annexure C**.

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<sup>1</sup> Australian Human Rights Commission, *How Australia can transform child justice to improve safety and wellbeing* (June 2024) ('Help Way Earlier!' report), Recommendation 4 and as discussed at 29–31.

## 2. Raising the age of criminal responsibility

### 2.1 Evidence in support of raising the age

The JEC is a member organisation of the national campaign to Raise the Age of criminal responsibility, and is coordinating the Raise the Age campaign within NSW. We are undertaking this work in partnership with a wide range of other groups, including First Nations, legal and human rights, medical, youth, and community services bodies. Key partners include the Aboriginal Legal Service (NSW/ACT), Just Reinvest NSW and the Justice Reform Initiative.

The JEC has consistently argued for the minimum age of criminal responsibility to be raised in all jurisdictions around Australia to at least 14 years of age, without exception. This includes in our February 2020 submission to the Council of Attorneys-General Working Group review considering this subject,<sup>2</sup> and our October 2024 Submission to this Inquiry.<sup>3</sup> We have set out our arguments for raising the age of criminal responsibility in those submissions and elsewhere.<sup>4</sup>

These arguments include:

- **A minimum age of criminal responsibility lower than 14 does not reflect current evidence on child development.** Peak medical groups, including the Royal Australasian College of Physicians ('RACP'), support the view that the current minimum age of criminal responsibility is inappropriate in light of the physical and neurocognitive vulnerabilities of children in the 10-13 age bracket. From our submission to the Council of Attorneys-General:<sup>5</sup>

The RACP observe that behaviours which typically bring children aged 10 to 13 in conflict with the law are better understood and responded to 'as behaviours within the expected range in the typical neurodevelopment' for this group of children, particularly when considering children whose behaviours arise out of significant past trauma or severe disadvantage.

- **A minimum age of criminal responsibility lower than 14 entrenches children in the criminal justice system, decreasing community safety.** Not only does engaging children aged 10-13 in the criminal justice system not act as a deterrent, it actually increases the likelihood of future offending. In the words of leading Australian criminologist Professor Chris Cuneen:<sup>6</sup>

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<sup>2</sup> Public Interest Advocacy Centre, *Submission to Council of Attorneys-General – Age of Criminal Responsibility Working Group Review* (28 February 2020) <<https://jec.org.au/resources/submission-to-council-of-attorneys-general-age-of-criminal-responsibility-working-group-review/>>.

<sup>3</sup> Annexure A, see especially 4-6.

<sup>4</sup> See, eg, Public Interest Advocacy Centre, *Submission to NSW Parliamentary Inquiry into the Adequacy of Youth Diversion Programs* (23 March 2018) <<https://jec.org.au/resources/submission-to-nsw-parliamentary-inquiry-into-the-adequacy-of-youth-diversion-programs/>>.

<sup>5</sup> Public Interest Advocacy Centre (n 2) 3, drawing on Royal Australasian College of Physicians, *Submission to the Council of Attorneys-General Working Group Reviewing the Age of Criminal Responsibility* (July 2019) 3 <[https://www.racp.edu.au/docs/default-source/advocacy-library/b-20190729racp-submission-cag-review\\_final-gm-approved.pdf?sfvrsn=b384e61a\\_6](https://www.racp.edu.au/docs/default-source/advocacy-library/b-20190729racp-submission-cag-review_final-gm-approved.pdf?sfvrsn=b384e61a_6)>.

<sup>6</sup> Christopher Cuneen, *Arguments for Raising the Minimum Age of Criminal Responsibility* (Comparative Youth Penalty Project Research Report, February 2020) 19 (citations omitted).

We... know that 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.

