

# Media Release

Jaclyn Symes MLC

Leader of the Government in the Legislative Council

Attorney-General

Minister for Emergency Services



Wednesday, 26 April 2023

## KEEPING YOUNG PEOPLE OUT OF THE CRIMINAL JUSTICE SYSTEM

Victoria will be the first state to raise the minimum age of criminal responsibility from 10 years old to 12, and to 14 years old by 2027 – bolstering the Victorian Government’s work to avoid young people entering the criminal justice system early and keeping the community safe.

Medical evidence indicates very young children are at a critical stage of cognitive development and may be incapable of understanding their behaviour is seriously wrong. Therefore, they are unable to form criminal intent as defined by law.

Experience also shows that the younger a child is when they’re first sentenced, the more likely they are to re-offend more frequently and violently as adults.

Helping young people, who show harmful behaviours, turn their lives around with rehabilitative support services that stop further offending while holding them to account is not only good for them, it makes the community safer in the long term.

As part of the reforms, the Government will also codify and strengthen the existing legal presumption known as *doli incapax*, which states a child under 14 cannot be held criminally responsible unless they knew their actions were seriously wrong, to ensure it is better understood and applied consistently in the courts.

For the first stage of reforms, support services will be used to help 10- and 11-year-olds and their families address the causes of problematic behaviours and prevent future contact with the criminal justice system, any change will ensure that victims impacted by these behaviours continue to be able to access support.

The outreach and diversionary programs already run by Victoria Police to engage with at-risk children will continue and the Government will work with police to determine appropriate responses to the very rare instances where 10- and 11-year-olds engage in serious offending.

Once this first step of raising the age to 12 has been implemented, the Government will further raise the minimum age of responsibility to 14 years old by 2027 – with exceptions for certain serious crimes. Further work on what these exceptions are will be undertaken.

This second stage of reform will be subject to the design and implementation of an alternate service model developed to cater for the 12- and 13-year-old cohort in consultation with an Independent Review Panel, making sure a safety net remains within our youth justice system to protect both at-risk children and the broader community.

These reforms are part of broader work by the Government to improve our youth justice system, including the development of a new legislative framework for Youth Justice that helps reduce re-offending and improves community safety.

This is set out in our vision for the system in the Youth Justice Strategic Plan 2020-2030 and the first-ever Victorian Aboriginal Youth Justice Strategy.

The Government will begin consultation with key stakeholders and agencies in the development of the legislation, which is expected to be introduced to Parliament later this year with the change to 12 years of age expected to be phased in in late 2024.

**Media contact:** Casey Lodge 0410 964 928 | [casey.lodge@minstaff.vic.gov.au](mailto:casey.lodge@minstaff.vic.gov.au)

**Quotes attributable to Attorney-General Jaclyn Symes**

*“When very young children engage in harmful behaviour, we know that something has gone terribly wrong in their life. We need to respond effectively and compassionately whilst still making sure they’re accountable for their actions.”*

*“This important reform is a careful and considered first step towards making sure fewer children are entering the criminal justice system and ensuring the safety of all Victorians.”*

**Quote attributable to Minister for Youth Justice Enver Erdogan**

*“Instead of incarcerating 10 and 11-year-olds, it makes the community safer if we’re able to invest in services that help put these children on the right track so they can become adults who contribute positively to society.”*