

# A BETTER WAY FOR CHILDREN AND COMMUNITIES



We all want safe communities where our children are thriving.

But decades of failed 'tough on crime' approaches have left us worse off. We can't keep doing more of the same and expecting a different outcome.

There's a better way for our children and communities. It involves investing in solutions and being led by the evidence about what works.

## Who are we?

[Raise the Age NSW](#) is a coalition of more than 130 organisations and groups that work in communities across NSW.<sup>1</sup> We are teachers, nurses, youth and community workers, doctors, lawyers, community volunteers, social workers and more.

We have a deep understanding of the issues and impacts created by criminalising children and a shared commitment to a better way.

We know how to do better for children and community safety because we do this work every day: in our schools and youth services, in services for people with disability and children experiencing homelessness, in specialist services for young women and girls, and First Nations children.

## The evidence

The age of criminal responsibility in NSW is 10. That is too young.

Children as young as 10 can be arrested, charged, held alone in police cells, hauled through the courts and locked up in detention.

Criminalising young children does not prevent crime or make communities safer. While this is often misunderstood, the evidence is clear.

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<sup>1</sup> For a full list of partner organisations, visit <https://raisetheagensw.org.au>.

Two Australian Productivity Commissioners recently called this out, saying: ‘locking up more children *actually increases youth crime*’.<sup>2</sup>

Why? Because locking up children, even for a brief period, only makes them more likely to be caught in cycles of crime.

Criminalising children teaches them all the wrong lessons and exposes them to all the wrong things.

Experts in children’s health also tell us that policing and locking children up makes things worse and harms their development.<sup>3</sup>

We want children to learn and take responsibility for their actions. But we need to face the facts: treating them like criminals does not achieve this.

Research prepared for Australia’s national, state and territory Attorneys-General found:

- Involvement with the criminal justice system is ‘criminogenic’ – **it causes crime**.
- Raising the age and providing support that addresses the causes of offending behaviour would **achieve better outcomes** for children and promote community safety.
- Investing in more services for children instead of criminal justice approaches is **more cost-effective**.<sup>4</sup>

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<sup>2</sup> Siegel-Brown and Button, ‘A criminal reversal on commitment to Closing the Gap’, <https://www.theaustralian.com.au/commentary/a-criminal-reversal-on-commitment-to-closing-the-gap/news-story/02177be210cd6d25db2547d6b9224afc>

<sup>3</sup> [https://www.racp.edu.au/docs/default-source/advocacy-library/b-20190729racp-submission-cag-review\\_final-gm-approved.pdf?sfvrsn=b384e61a\\_6](https://www.racp.edu.au/docs/default-source/advocacy-library/b-20190729racp-submission-cag-review_final-gm-approved.pdf?sfvrsn=b384e61a_6)

<sup>4</sup> <https://www.ag.gov.au/sites/default/files/2023-12/age-of-criminal-responsibility-working-group-report-2023-scag.pdf>

# Investment in children, families and communities is better for children, communities and the budget bottom line

Locking children up is hugely expensive. It costs about \$3,000 a day to keep a child in custody in NSW.<sup>5</sup>

That's \$1 million a year per child that we could be spending on services in our communities. Services that work.

In 2024, NSW Treasury said raising the age of criminal responsibility is likely to have both social and economic benefits.<sup>6</sup>

In 2012, our current NSW Attorney General, Michael Daley, said this, in a speech in Parliament, about the value of an early intervention program for children aged 7-13: 'Early intervention is the way to go... I want money spent on identifying troubled kids early and keeping them out of jail, rather than on police and jails and locking kids away. By locking them up, we are abandoning them and missing the opportunity to have those young people contribute to society.'<sup>7</sup>

## A better way for kids and communities

We can do better for children and communities by:

1. **Investing in services** in our communities **that prevent crime** from the start.
2. **Funding targeted services** and interventions **that help children learn** to be accountable if they go off track.
3. **Resourcing and supporting Aboriginal Community-Controlled Organisations** to provide local responses for First Nations young people.
4. **Stop making things worse, be guided by evidence and raise the age** of criminal responsibility from 10 to at least 14.

