



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),  
Mr Andrew Braddock MLA

**Inquiry into Justice (Age of Criminal Responsibility) Legislation Amendment Bill 2023**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**15 June 2023**

Asked by MR CAIN on 15 JUNE 2023: Ms Stephen-Smith MLA took on notice the following question:

[Ref: Hansard Uncorrected Proof Transcript 15 June 2023 p 81]

In relation to:

**THE CHAIR:** Back to me.

There is something, Minister Stephen-Smith, you said about the community view of 10 to 11 years olds versus 13- to 14-year-olds. What evidence are you basing that conclusion on?

**MINISTER STEPHEN-SMITH:** So we did do some—the government undertook some focus group research in relation to this. I am not sure whether that has previously been made public. But I am sure that we can provide it to the committee if it has not been. I am totally speaking out of turn here. So I will need to check and take it on notice.

But I think it is important to recognise that the community does have views in relation to this matter. That was informing Cabinet considerations. So I will need to take on notice whether I can provide it. But I think, in the context of the conversation we have been having, it would be useful to the committee. But I am not the owner of that information, so I will need to check.

**THE CHAIR:** Well obviously the committee would be very interested in that information. We do so request it. We await your answer.

**MINISTER STEPHEN-SMITH:** The answer to the Member's question is as follows:—

In December 2021, Kantar Research was engaged by the ACT Government to conduct research to explore community views, attitudes, and values in relation to raising the minimum age of criminal responsibility in the Australian Capital Territory.

The report was compiled with input from the community, including focus groups.  
The report is attached.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature: 

Date: 2/7/23

By the Minister for Families and Community Services, Rachel Stephen-Smith MLA

# KANTAR PUBLIC

## Minimum Age of Criminal Responsibility – Exploratory Research

### Final Report

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Project reference: 263407203

25 February 2022



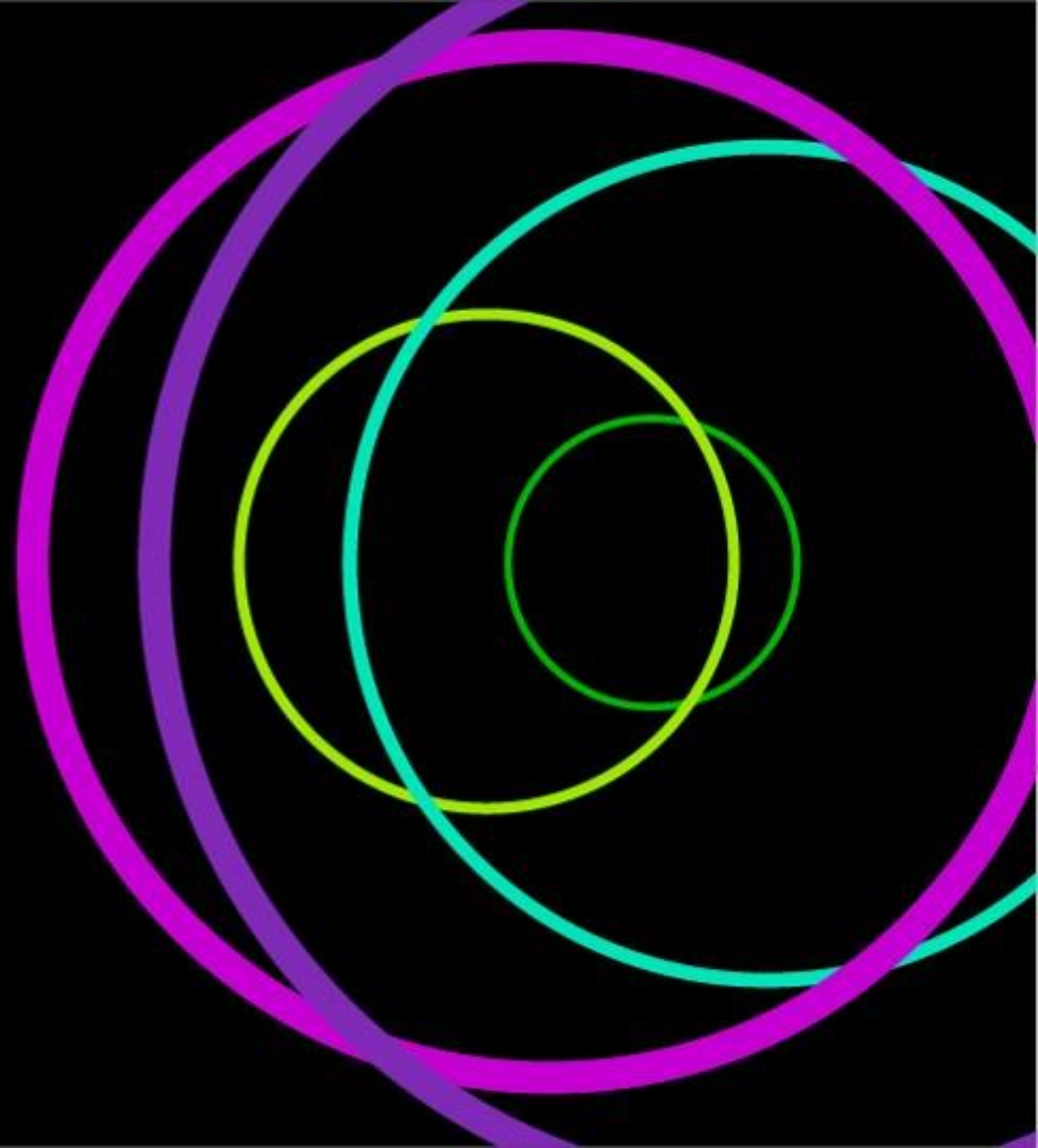
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Executive summary and  
background



