

Children and Criminal Responsibility

In NSW, the age of criminal responsibility is 10 years old. This means that a child under the age of 10 cannot be charged and prosecuted for a criminal offence.

Between the ages of 10 and 14 it is assumed that a child cannot commit an offence BUT it is open to the prosecution to show that the child should be prosecuted. They can do this by showing that:-

- The child understood what they were doing was criminally wrong (not just naughty)
- The child could predict the consequences of their actions

This could be demonstrated through psychological reports and evidence of school performance.

Some have argued that the age of criminal responsibility is too low and should be lifted.

Quote One:-

<https://www.lawcouncil.asn.au/media/media-releases/law-council-backs-push-for-increase-to-minimum-age-of-criminal-responsibility>

“Across all Australian jurisdictions the minimum age of criminal responsibility is currently 10 – this is a national disgrace and a national tragedy,” Mr Moses Law Council of Australia President

Quote Two -

<https://www.lawsociety.com.au/sites/default/files/2020-03/Letter%20to%20LCA%20-%20Council%20of%20Attorneys-General%20Age%20of%20Criminal%20Responsibility%20Working%20Group%20Review%20-14%20February%202020.pdf>

The Council of the Law Society considered this issue in 2019. By majority, the Council adopted the position that New South Wales should raise the minimum age of criminal responsibility from 10 to 14 years and remove *doli incapax*.

Activity One

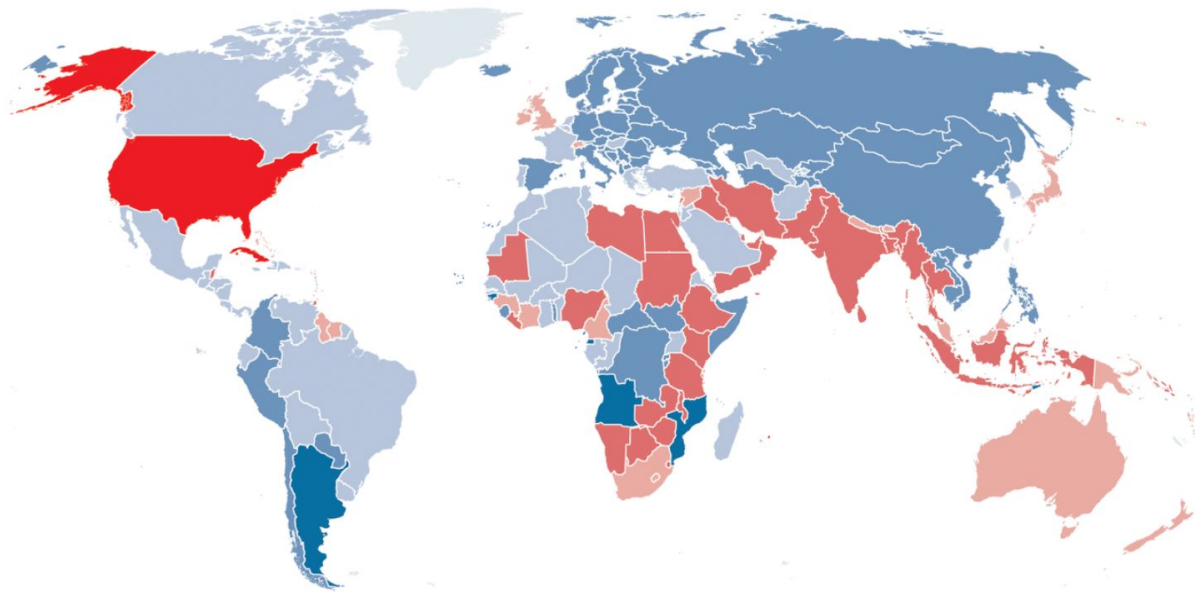
Look at the map published by the Economist on the next page.

- What surprises you?
- What questions do you have?

What is the minimum age of criminal responsibility around the world?

Minimum age of criminal responsibility, years, November 2019

■ No minimum age ■ 7-9 ■ 10-11 ■ 12-13 ■ 14-15 ■ 16 ■ No data



Source: Child Rights International Network

Activity Two



You have decided to persuade the NSW Premier to introduce legislation to change the age of criminal responsibility.

You will need to work out whether the age should be increased or kept the same. (You may even decide you think it should be decreased!)

Look at sources such as “The Guardian”, “Unicef”, “Amnesty International” and the “Human Rights Law Centre”. Create a list of arguments for and against a proposal to increase the age of criminal responsibility

Arguments For an Increase	Arguments Against an Increase

Activity Three

Write ONE paragraph explaining your perspective on whether the age of criminal responsibility should be raised in NSW. You will be asked to upload this to the google classroom.

Alternatively film a one minute pitch to the Premier arguing your point of view.

Activity Four

[How would this legislation move through parliament?](#)

Use the text pages uploaded to develop a set of notes that demonstrate how legislation moves through the parliament. You will need good definition of what happens in each stage.