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Law Council and NT Law Society support reduction of NT age of criminal responsibility

The Law Council of Australia and the Law Society of the Northern Territory (NT) have called on the territory government to fast-track its promise to increase the minimum age of criminal responsibility.

Currently, the minimum age of criminal responsibility in the NT is 10 years. Following the recommendations of the Royal Commission into the Protection and Detention of Children in the NT, the territory government committed to increase this to 12.

Law Council of Australia President, Arthur Moses SC, who is in the territory for the opening of the legal year, said the minimum age disproportionately impacted Indigenous communities.

“The Royal Commission’s findings have given the territory government a mandate to introduce the changes immediately and we commit to helping them make this happen,” Mr Moses said.

“At 10 years, the minimum age of criminal responsibility has been proven to be too low and has had devastating impacts on Indigenous communities.

“Due to their stage of brain development and limited capacity for reflection before action children under the age of 12 should not be held criminally responsible and formally charged.

“This is even more important for at-risk children whose experience of poverty, neglect and abuse often puts them in contact with the criminal justice system at an early age.

“Recent figures show almost all young people detained in the NT are Indigenous and there was a point in 2018 when all were Indigenous. Diversion, not detention, is the answer.

“Prison should not be a rite of passage for Indigenous young people but in the territory the rate of Indigenous juvenile detention is a national tragedy - one that must be reversed.”

President of the Law Society NT, Maria Savvas, said, despite committing to introduce legislative reform, the NT Government was lagging in its response.

“The government called for the Royal Commission and should act on its recommendations – the Law Society is dismayed by the lack of progress,” Ms Savvas said.

“Almost a year has passed since the government committed to legislative reform but there has been no explanation as to the delay, nor apparent impediment to amending it.”

The Law Council considers the minimum age of criminal responsibility should be at least 12 years, subject to: the rebuttable presumption that children aged between 10 and 14 years are incapable of committing a criminal act remaining in place; and no child under 14 years should be sentenced to detention, except in the most serious cases, in line with the NT Royal Commission’s recommendations.

The Law Council’s landmark [Justice Project](#) found juvenile justice practices and policies contribute to the criminalisation of young Aboriginal and Torres Strait Islander people, failed to uphold their best interests and breached international human rights obligations.

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