- **A minimum age of criminal responsibility lower than 14 has a disproportionate impact on Aboriginal and Torres Strait Islander children.** Available data shows that Aboriginal and Torres Strait Islander children tend to come into conflict with the law at a younger age than non-Indigenous children.<sup>7</sup> Notably, the greatest over-representation occurs between the ages of 10 and 14.<sup>8</sup> Disappointingly, the over-representation of First Nations children in prison is getting worse, not better, with recent figures from the NSW Bureau of Crime Statistics and Research ('BOCSAR') revealing that Aboriginal young people now account for 60% of the total youth detention population despite making up just 8% of young people in NSW.<sup>9</sup>
- **A minimum age of criminal responsibility lower than 14 has a disproportionate impact on some of our most vulnerable children.** This includes children and young people experiencing intellectual disability and mental illness, and children and young people who have been in contact with the child protection system. It was one of the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, that every state and territory introduce legislation to raise the age of criminal responsibility to 14.<sup>10</sup> The Royal Commission was of the view that:<sup>11</sup>

Raising the age of criminal responsibility to 14 is an appropriate means of preventing and protecting young children with disability from experiencing violence, abuse and neglect...the evidence demonstrates that a high proportion of children under the age of 14 in youth detention have a cognitive disability, even though the disability may not be detected until some time after the child enters detention.

As observed in our submission to the Council of Attorneys-General, raising the minimum age of criminal responsibility would also be consistent with international human rights law, and the situation in comparable countries.<sup>12</sup>

Finally, as noted in that submission:<sup>13</sup>

In advocating for the minimum age of criminal responsibility to be raised to at least 14, we are not arguing that actions should not have consequences. Rather, that those consequences should not be harmful, counter productive, contrary to evidence and unjust... There are many ways in which

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<sup>7</sup> Legislative Assembly Committee on Law and Safety, Parliament of New South Wales, *The Adequacy of Youth Diversion Programs in New South Wales* (Final Report, September 2018), [2.76].

<sup>8</sup> Australian Institute of Health and Welfare, *Youth justice in Australia 2022–23* (March 2024) Data Tables S5a and S5b <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-annual-report-2022-23/contents/about>>.

<sup>9</sup> NSW Bureau of Crime Statistics and Research, 'NSW youth detention numbers up 34% since 2023' (Media Release, 14 August 2025) <<https://bocsar.nsw.gov.au/media/2025/mr-custody-jun2025.html>>.

<sup>10</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023 ('Disability Royal Commission Report'), Recommendation 8.22.

<sup>11</sup> *Ibid*, vol 8, 312.

<sup>12</sup> Public Interest Advocacy Centre (n 2), 10–11.

<sup>13</sup> *Ibid*, 11.

children can be effectively supported to take responsibility for their actions which avoid the blunt, harmful and criminogenic processes of the criminal justice system... We must move away from a narrative of accountability that emphasises reactive measures and the imposition of penalties and recognise the hard work involved in engagement and diversion and restorative justice processes that address the underlying causes of offending, and ultimately, improve community safety.

For all of these reasons, raising the minimum age of criminal responsibility to at least 14, without exception, would improve child rights and wellbeing across the country.

## 2.2 The need for Commonwealth intervention

Recent developments have highlighted the need for Commonwealth intervention to remedy the effects of inconsistent and uncoordinated approaches to the age of criminal responsibility taken by state and territory governments across Australia. For example:

- In August 2024, the Victorian Government reversed its commitment to raise the age of criminal responsibility from 10 to 14, instead introducing legislation to raise it only to 12; and
- In October 2024, the newly-elected Northern Territory Government lowered the age of criminal responsibility back to 10 years, just over a year after the previous Government raised the age to 12 years.<sup>14</sup>

These actions were heavily criticised by Human Rights Watch in its most recent annual global survey of human rights, where it commented that '[t]he Australian government's treatment of children in its criminal justice system went from bad to worse in 2024'.<sup>15</sup>

Currently, every jurisdiction in Australia except the Australian Capital Territory has an age of criminal responsibility below the age of at least 14 years recommended by the UN Committee on the Rights of the Child.<sup>16</sup> In New South Wales, Queensland, South Australia, Tasmania,<sup>17</sup> the Northern Territory and Western Australia, children as young as 10 can be held criminally responsible and incarcerated.

In our October 2024 Submission to this Inquiry, we recommended that the age of criminal responsibility be raised in all jurisdictions to at least 14 years of age, without exception (**Recommendation 1**). The National Child Rights Advice at **Annexure B** confirms that the

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<sup>14</sup> 'Help Way Earlier!' report (n 1) 92.

