



**Mental Health
Carers NSW**



14 January 2025

Joint Statement in Support of Raising the Age of Criminal Responsibility

Mental Health Carers NSW (MHCN) and BEING – Mental Health Consumers (BEING) endorse the campaign to raise the age of criminal responsibility from 10 to at least 14 years of age across all Australian States and Territories including New South Wales.

Children as young as ten are very early in their psychological development, they do not have the decision-making capabilities to conceptualise the outcomes of their actions. When children lack emotional and physical safety or are exposed to poverty, they also lack the supports in place to guide and support them in their decision making. Incarceration of children is dangerous to the child and their development. It isolates them from their support system and in many cases traps them in a cycle of reoffence that continues well into adulthood.

Interconnection between mental health and youth incarceration

We are concerned about the long-term mental health impacts youth incarceration has on children who face heightened levels of mental health deterioration. We are also concerned about the impact of family members in supporting children and their loved ones' recovery journey with the added layer of systemic abuse. We believe that it is the responsibility of the community to ensure the rights of children under 14 to get any support they need to prevent offending behaviour and to develop into well-adjusted adults, not punishment.

Where Australia fits globally

We have one of the lowest ages of criminal responsibility globally, raising the age of criminal responsibility to at least 14 would put Australia in line with international standards set by the United Nations. Countries aligned with this benchmark of 14 include Austria, Italy, Germany, China, Japan and Vietnam. Countries with higher ages include Armenia, Belarus, Denmark, Finland, Laos, Kyrgyzstan, Mongolia and Timor-Leste.

Mental Health Carers NSW Inc.

Funded by the NSW Ministry of Health

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What's happening across Australia

The Australian Capital Territory has committed to increasing the age from 12 to 14 years from the 1st of July 2025. All other states are significantly behind in raising the age of criminal responsibility from the age of 10, except the Northern Territory where children under 12 cannot be charged with a criminal offence.

Addressing systemic racism – Closing the gap

In 2023, 73% of children between the ages of 10 to 13 in detention were First Nations despite First Nations children between the ages of 10 to 17 only accounting for 5.7% of the population of that age group ([Source](#)). This demonstrates that the prosecution of children under 14 has such a disproportionate impact on First Nations people that it amounts to systemic racism.

First Nations Stakeholders advise BEING and MHCN that raising the age of criminal responsibility is a critical step to closing the gap in mental health outcomes between First Nations and non-First Nations children in Australia. Over-policing First Nations children and taking them away from their family, kin and communities to be incarcerated perpetuates the cycle of inter-generational trauma and the Stolen Generations.

Call to action

MHCN and BEING urge our stakeholders to sign the [petition](#) to raise the age of criminal responsibility from 10 to at least 14 years old. This would be a fundamental first step towards a fairer society and to improve mental health outcomes for First Nations individuals and communities.

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