

INQUIRY INTO YOUTH JUSTICE

Organisation: Raise the Age NSW

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Raise the Age NSW

We welcome the opportunity to make this submission to the Youth Justice Inquiry.

The single most impactful thing we can do

The single most impactful, evidence-based change to reduce the number of children in contact with the criminal justice system in NSW - and make our communities safer - is to raise the age of criminal responsibility from 10 to 14.

When NSW children are safe and thriving, NSW communities are safer and stronger.

Locking up children does not make communities safer. It harms children and leads to more crime. The younger a child is when they are exposed to the criminal legal system, the more likely they are to reoffend and be imprisoned as an adolescent and an adult.

Decades of evidence has made this very clear.

But, here in NSW, [we send 10-year-olds to prison](#). **That is too young.**

Are we serious about preventing offending and reoffending?

If we are serious about making NSW communities safer, we need to stop criminalising young children.

The Committee's terms of reference require it to consider how we can do better to prevent offending and reoffending in areas like diversionary programs, alternatives to custodial sentencing, alternative youth justice frameworks, support for children in detention (including those with disability) and post-release support.

While these are all areas in which more can be done, **they all take place within the current, failed system that harms children and communities, and does not prevent crime.**

We need a different starting point if we really want to reduce the number of children in contact with the criminal legal system.

First Nations children and those with disability are disproportionately criminalised and incarcerated

Decades of evidence confirm that not all children are targeted by criminal legal systems equally, and they do not experience these systems in the same ways. We already know which children are disproportionately surveilled, targeted and criminalised.¹ We can and should do better for these kids.

First Nations children, families and communities are grossly and disproportionately harmed by NSW's current policy of criminalising children. Aboriginal children are over-policed, arrested, taken to court and locked up at disgracefully high rates, and now account for 60% of the total number of children in youth prisons despite making up just 8% of children in NSW.² Most First Nations children in custody have not yet been sentenced or found guilty of any crime.

A large proportion of children aged 10-13 exposed to the criminal justice system live with disability, including mental illness, cognitive or neurological disabilities, learning disabilities, deafness, autism and foetal alcohol spectrum disorder.

Criminalising young children increases future crime

The criminal legal system exposes children to multiple points of contact with police. This often includes time spent in custody in police stations and locked up on remand in youth prisons, and numerous court appearances, including contact with court-based and custodial-based agencies that cannot effectively meet their needs.³

The evidence tells us that being forced into criminal legal systems at a young age initiates a negative spiral that traps children into cycles of disadvantage and further criminal legal system involvement, often complicated by trauma, poverty, disruption of education and dislocation from family and community.

¹ McCausland, R. and Baldry, E. (2023) "Who does Australia Lock Up? The Social Determinants of Justice", *International Journal for Crime, Justice and Social Democracy*, 12(3), pp. 37-53
<https://www.crimejusticejournal.com/article/view/2504>

² NSW Bureau of Crime Statistics and Research, NSW Custody Statistics Quarterly update June 2025, <https://bocsar.nsw.gov.au/research-evaluations/2025/nsw-custody-statistics-quarterly-update-jun-2025.html>

³ See, eg, the final report of the NSW Government's independent Review into the Operation of Doli Incapax for Children Under 14, which found it is 'open to conclude that responses provided by the criminal justice system are not necessarily the most suitable or effective mechanisms for achieving the outcomes which are intended': Hon Geoffrey Bellew SC and Mr Jeffrey Loy APM, 'Review into the Operation of Doli Incapax for Children Under 14', August 2025, p77, <https://dcj.nsw.gov.au/documents/legal-and-justice/laws-and-legislation/final-report-doli-Incapax-Review-29-August-2025.pdf>

The NSW Parliament's Inquiry into Community Safety in Regional and Rural Communities has highlighted that criminalisation of young children:

- significantly increases the risks of reoffending;
- perpetuates intergenerational cycles of incarceration;
- adversely impacts children's health and wellbeing;
- entrenches disadvantage; and
- increases disengagement from education and other important prosocial structures.⁴

There is overwhelming evidence that early contact with the criminal legal system (including police, courts and prisons) is 'criminogenic', increasing the likelihood of future criminalisation and imprisonment.⁵

Criminalising children causes lifelong harm

Criminalising children causes lifelong harm to them, including compounding trauma, and increasing their risk of self-harm, suicidal ideation and death.⁶ Health professionals have documented that the detention of children has a long-term detrimental impact on physical and mental health and can exacerbate the detrimental neurodevelopmental outcomes associated with a prior experience of adversity.⁷

Locking up children exposes them to cruel, inhuman and degrading treatment (including solitary confinement) and systemic racism, which are deeply damaging violations of their human rights.⁸

The experience of detention also:

- removes children from their families, communities and culture, limiting opportunities for young people to 'model adaptive interpersonal interactions, such as conflict resolution, or practice interpersonal skills and relationship management';
- has a negative effect on social relationships, which is particularly damaging for adolescents;
- is associated with exacerbating socioeconomic disadvantage, instability and a perceived lack of caring and trust from both parents and peers; and

⁴ New South Wales Legislative Assembly, *Community safety in regional and rural communities: Interim report*, May 2025, p 33.

