

TASMANIA
LEGISLATIVE COUNCIL

SESSION 2021

NOTICE OF MOTION

22 June 2021

I (**Ms Webb**) give Notice that tomorrow I shall move —

- (1) That the Legislative Council notes:
 - (a) The United Nations Convention on the Rights of the Child requires countries to establish a minimum age below which children are presumed not to have the capacity to breach the criminal law, and that countries should work towards a minimum age of criminal responsibility of 14 years or older; and
 - (b) the global median minimum age of criminal responsibility is 14, while the minimum age of criminal responsibility in all Australian jurisdictions is 10 years.

- (2) That the Legislative Council further notes:
 - (a) Groups including, but not limited to, Amnesty International, the National Aboriginal and Torres Strait Islander Legal Services, Australia's National Children's Commissioner, the Australian Medical Association, the Royal Australian and New Zealand College of Psychiatrists, and the Royal Australasian College of Physicians have called on governments to raise the minimum age of criminal responsibility to at least 14;
 - (b) in Tasmania, groups including the Commissioner for Children and Young People, the Law Society of Tasmania and the Tasmanian Council of Social Service (TASCOSS) agree that the minimum age of criminal responsibility should be raised to at least 14 years;
 - (c) evidence demonstrates that, at the age of 10, a child's brain is still developing, particularly as to reasoning, impulsivity and consequential thinking;
 - (d) evidence shows that many children involved in the criminal justice system come from disadvantaged backgrounds and have complex needs better addressed outside the criminal justice system through a developmentally appropriate, trauma-informed and culturally safe early intervention model that supports children in their families and communities; and

- (e) evidence also indicates that the younger children are when they first encounter the youth justice system, the more likely they are to reoffend.
- (3) That the Legislative Council further notes:
- (a) The Council of Attorneys-General initiated a Working Group on the minimum age of criminal responsibility in November 2018, but have not reached a nationally agreed way forward; and
 - (b) notwithstanding the national Working Group discussions, the age of criminal responsibility is entirely a matter for the state, and there is no reason why Tasmania cannot proceed to raise the age of criminal responsibility in this state.
- (4) That the Legislative Council call on the Tasmanian Government to:
- (a) Raise the minimum age of criminal responsibility to at least 14; and
 - (b) commit to the principles of justice reinvestment, divert young people – particularly those under the age of 14 – away from the youth justice system into programs and services that address the underlying causes of their behaviour, and implement a program for Aboriginal youth led by Indigenous people.

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Signed