

Minimal Age of Criminal Responsibility (MACR)

WHAT THE ISSUE IS

Across Australia, including the ACT, the age of criminal responsibility, the age at which a child can be imprisoned, is 10 years old. This is out of step with the global median of 14. Aboriginal and Torres Strait Islander Children are disproportionately represented in the legal system. According to the Australian Institute of Health and Welfare's latest data, of those young people aged 10–13 in detention or community-based supervision, 65% are Aboriginal and Torres Strait Islander.¹

Families ACT's position on raising the MACR is underpinned by two key bodies of evidence; firstly, that incarceration locks young people into a cycle of recidivism, leading to negative long-term impacts for this population group; secondly neuroscientific evidence that indicates that at a stage when young people are being developmentally challenged to understand the consequences of their actions, some may be further disadvantaged by the presence of a neuro-disability.

WHAT GOVERNMENT NEEDS TO DO

Families ACT is calling on the ACT Government to:

- **Raise the minimal age of criminal responsibility (MACR) in the ACT to at least 14 years in all circumstances.** This would involve no 'carve outs' to this legislation, even for serious offences. We argue the treatment of young people should not solely focus on the young person's type of offence, but instead centre on identifying and treating the underlying causes of their offending behaviour². Any serious cases should have individually tailored wrap-around support and treatment plans rather than predicating the system response around rare worst-case scenarios.
- **Fund programs and frameworks which aim to integrate not segregate at-risk young people through service models and frameworks such as Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT).** We propose this service model is delivered in the ACT by OzChild in partnership with Gugan Gulwan Youth Aboriginal Corporation. Currently a pilot program working with Aboriginal and Torres Strait Islander families in the ACT community diverts families away from the child protection system. This program aims to keep families safe and together. This could be further extended to include young people from all backgrounds.
- **Fund initiatives which are demonstrating promising early outcomes for at-risk children and young people** such as the Safe and Connected Youth Project which includes early intervention outreach, short to medium-term respite/accommodation and long-term supported accommodation in a home-like environment (Ruby's model).

ABOUT FAMILIES ACT

Families ACT is a territory peak, not-for-profit, organisation which advocates and works for vulnerable and marginalised children, young people and families in the ACT and surrounding region to improve their physical, social and emotional wellbeing. We take a broad and inclusive view of what constitutes a family and strive to improve the wellbeing of all families in the ACT and surrounding region.

¹ 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>

² McCausland & Baldry 2017, McLaren 2000