⁵ See, for example, J Payne and D Weatherburn, 'Juvenile Reoffending: a ten-year retrospective cohort analysis', *Australian Journal of Social Issues* 50:4, 2015.

⁶ Kinner, Stuart A et al. 'Rates, causes, and risk factors for death among justice-involved young people in Australia: a retrospective, population-based data linkage study', *The Lancet Public Health*, Volume 10, Issue 4, April 2025, e274 - e284.

⁷ N Orendain et al, 'Juvenile confinement exacerbates adversity burden: A neurobiological impetus for decarceration', *Frontiers in Neuroscience*, 2022, pp2-5.

⁸ See, for example, United Nations Office of the High Commissioner, '[Australia: UN Working Group raises major concerns about detention of indigenous people, children and migrants](#)', 12 December 2025.

- impairs positive psychosocial development and transition to adulthood, which impacts on a child's ability to reintegrate successfully into the community following detention.⁹

Putting young children in prison, often unsentenced, and sometimes multiple times a year, does not rehabilitate or deter. It causes long-term harm and fails to address the underlying reasons for a child's contact with the criminal legal system.

We need to stop criminalising young children.

There is a better way

The children we criminalise in NSW have unmet and often complex needs that must be addressed if we want them to succeed.

Most of these children have a history of deeply entrenched social and economic disadvantage, including exposure to systemic racism and surveillance from police. Many have been removed from their families and communities under the guise of 'protection', are living with a cognitive and/or neurological disability and/or mental health conditions, have experienced childhood trauma and intergenerational trauma, and/or are victims of violence themselves.

The recently published NSW Government *Young People in Custody Health Survey Report* provides a devastating picture of the children the NSW Government imprisons. The health and social needs of these children should be prevented and holistically addressed *outside the criminal legal system*.¹⁰

Children also need to be supported early on. This can be achieved by investing in an effective and trauma-informed therapeutic human services system response¹¹, including by providing effective social and community support, a sense of belonging and trusted relationships.¹²

In 2024, NSW Treasury reported that there is 'strong evidence that raising the age of criminal responsibility would deliver social and economic benefits'.¹³

⁹ I Lambie and I Randell, 'The impact of incarceration on juvenile offenders', *Clinical Psychology Review*, 33:3, 2013, pp451-456.

¹⁰ Youth Justice NSW, 2022 Young People in Custody Health Survey Report, <https://www.nsw.gov.au/legal-and-justice/youth-justice/about/research/custody-health-survey/2022-ypichs-report>

¹¹ Peta MacGillivray et al, Therapeutic Pathways for Children (Report, November 2024). Therapeutic Pathways for Children is a Treasury-funded initiative on the NSW Closing the Gap Implementation Plan, delivered in partnership between the Department of Communities and Justice and the Aboriginal Legal Service (NSW/ACT) Limited.

¹² Australian Human Rights Commission, 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing' (2024)

¹³ NSW Treasury, 2023–24 NSW Indigenous Expenditure Report, p.55

<https://www.nsw.gov.au/sites/default/files/noindex/2024-07/2023-24-nsw-indigenous-expenditure-report.pdf>

Many community-led justice reinvestment projects across NSW have demonstrated that investing in early and holistic place-based support outside the criminal justice system also generates significant cost savings by avoiding reliance on expensive and ineffective justice system responses.¹⁴

We currently invest hundreds of millions of dollars in our failed youth 'justice' system.¹⁵ Raising the age of criminal responsibility from 10 to 14 is a catalyst for doing better for children, communities and the budget bottom line. It would allow us to reinvest this expenditure into communities and solutions that actually work.

For regional and remote communities in particular, this represents a significant opportunity for sustained investment in community-led, place-based responses, prioritising services delivered by Aboriginal Community Controlled Organisations for Aboriginal communities in line with the NSW Government's commitments under the National Agreement on Closing the Gap.¹⁶

We are ready to help government do better

We stand ready to work with government to build a better way for NSW children and communities.

The ACT has provided one local example of how this might be done. It has raised the age of criminal responsibility to 14 and developed a coordinated system of early therapeutic support, including identifying gaps in support at a systemic level and addressing the root causes of harmful behaviour.¹⁷

We now have an opportunity in NSW to develop our own system to flexibly meet the needs of our children and our communities under a model of wellbeing and care, not criminalisation and containment. This model could work by:

¹⁴ Maranguka Justice Reinvestment Project: Impact Assessment, Just Reinvest NSW, November 2018, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>.

¹⁵ Australian Government Productivity Commission, Report on Government Services 2026, Part F, Section 17, Youth justice services, <https://www.pc.gov.au/ongoing/report-on-government-services/community-services/youth-justice/>

¹⁶ The signatories to the [National Agreement on Closing the Gap](#), including the NSW Government, recognise that Aboriginal and Torres Strait Islander community-controlled services 'are better for Aboriginal and Torres Strait Islander people, achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services': at [43]. By signing the National Agreement and entering into the [NSW Closing the Gap Partnership Agreement](#), the NSW Government has committed to building and increasing funding for the community-controlled sector to deliver urgently needed high quality services which meet the needs of Aboriginal communities.