## But what if a child does something really serious?

We must have an appropriate response for situations where a child aged 10-13 does something dangerous.

We all want our communities to be safe and we all want children to develop and learn to be accountable.

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<sup>5</sup> [https://www.parliament.nsw.gov.au/lc/papers/Pages/qanda-tracking-details.aspx?pk=96220#:~:text=\(1\)%20In%202021%2F22,Justice%20in%20NSW%20was%20%24293.15](https://www.parliament.nsw.gov.au/lc/papers/Pages/qanda-tracking-details.aspx?pk=96220#:~:text=(1)%20In%202021%2F22,Justice%20in%20NSW%20was%20%24293.15)

<sup>6</sup> [https://www.treasury.nsw.gov.au/sites/default/files/2024-05/2023-24-nsw-indigenous-expenditure-report-202405\\_v2.pdf](https://www.treasury.nsw.gov.au/sites/default/files/2024-05/2023-24-nsw-indigenous-expenditure-report-202405_v2.pdf)

<sup>7</sup> NSW Legislative Assembly Hansard and Papers Thursday 10 May 2012 (Proof).

Our response must protect the community and that includes preventing a repeat of the behaviour. This may require specialist care and support, including secure accommodation.

But we must face up to the fact that youth prisons are not the answer.

We will get better outcomes for the community if we provide services designed for protection and rehabilitation.

Having children under the supervision of services with qualified and skilled workers addressing the causes of dangerous behaviour is the way to get better outcomes.

It's the sort of approach being taken in the ACT.

There, a whole-system solution sees children at risk receive a quick crisis response from experts across health, community services, police and communities. Youth services may be called as first responders, instead of police. Children, families and the community are not left waiting for court outcomes before an intervention that helps get a young person back on track.

## What about the police?

Police will continue to respond in situations where there is a danger to public safety.

We will get better outcomes by having police working alongside people who are skilled in working with children. These specialist child and youth services can also address root-causes and get young people and their families the support they need.

## The children

The NSW Bureau of Crime Statistics and Research has examined the children aged 10-13 who are currently involved in the criminal justice system.<sup>8</sup>

BOCSAR's research shows we are criminalising children who have already been let down by our systems and communities. We can avoid letting them down even more by raising the age of criminal responsibility to at least 14.

BOCSAR found that in 2023:

- **2,144 NSW children aged from 10 to 13 were charged with a criminal offence in NSW. 171 children aged 10–13 spent time locked up.** This is a small number of children we could be working with to get their lives back on track.
- **In almost 80% of cases that were finalised by a court, either the young person was found not guilty of any offence (25%) or all charges were**

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<sup>8</sup> <https://bocsar.nsw.gov.au/research-evaluations/2024/BB171-summary-involvement-of-young-people-nsw-cjs.html>

**withdrawn by the prosecution (53%).** That's a lot of children put through the courts for no meaningful outcome.

- **Almost 75% of the time a child under 14 went into detention, they were there for less than 24 hours.** This could be an opportunity for an intervention by a specialist youth service, but instead just sees young people churned through courts and cells.
- **Children from regional and remote communities are up to three times more likely to have contact with police, courts and custody.** We know that family, and youth services in these communities are already stretched too thin – or simply not there at all.
- **Many children had been the subject of child protection reports and interventions, highlighting they were at risk:**
  - Almost a quarter of the children had been in out-of-home care.
  - More than 80% of the children had previously been reported at risk of significant harm.
  - 60% had been reported at risk of significant harm 10 or more times.
- **About 40% of the children had accessed homelessness services.**
- **64% are recorded as previous victims of crime – with half victims of violence and a quarter victims of family violence.**

**In NSW ten-year-olds can be sent to prison.  
That is too young.**

Learn more at [www.raisetheagensw.org.au](http://www.raisetheagensw.org.au)

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