



## Media Release

14 August 2024

### **BOCSAR Report shows children are being criminalised for disadvantage**

[NSW organisations](#) continue to call for the NSW Government to raise the age of criminal responsibility from 10 to at least 14 following the release of a concerning [report](#) from the NSW Bureau of Crime Statistics and Research.

The report compiles data on the involvement of children aged 10 to 13 years in the NSW criminal justice system and 'seeks to inform the current discussion on the minimum age of criminal responsibility'.

Key findings in the report highlight responses and systems that are harming children and failing on community safety:

- Instead of addressing the causes of offending behaviour, we are cycling children through courts and police cells. Children sent to court 'overwhelmingly come from disadvantaged backgrounds and have a range of complex needs'. More than half have been recorded as a victim of a violent offence and about a third have accessed a specialist homelessness service.
- There has been a concerning increase in the number of legal proceedings by police against children under 14 over the past decade. 41.3% of children in that group were Aboriginal. Our current approach is not making things better.
- Children in regional, remote or very remote communities - where services and supports are severely underfunded - are three times as likely as children in major cities to be involved in legal proceedings by police.
- All of the 171 children sent to youth detention in 2023 were sent on remand (held while waiting for a trial). Two were just 10 years old. 60% of children sent to detention were Aboriginal.
- When children went to court, a quarter were found not guilty while just over half had all charges withdrawn.

**See below for quotes from Raise the Age NSW spokespeople in response.**

The evidence is in. When it comes to children and the minimum age of criminal responsibility:

- The younger a child is when they come into contact with the criminal justice system, the more likely it is they will have further contact with the system across their lifetimes.
- Policing, arresting and locking up children harms them and does not deliver safer communities. Our current approach actually *causes crime*.
- Punitive approaches don't work on young children, because they don't deal with the causes of behaviour. Children who encounter the criminal justice system have a variety of needs that we are failing to meet.

The BOCSAR discussion on raising the age concludes: 'The challenge is to identify an appropriate response to these offending behaviours that can keep both the child and the community safe, while attempting to address the longer-term complex needs of these young people and prevent future offending.'

The NSW Government needs to look at this data and consider other overwhelming evidence that the status quo is not working. It must take up the challenge identified by BOCSAR and do better for kids and community safety.

[Raise the Age NSW](#) recently [made a submission](#) to the NSW parliamentary inquiry into community safety. The submission was drafted by 13 organisations, who are leading the campaign to raise the age from 10 to at least 14 in NSW and supported by a total of 108 organisations.

In our submission we call on the NSW government to be guided by the evidence and do better for children and communities by:

- Resourcing and supporting Aboriginal Community-Controlled Organisations to work with First Nations children, families, and communities.
- Investing in services that prevent crime from the start like public health, public education from early childhood and beyond, and community-based child, youth and family services.
- Funding targeted services and interventions that help kids learn to be accountable, and do better when they go off track.
- Being guided by evidence when it comes to children and contact with police and the justice system and raise the minimum age of criminal responsibility from 10 to at least 14 without exception.

The NSW Government has a choice, they can continue to do things that do not work, or they can do better. Raise the Age NSW encourages the government to work with us to build a better system and to raise the age from 10 to at least 14.

### **Quotes from representatives of the Raise the Age NSW Lead Group**

**Karly Warner, CEO, Aboriginal Legal Service (NSW/ACT) Ltd:**

'Locking kids up makes crime worse, not better. It has never worked anywhere. We know that once a child is imprisoned, they are much more likely to return to prison as an adult and Aboriginal children are being disproportionately harmed.'

'Government needs to stop forcing kids into prison and start investing in prevention through youth engagement and support services, in partnership with local Aboriginal organisations.'

**Daniel Daylight, JR Manager (Mt Druitt), Just Reinvest NSW:**

'From my perspective, this BOCSAR report highlights the urgent need to raise the age of criminal responsibility and support solutions crafted by Aboriginal communities to tackle deep-rooted challenges facing our young people.'

'I believe justice reinvestment and community-led initiatives that leverage local strengths are essential. Locking up our most disadvantaged and traumatized youth isn't the answer; we need to free them from the systems rather than merely moving them through different systems.'

'By focusing on early intervention and community expertise, we can better support families, empower communities, and drive meaningful change in the criminal justice system.'

**Cara Varian, CEO, NSW Council of Social Service (NCOSS):**

'Locking up kids doesn't work. We need a policy framework that supports children to make choices that are good for their future and good for our community.'

'Sending them to jail is knowingly increasing their chance of a lifetime in the justice system.'

'Helping kids and their families takes an early-intervention approach and ultimately improves community safety.'

'To make meaningful change we must raise the age of criminal responsibility to at least 14.'

**Dr. Mindy Sotiri, Executive Director, Justice Reform Initiative:**

'Jailing is failing kids and communities in New South Wales. It doesn't work to protect the community. It doesn't work to address the drivers of crime and incarceration. And it causes enormous harm.'

'We urge the NSW Government to embrace evidence-based justice policy. We need to resource programs that actually work to reduce crime and build safer communities and we need to raise the age of criminal responsibility. Children need access to services, not sentences.'

**Jonathon Hunyor, CEO of the Justice and Equity Centre:**

'This report confirms that children are being criminalised for their disadvantage. We should all be outraged that children who need support and stability are instead cycled through the criminal justice system.'

'Our communities need frontline services that are properly funded and community-led. We must shift investment away from handcuffs and paddy wagons into programs that support children to keep their lives on track.'

**Geoff Scott, CEO, Just Reinvest NSW:**

'This BOCSAR report reaffirms the need to raise the age of criminal responsibility and invest in solutions identified by Aboriginal communities that address specific drivers of offending behaviour.

'Justice reinvestment and other community-led initiatives should be considered as part of the solution to help address the disadvantage that causes our young Aboriginal people to offend in the first place. If not, then another generation of at-risk Aboriginal kids will continue to seek support in ways that don't benefit them or the broader community.

'We're dealing with children here; we can do better and should do better – putting a greater effort into 10-year-olds is not a hard ask.'

**Lydia Shelly, President, NSW Council for Civil Liberties:**

'We know locking kids up does not work to support them or the communities they live in. This report provides stark evidence to show that more punitive laws are counterproductive and they fail to address the root causes of the issue.

'We must move on from superficial 'tough on crime' solutions. Children and their families deserve community-led justice reinvestment projects, which identify and implement locally tailored strategies to reduce crime and improve social outcomes.'

**Henry Rajendra, President, NSW Teachers Federation:**

'Kids should be in school, not gaol. Instead of criminalising young people we must invest in giving them the support they need for a decent shot at life. This is not just the right thing to do, it's the smart choice as well.'

END

The Raise the Age NSW Lead Group is:

[Aboriginal Legal Service \(NSW/ACT\) Ltd](#)

[AbSec - NSW Child, Family and Community Peak Aboriginal Corporation](#)

[Amnesty International Australia](#)

[ANTAR](#)

[Australian Services Union NSW ACT Services Branch](#)

[Community Legal Centres NSW](#)

[Just Reinvest NSW](#)

[Justice and Equity Centre](#)

[Justice Reform Initiative](#)

[NSW Council of Social Services](#)

[NSW Council for Civil Liberties](#)

[NSW Teachers Federation](#)

[Youth Action](#)

Raise the Age NSW has a [partner network](#) of more than 130 organisations and groups.

Join the campaign here: <https://raisetheagensw.org.au/join-us>

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