¹⁷ Peta MacGillivray et al, Therapeutic Pathways for Children (Report, November 2024). Therapeutic Pathways for Children is a Treasury-funded initiative on the NSW Closing the Gap Implementation Plan, delivered in partnership between the Department of Communities and Justice and the Aboriginal Legal Service (NSW/ACT) Limited.

- Providing sustainable, needs-based investment and capacity-building to Aboriginal Community Controlled Organisations to design and deliver services and supports to keep Aboriginal children with their families, communities and culture – where they are strong, proud and thriving.
- Working with government and service providers to build on existing efforts to map, adapt and expand existing services and supports, to help more kids and families in more communities.
- Coordinating and delivering proven, community-led primary prevention and trauma-informed early support programs and services across NSW for all children, families and communities.
- Providing intensive case management and therapeutic, culturally safe support for the small number of children aged 10-13 who are currently forced into contact with the criminal justice system.
- Developing and implementing community-led diversion pathways, such as alternative crisis responses for very young children in communities across NSW, making sure that children can be responded to rapidly under a model of safety and wellbeing, not criminalisation.
- Working with government agencies responsible for education, health, community and disability services, to help them do better for young children so that they can thrive, including by implementing government commitments to transform government agencies under the Closing the Gap priority reforms.

The catalyst for doing better together is to **raise the age of criminal responsibility to 14**.

Recommendations

We therefore urge this Committee to recommend:

1. That the age of criminal responsibility should be raised to 14 years without exception.
2. That the NSW Government should work with experts and community organisations who support children, families and communities – particularly the NSW Coalition of Aboriginal Peak Organisations – to design and deliver a human services system response that prioritises holistic, community-led early support and therapeutic pathways for children as an alternative to criminalisation.

Who we are

Raise the Age NSW is a coalition of organisations and groups calling on the NSW Government to raise the age of criminal responsibility from 10 to at least 14 without exception.

Please contact Emily Mayo

This submission was drafted by our Raise the Age NSW Lead Group. They are:

Aboriginal Legal Service NSW and ACT Limited
ABSEC
Amnesty International Australia
ANTAR
Australian Services Union (NSW&ACT) Services Branch
Change the Record
Community Legal Centres NSW
Just Reinvest NSW
Justice and Equity Centre
Justice Reform Initiative
NCOSS
NSW Teachers Federation
The Council of Civil Liberties NSW
Youth Action

The submission is supported and endorsed by:

A Curious Tractor
Aboriginal Legal Service NSW and ACT Limited
ABSEC
Amnesty International Australia
ANTAR
Association of Children's Welfare Agencies (ACWA)
Australian Lawyers for Human Rights
Australian Services Union (NSW&ACT) Services Branch
BackTrack Youth Works
Ballina Conference St Vincent de Paul Society
Bidwill Uniting
Blacktown Area Community Centres
Brave Therapy Inc
CASPA
Central Tablelands and Blue Mountains Community Legal Centre
Centre 360 Youth and Family Service
Change the Record
Common Grace
Community Legal Centres NSW
CREATE Foundation
Dusseldorp Forum
Domestic Violence NSW
Fams
Healthy Cities Australia
Human Nature Adventure Therapy
Inner City Legal Centre

Intellectual Disability Rights Service
Jesuit Social Services
Jews for Social Action
Josephite Justice Network
Just Reinvest NSW
Justice and Equity Centre
Justice and Peace Office of the Catholic Archdiocese of Sydney
Justice Reform Initiative
Karabi Community & Development Services Inc
Knowmore Legal Service
KWOOP, Keeping Women out of Prison Coalition
Matana Foundation for Young People
Mental Health Carers NSW Inc
Mental Health Coordinating Council
Milan Dhiiyaan
NCOSS
Network of Alcohol and other Drugs Agencies (NADA)
NSW Teachers Federation
Older Women's Network NSW
Outloud Inc
Peninsula Social Justice Alliance
Rainbow Lodge
Redfern Legal Centre
Relationships Australia NSW
Rev. Bill Crews Foundation
Save the Children and 54 reasons
Settlement Services International
Shelter NSW
Sir David Martin Foundation
Sisters of Saint Joseph NSW Region
St Francis Social Services
St Vincent de Paul Society NSW
Streetwork Australia
SUADA
Sydney Alliance
The Australian Children's Music Foundation
The Benevolent Society
The Centre for Impact & Change
The Council of Civil Liberties NSW
The Salvation Army Australia
The Shopfront Youth Legal Centre
Twenty10
Uniting Church Synod of NSW and the ACT
Uniting NSW.ACT

UnLtd
UNSW Centre for Criminology Law and Justice
Weave Youth & Community Services
Welfare Rights Centre NSW
Wellspring Community of Australia Inc
Wesley Mission
Western NSW Community Legal Centre
Women Up North
Women's Reconciliation Network
Youth Action