<sup>15</sup> Human Rights Watch, 'Australia: Reversals in Respect for Children's Rights' (Media Release, 16 January 2025) <[<sup>16</sup> United Nations Committee on the Rights of the Child, \*Concluding Observations on Australia 2019\*, \[6\] and \[48\].](https://www.hrw.org/news/2025/01/17/australia-reversals-respect-childrens-rights#:~:text=%E2%80%9CThe%20Australian%20government's%20treatment%20of,Australia's%20human%20rights%20reputation%20globally.%E2%80%9D></a></p></div><div data-bbox=)

<sup>17</sup> We note that the Tasmanian Government has committed to raising the age of criminal responsibility from 10 to 14 years old (without exception), and increasing the minimum age of youth detention to 16, by 2029, through its *Youth Justice Blueprint* report: Tasmanian Government, Department for Education, Children and Young People, *Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system* (Report, December 2023). See also, Human Rights Law Centre, 'Landmark win as Tasmania commits to raising the age of criminal responsibility to 14' (Media Release, 6 December 2023) <<https://www.hrlc.org.au/news/2023-12-6-tas-raise-the-age/>>.

Commonwealth Parliament has the constitutional power to raise the minimum age of criminal responsibility to 14 years old across Australia, without exception.

#### **Recommendation 1**

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*The Commonwealth Parliament raise the minimum age of criminal responsibility nation-wide to at least 14 years old, without exception.*

### **3. National Minimum Children's Standards**

The JEC has long advocated for better protection of the rights and wellbeing of children in the criminal legal system, including for a prohibition on the use of solitary confinement-like practices on young people, in accordance with international law.

In our October 2024 Submission to this Inquiry, we recommended that the Commonwealth, where it is within constitutional power, legislate to provide for minimum standards in youth detention facilities Australia-wide, including with respect to solitary confinement-like practices (**Recommendation 10**).

The National Child Rights Advice at **Annexure B** confirms that the Commonwealth Parliament has the power under s 51(xxix) of the Constitution to legislate minimum standards for the treatment of children and young people in state and territory criminal legal systems.

Those minimum standards include, but are not necessarily limited to:

- **That arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time (in reliance on art 37(b) of the CRC).**

This obligation is frequently ignored and breached by state and territory governments, including through restrictive bail laws and the increasing number of unsentenced children being held in detention on remand.<sup>18</sup>

- **That no child shall be held in a correctional facility designed for or used by adults, for any period of time, unless holding the child in such a facility is considered to be in the best interests of the child (in reliance on art 37(c) of the CRC).**

The Australian Government presently has a reservation to art 37(c) of the CRC,<sup>19</sup> meaning that art 37(c) is not binding on Australia. The United Nations Committee on the Rights of the Child<sup>20</sup> and the Australian Human Rights Commission<sup>21</sup> have recommended that Australia withdraw its reservation to art 37(c).

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<sup>18</sup> 'Help Way Earlier!' report (n 1) 88.

<sup>19</sup> Australian Government, *Australia's Combined Second and Third Reports under the Convention on the Rights of the Child* (2003) [467].

<sup>20</sup> United Nations Committee on the Rights of the Child (n 16) [6] and [48].

<sup>21</sup> 'Help Way Earlier!' report, Recommendation 18 and see discussion at page 90.

The National Child Rights Advice at **Annexure B** identifies that, should the Commonwealth Government decline to withdraw its reservation to art 37(c) of the CRC, the Commonwealth Parliament can rely instead on arts 10 and 24 of the International Covenant on Civil and Political Rights as a basis for federal legislation supported by s 51(xxix) to implement this recommendation.

Children are frequently held by states and territories in facilities designed for or used by adults, contrary to international law. This includes in police watch houses in Queensland and at Unit 18 of Western Australia's Casuarina Prison, a separate wing of a high-security, adult prison which was repurposed to detain young people in 2022.<sup>22</sup> In the recent inquest into the death of Aboriginal teenager Cleveland Dodd, who died by self-harm in Unit 18 in October 2023, the Western Australian Coroner recommended the immediate and permanent closure of Unit 18.<sup>23</sup>

- **That any detention amounting to solitary confinement be absolutely prohibited for children, for any period of time (in reliance on art 37(a) of the CRC, along with other international law materials).**

We refer the Committee to Section 4 of our October 2024 Submission for a detailed discussion of our concerns with the use of solitary confinement-like practices in youth detention facilities in NSW, and evidence and recommendations by various bodies in support of a prohibition on the use of solitary confinement on young people.<sup>24</sup>

Since our October 2024 Submission, we have represented a client in the NSW Supreme Court, who challenged the lawfulness of his solitary confinement for 25 days while a 17-year-old in a NSW youth justice centre.<sup>25</sup> That matter is currently reserved for judgment.

