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Age of criminal responsibility: Children need support and early intervention – not prison

The union representing teachers and support staff in non-government schools calls for an end to the imprisonment of children as young as 10, as the NSW government considers the recommendations of a review into the age of criminal responsibility.

“In NSW, 10 is the age of criminal responsibility,” said Independent Education Union of Australia NSW/ACT Branch Secretary Carol Matthews. “That is too young. Support and early intervention are what young people need – not prison.”

Doli incapax is a common law principle that presumes children aged between 10 and 13 cannot be held criminally responsible for their actions. It can be rebutted if the prosecution proves beyond reasonable doubt the child knew their actions were seriously wrong as opposed to merely naughty.

This means it is rare for young children to be found guilty of a crime. But they are still policed, dragged through courts and remanded in prison.

“Criminal courts and youth prisons can never meet the complex needs of this small group of young children,” Matthews said. “It is not in the best interests of children, families and the community to imprison primary school students.”

The union understands community concern about youth crime and the devastating impact it can have on victims.

“Raising the age and providing support that addresses the causes of offending behaviour will achieve better outcomes for children and promote community safety,” Matthews said.

“Investing in more services for children instead of exposing them to the criminal justice system is more cost-effective.”

This is why the IEU joined more than 150 other organisations in supporting the [#RaiseTheAge](#) campaign in NSW to raise the minimum age of criminal responsibility from 10 to at least 14 in line with international law.

“Exposing children to the criminal justice system can trap them in a cycle of repeat offending,” Matthews said. “As teachers and unionists, we call on the NSW government to invest in education and services for children and families to prevent crime.

“We support reforms that divert children away from the criminal justice system and into targeted services and interventions that help them learn to be accountable when they veer off the track or are a danger to themselves or others.”

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The IEUA NSW/ACT Branch represents over 32,000 teachers, principals and support staff in Catholic and independent schools, early childhood centres and post-secondary colleges.

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