



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON HEALTH AND COMMUNITY WELLBEING

Mr Johnathan Davis MLA (Chair), Mr James Milligan MLA (Deputy Chair), Mr Michael Pettersson MLA

**Inquiry into ACT Budget 2021–22**  
**ANSWER TO QUESTION ON NOTICE**

QoN No - 31

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Asked by Elizabeth Kikkert: To ask the Assistant Minister for Seniors, Veterans, Families and Community Services

Ref: Youth Justice, Budget Outlook, pp. 88–89, 114, 196, Budget Statement G, pp. 5, 19, 23, output class CSD 2.3 Child and Youth Protection Services

In relation to: Raising the minimum age of criminal responsibility

1. Budget priority is 'to develop system reform and service redesign to raise the minimum age of criminal responsibility', and \$795,000 has been earmarked across this year and next year in relation to this initiative. What specifically is this funding intended to accomplish?
2. The commissioned 'Review of the Service System and Implementation Requirements' that was completed in August this year identifies significant gaps in the current service system and identifies reforms that 'will be required in order to raise the minimum age of criminal responsibility'. Has the government costed any of these reforms yet?
  - a. If so, what has been costed, and what are the results?
  - b. If not, when can we expect these reforms to be costed?
3. Stakeholders have stated that legally changing the age of criminal responsibility before fully implementing the reforms identified in this report would create even worse outcomes for children, and the Review concludes that the proposal will, quote, 'fail to achieve its outcomes without the key systems reforms identified in this Review and the necessary injection of significant investment and resources to make them happen'. Can the minister provide assurance that the government will not change the minimum age of criminal responsibility before service reforms have been implemented and an appropriately funded alternative supported by a skilled workforce is in place?
4. What is the expected date by which the government will be prepared to formally raise the minimum age of criminal responsibility?
5. The Review identifies known gaps and argues for 'comprehensive systems reform'. For what reasons would the ACT Government implement these reforms for children under the age of 14 without similarly reforming the entire youth justice approach for young people age 14 and up?

6. Apart from the current Blueprint for Youth Justice, does the ACT Government have a reform agenda for its approach to youth justice for those age 14 and up?
7. Earlier this year, the minister expressed an 'aspiration' to see detention no longer form part of the youth justice system in the ACT, but in the hearing, she affirmed that detention will remain in place for young people age 14 and up. What actually is the ACT Government's plan when it comes to the role of detention in the youth justice system?

EMMA DAVIDSON MLA: The answer to the Member's question is as follows:–

1. The funding is for:
  - a. 1.5 FTEs (0.75 SOG C level for both JACS and CSD) to be funded in 2021-22 and 2 FTEs (1 SOG C level for both JACS and CSD) in 2022-23, to develop the policy, legislative reform and service redesign necessary to underpin the reforms;
  - b. \$200,000 for a specialist costing consultant in 2021-22 to cost changes to the service model; and
  - c. \$10,000 for community consultation to support broad community engagement with the process.

This funding will provide the following key deliverables:

- a. development and introduction of legislation to raise the minimum age of criminal responsibility; and
  - b. development of a new model to prevent and address the harmful behaviours of children under the new minimum age of criminal responsibility, informed by robust information as to the model's cost, including service system changes and legislative reform.
2. No, funding was provided in the 2021-22 Budget of \$200,000 for a specialist costing consultant to support costing work. The timing of the costings will depend on the procurement arrangements for the specialist costing consultant.
  3. The Government will ensure that appropriate services are in place to support children under a revised minimum age of criminal responsibility
  4. The ACT Government anticipates introducing legislation to raise the minimum age of criminal responsibility in the first half of 2022.
  5. The 'comprehensive system reforms' are proposed in relation to children who will no longer have access to youth justice services when the minimum age is raised. The ACT Government will consider how such reforms interact with the broader youth justice system as this work progresses.
  6. The *Blueprint for Youth Justice in the ACT 2012-2022* (the Blueprint) is the key strategic document guiding reform of the youth justice system. The Blueprint commits to

addressing the underlying causes of offending by children and young people through early support and therapeutic responses.

The ACT Government's commitment to raise the MACR aligns with other key reforms including the *ACT Aboriginal and Torres Strait Islander Agreement 2019–28* and the youth justice targets of the *National Agreement on Closing the Gap* to reduce the rate of Aboriginal and Torres Strait Islander young people (10-17) in detention by at least 30 per cent, by 2031.

The ACT Government is also committed to the *Reducing Recidivism by 25% by 2025 Plan* (RR25by25Plan) and to justice reinvestment by providing sustained diversionary and support programs to address the causes of youth offending and avoid entering the justice system later in life. This is particularly important for the first pillar of the RR25by25Plan to reduce the overrepresentation of Aboriginal and Torres Strait Islander people in custody.

Raising the MACR and implementing an alternative therapeutic response to harmful behaviour for children and young people under the revised MACR will contribute to these commitments by providing support to these children and young people before they enter the youth justice system, preventing a potential cycle of trauma, offending and detention.

7. The Blueprint has a focus on early intervention, prevention and diversion with custody used as a measure of last resort.

In addition to the Blueprint, raising the age of criminal responsibility will reduce the age at which young people can be in detention. Implementing a therapeutic response to children and young people at risk of harmful behaviour at younger ages will help prevent a potential cycle of trauma, offending and detention later in life.

Approved for circulation to the Standing Committee on Health and Community Wellbeing

Signature: 

Date: 10 November 2021

By the Assistant Minister for Seniors, Veterans, Families and Community Services, Emma Davidson MLA