

13 May 2026

NSW Legislative Council
Select Committee on Youth Justice
Parliament House
6 Macquarie St
Sydney NSW 2000

By email: Youth.Justice@parliament.nsw.gov.au

Dear Committee Office

Inquiry into Youth Justice - Responses to Supplementary Questions

We refer to the supplementary questions received from the Select Committee on Youth Justice ('the Committee') following the appearance of the Justice and Equity Centre ('JEC') at the 15 April 2026 hearing. We welcome the opportunity to provide answers to the supplementary questions.

As the Committee is aware, the JEC hosts Raise the Age NSW and we would encourage the Committee to consider the [Raise the Age NSW submission to the Inquiry](#) alongside our responses to these supplementary questions.

Question 1: If the age of criminal responsibility is raised, what risks arise if broader system reform does not occur alongside it?

Raising the age of criminal responsibility must be seen as part of broader system reform.

It is a catalyst for evidence-based change that will deliver better outcomes for children, communities and the budget bottom-line.

The children aged 10-13 in NSW who are impacted by the criminal legal system invariably have complex needs that require significant support.¹ Existing systems and services are not meeting their needs. We must ensure that we make existing supports effective for these children and where supports are non-existent or ineffective this will require investment.

We also need non-punitive mechanisms for early intervention, crisis response and coordination to ensure we are getting better outcomes that do not rely on criminalisation of

¹ McCausland, R. and Baldry, E. (2023) "Who does Australia Lock Up? The Social Determinants of Justice", *International Journal for Crime, Justice and Social Democracy*, 12(3), pp. 37-53
<https://www.crimejusticejournal.com/article/view/2504>

children. The ACT model, organised around a Therapeutic Support Panel, is an example of this approach.

The design and implementation of this reform - and resulting shifts in budget allocations away from punitive measures to systems of support and care - should be legislated as part of a transition to raising the age. This will ensure systems deliver for children that most need support and give confidence to the public about doing better for children and community safety.

An alternative model to criminalisation should:

- Operate independently of the criminal legal system;
- Have a multi-disciplinary panel of experts to make decisions about how to meet the needs of children;
- Be equipped with the expertise and resources to develop child and family focused support plans and facilitate voluntary access to therapeutic services for children and families;
- Have a casework function and/or the ability to facilitate casework;
- Provide for non-punitive crisis response that prioritises safety and wellbeing;
- Ensure Aboriginal community-controlled leadership to meet the needs of Aboriginal children, who are grossly overrepresented in the target cohort;
- Be connected and integrated with place-based, community-led supports, resourced in full, prioritising ACCO and ACCHO delivered services; and
- Be designed, implemented, monitored and evaluated in partnership with Aboriginal communities represented by their community-controlled organisations and NSW CAPO, in line with government's commitments under Closing the Gap.

Question 2: Should raising the age be accompanied by a legislated requirement to invest in early intervention and diversion services?

Yes, raising the age to 14 requires a significant shift in social policy and therefore budget expenditure.

As set out above, early intervention and a system of supports outside the criminal justice system is central to this reform and should be legislated as part of the package of measures that raises the age.

Legislation will ensure that we make a sustained commitment to doing better for our children and communities and tackle the underlying drivers of criminal behaviour by children.

Question 3: What does success look like five years after raising the age of criminal responsibility?

Five years after raising the age of criminal responsibility we will see:

Children are not being harmed

Raising the age of criminal responsibility from 10 to 14 means that year-on-year a cohort of children are not harmed by the existing system. Fewer children will experience the life-long damage caused by their criminalisation.

We are intervening early to support children

Approximately 2200 children aged 10-13 come into formal contact with police in NSW each year – these children and their needs are currently known.²

Rather than waiting for children to come to the attention of police, we will be identifying children's needs early, developing and implementing plans that can support them and keep them on track.

Children will have their health and mental health needs met, be more likely to stay in school and to have disabilities identified and supported. They will be connected to services that will support them if things get difficult and teach them to be accountable in ways that are developmentally safe and effective.

Supports for children will be coordinated and accountable

These supports will be coordinated to avoid duplication and prevent children falling between the cracks. This means government and non-government services will be more effective – and service providers more accountable.

Communities will be safer: offending and reoffending rates will start to fall

More effective and early support for children to address the causes of offending will make our communities safer.

Criminalising children is criminogenic – it causes crime. Raising the age will stop feeding this machine. It will reduce the overall numbers of children and adults who commit crime, are policed and imprisoned. After 5 years we will see these improvements start to flow through the system.

Communities are thriving

The switch in investment from the wasteful system of criminal punishment to services and supports for children will deliver resources to communities including regional and remote communities who are currently disproportionately impacted by the failings of current policy.

This resourcing will benefit whole communities through investment in jobs, skills, services and infrastructure, not just children who would otherwise be criminalised.

² NSW Bureau of Crime Statistics and Research, 15 August 2024, The involvement of young people aged 10 to 13 years in the NSW criminal justice system: <https://bocsar.nsw.gov.au/media/2024/mr-involvement-of-young-people-nsw-bb171.html>

Question 4: What is the single most important reform that should accompany raising the age to ensure better outcomes for children and community safety?

As set out above, raising the age must be accompanied by a system of supports for children to address their needs and help them succeed.

The very small number of very young children who are currently criminalised are being failed by the State. The single most significant reform to address this failure is to establish a whole of system response, mobilising government and non-government agencies and services to support these children to do better.

Aboriginal Organisations and communities must be leaders in the design and implementation of all aspects of a human services model for Aboriginal children and communities. The over-representation of Aboriginal children in all aspects of contact with the existing criminal legal system requires power shifting and sharing, community-led, culturally safe design and implementation.

The 2023-2024 Indigenous Expenditure Report recognises that raising the age would deliver positive outcomes both socially and economically³.

Yours sincerely,

Jonathon Hunyor
Chief Executive Officer
Justice and Equity Centre

³ NSW Treasury, 2023-2024 Indigenous Expenditure Report, July 2024, p. 55
<https://www.nsw.gov.au/sites/default/files/noindex/2024-07/2023-24-nsw-indigenous-expenditure-report.pdf>