- **That every child accused of a criminal offence and/or deprived of their liberty have prompt access to legal assistance and representation (in reliance on art 37(d) and art 40(2)(b)(ii) of the CRC, along with other international law materials).**

In the National Child Rights Advice, counsel also note that, pursuant to art 41 of the CRC, all CRC rights are complemented by any provisions which are more conducive to the realisation of the rights of the child contained in either the law of a state party or international law in force for

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<sup>22</sup> 'Help Way Earlier!' report (n 1) 89-90.

<sup>23</sup> Australian Human Rights Commission, 'Commission calls for urgent action to respond to Cleveland Dodd inquest findings' (Media Release, 9 December 2025) <<https://humanrights.gov.au/about-us/media-centre/search-listing-media-releases/aboriginal-and-torres-strait-islander-peoples/commission-calls-for-urgent-action-cleveland-dodd-inquest-findings>>; Coroner's Court of Western Australia, *Inquest into the Death of Cleveland Keith DODD* (Inquest findings of Coroner Urquhart, 28 November 2025) <[https://www.coronerscourt.wa.gov.au/ll/inquest\\_into\\_the\\_death\\_of\\_cleveland\\_keith\\_dodd.aspx](https://www.coronerscourt.wa.gov.au/ll/inquest_into_the_death_of_cleveland_keith_dodd.aspx)>.

<sup>24</sup> This recommendation has been supported in three recent reports: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Final Report, September 2023), Recommendation 8.3 and page 18; United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Visit to Australia undertaken from 16 to 23 October 2022: Recommendations and observations addressed to the State party* (Report, 20 December 2023) [74]; and 'Help Way Earlier!' report (n 1) Recommendation 19 and pages 90-91.

<sup>25</sup> *DE v State of New South Wales* (Proceeding No. 2022/00238763).

that state.<sup>26</sup> In this regard, counsel note that the rights of children in Australia, including in relation to a national minimum age of criminal responsibility and national minimum standards, are bolstered by provisions contained in the following treaties to which Australia is a state party:<sup>27</sup>

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The Convention on the Rights of Persons with Disabilities; and
- The International Convention on the Elimination of All Forms of Racial Discrimination.

This is in addition to the following non-binding international rules and standards relevant to the incarceration of children, including:<sup>28</sup>

- The United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('The Beijing Rules');
- The United Nations Rules for the Protection of Juveniles Deprived of their Liberty; and
- The United Nations Standard Minimum Rules for the Treatment of Prisoners ('The Nelson Mandela Rules').

## ***Recommendation 2***

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*The Commonwealth Parliament legislate minimum standards for the treatment of children and young people in all criminal legal systems, including those of the states and territories.*

## **4. A National Children's Act**

There is currently no federal legislation that directly and comprehensively incorporates the full spectrum of child rights recognised under the CRC.<sup>29</sup>

Rather, legal protections of child rights in Australia are largely left to state and territory laws which are piecemeal, uncoordinated, inadequate and inconsistent across jurisdictions.<sup>30</sup>

Recent reports and inquiries have identified the absence of leadership by the Commonwealth Government in the child criminal legal space as a key contributor to the child rights crisis, and have called for a coordinated, evidence-based, national approach to child rights reform in

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<sup>26</sup> Annexure B, paragraph 13.

<sup>27</sup> See especially, Annexure B, paragraph 15.

<sup>28</sup> See especially, Annexure B, paragraph 16.

<sup>29</sup> 'Help Way Earlier!' report (n 1) 29. While the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) requires all bills introduced to Parliament to be accompanied by a statement of compatibility with human rights, and human rights includes the rights contained in the Convention on the Rights of the Child, there are ongoing concerns about the effectiveness of this process – see discussion at 'Help Way Earlier! Report (n 1) 29.

