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MEDIA STATEMENT
AMA PRESIDENT DR OMAR KHORSHID
CHILDREN AGED 12 STILL TOO YOUNG FOR JAIL

Statement from AMA President Dr Omar Khorshid in response to a [communiqué](#) from the Meeting of Attorneys General, which met last Friday to consider a proposal to raise the age of criminal responsibility.

The AMA says the minimum age for criminal responsibility in Australia should be raised from ten to fourteen.

While we acknowledge the work being done by the Meeting of Attorney Generals (MAG) in this area of our criminal justice system, last week’s meeting was a missed opportunity to make real progress in stopping harms to children.

Agreement by MAG to consider a proposal that would raise the age to 12 falls well short of what is needed. It will result in more children being locked up and ignores the expert medical, legal and social advice on the real harm of the current laws, which in reality make kids more likely to reoffend.

Evidence shows the younger a child is at first contact with the justice system, the higher the rate of recidivism and children in contact with the criminal justice system at a young age are less likely to complete their education, find employment and are more likely to die an early death.

Raising the age of criminal responsibility only to 12 will do little to lower the number of children locked away behind bars. According to [AIHW data](#), 456 out of the 499 children under 14 in prison in 2019-20 were aged 12-13 years old.

In a 2020 [submission](#) to the then Council of Attorneys-General – Age of Criminal Responsibility Working Group Review - the AMA recommended an exploration of existing and proposed alternative programs to incarceration in each Australian jurisdiction and in Japan and European countries which do not incarcerate children under the age of 14 years.

The criminalisation of children in Australia disproportionately impacts Aboriginal and Torres Strait Islander children. We have a particular responsibility to this group of children, who may be suffering intergenerational trauma, to keep them out of prison and to explore culturally appropriate alternative programs.

Under the current legislative settings, Aboriginal and Torres Strait Islander young people aged between 10 – 17 are 38 times as likely to be in detention as non-Indigenous young people in some Australian states, while in the Northern Territory, at least 94 per cent juvenile detainees are Aboriginal or Torres Strait Islanders.

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