<sup>30</sup> 'Help Way Earlier!' report (n 1) 9, 29 and 103.

Australia.<sup>31</sup> This call is widely supported by peak bodies, human rights and civil society organisations, lived experience advocates and child development experts.

In the ‘Help Way Earlier!’ report, the National Children’s Commissioner called for significant changes to how Australia’s federal, state and territory governments approach child justice and the wellbeing of children who are or who are at risk of being caught up in the criminal justice system. The report made 24 recommendations designed to help vulnerable children thrive and keep the community safe.

In releasing the ‘Help Way Earlier!’ report, the National Children’s Commissioner noted that current responses to offending by children were not working, and that state and territory justice systems alone could not fix these problems.<sup>32</sup> She spoke to ‘federation failure’ as a factor contributing to Australia’s most vulnerable children being left behind and called on the Federal Government to work together with state and territory governments to transform the approach to child justice and wellbeing in Australia.<sup>33</sup>

Relevantly, Recommendation 4 was for the Australian Government to incorporate the CRC into Australian law through a National Children’s Act, in addition to a federal Human Rights Act. Recommendation 20 was for Australian Governments to raise the age of criminal responsibility nation-wide to 14 years.

The National Children’s Commissioner considered that national child rights legislation would:

- promote robust governance and enhance accountability for the protection of child rights;
- promote greater understanding and commitment to child rights principles across jurisdictions;
- provide more detailed and specific protections which go beyond what would be covered in a national Human Rights Act; and
- increase respect for children as individuals and their perspectives and experiences at all levels of government, civil society and the community.<sup>34</sup>

The National Children’s Commissioner observed that a National Children’s Act could complement a national Human Rights Act, including by establishing national minimum standards of treatment for children that would apply at Commonwealth, state and territory levels.<sup>35</sup> She also identified

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<sup>31</sup> See, for example, ‘Help Way Earlier!’ report (n 1); Justice and Equity Centre and National Aboriginal and Torres Strait Islander Legal Services, ‘Prime Minister has the power to ensure children are safe and protected. It’s time for action.’ (Media Release, 16 September 2025) <<https://jec.org.au/civil-rights/prime-minister-has-the-power-to-ensure-children-are-safe-and-protected-its-time-for-action/>>; Dechlan Brennan, ‘Experts: Albanese has power – and duty – to lift age of criminal responsibility’, *National Indigenous Times* (online, 16 September 2025) <<https://nit.com.au/16-09-2025/20269/experts-albanese-has-power-and-duty-to-lift-age-of-criminal-responsibility/>>; Kirstie Wellauer, ‘Use constitutional power to raise age of criminal responsibility nationwide, lawyers tell PM’, *ABC News* (online, 16 September 2025) <<https://www.abc.net.au/news/2025-09-16/pm-letter-raise-the-age/105748868>>.

<sup>32</sup> Australian Human Rights Commission, ‘New report proposes transforming Australia’s approach to child justice and wellbeing’ (Media Release, 20 August 2024) <<https://humanrights.gov.au/about/news/mediareleases/new-report-proposes-transforming-australias-approach-child-justice-and->>.

<sup>33</sup> Ibid.

<sup>34</sup> ‘Help Way Earlier!’ report (n 1) 29-31.

<sup>35</sup> ‘Help Way Earlier!’ report (n 1) 20.

raising the age of criminal responsibility as ‘[o]ne of the clearest opportunities’ for a national, evidence-based, child rights approach to reform.<sup>36</sup>

We endorse the recommendation of the National Children’s Commissioner that the Australian Government incorporate the CRC into Australian law through a National Children’s Act. We consider that a National Children’s Act would be the most appropriate means of raising the age of criminal responsibility to 14 years old nation-wide, and enacting national minimum standards for the treatment of children and young people in all criminal legal systems, including those at the state and territory level, representing a holistic approach to protecting the rights of children in Australia.

### ***Recommendation 3***

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*The Commonwealth Parliament incorporate the UN Convention on the Rights of the Child into Australian law through a National Children’s Act.*

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<sup>36</sup> ‘Help Way Earlier!’ report (n 1) 92.