# Background to the research

The ACT Government has proposed nation-leading reforms to lift the minimum age of criminal responsibility (MACR) from the current age of 10, in line with current medical and psychological evidence about the development of young people, and the risks and long-term costs of ‘criminalising’ this cohort from an early age. Kantar Public was commissioned by the ACT Government in January 2022 to undertake qualitative research to:

1. gauge instinctive views, attitudes and values from a cross-section of the Canberra community in relation to raising the minimum age of criminal responsibility in the ACT;
2. gather responses from the public on what barriers and enablers exist in relation to raising the minimum age of criminal responsibility in the ACT;
3. identify the influences on Canberrans’ views and attitudes in relation to raising the minimum age of criminal responsibility in the ACT, and how these vary by different population groups; and
4. determine any knowledge gaps, concerns, assumptions, or areas of community interest in relation to raising the minimum age of criminal responsibility in the ACT.

Through a range of techniques involving a mix of direct and indirect questioning, projective exercises and scenarios about crime, we sought to understand views about the ACT raising the minimum age of criminal responsibility (from the current age of 10 years, as per other states and territories in Australia).

Focus groups and on-on-one interviews were held with 32 people from within the ACT of different ages, life-stages and socio-economic backgrounds, and also included participants from Aboriginal and/or Torres Strait Islander and Culturally and Linguistically Diverse backgrounds. Participants were drawn from all of the major geographical ‘districts’ within the ACT (e.g. Tuggeranong, Belconnen, Weston Creek/Molonglo, etc)

# Key insights and findings – there is support to lift the MACR age, but community sentiment ‘hardens’ in relation to older offenders

- **Criminal justice reform is not on the radar for most in the ACT.** Few were aware of the minimum age of criminal responsibility (MACR), there was little to no prior awareness of the proposed MACR reforms, and little understanding of youth justice in the ACT. As a rule, parental status, age and past experience of crime did not ultimately result in considerable divergence of perceptions and attitudes (despite different starting points on the issue) **with the notable exception of Aboriginal and/or Torres Strait Islander participants** (who are disproportionately represented in the justice system in the ACT, as with other jurisdictions around Australia).
- There was a degree of surprise and shock that the current MACR is 10 years of age. Thinking about the MACR drove most people to feel that **more needs to be done so that young people in the ACT do not fall into patterns of (re)offending.**
- **Most participants found it very difficult to think about very young people being criminally active or wanting to harm others.** As such, there was generally a strong (but not unanimous) recognition that young children are developmentally immature, and therefore not fully responsible for their offending, but a minority tended to feel that young people should nonetheless know ‘right from wrong’ by the time they are 10 years of age.
- **There is little distinction between the youngest offenders (i.e. 10 to 12 year olds) who are typically seen to be victims of circumstance,** in that there must be something ‘else’ causing/driving their offending – they are not ‘criminals’ as such. Therefore, the community is generally comfortable with a change to MACR that will help 10, 11 and 12 year olds avoid interactions with criminal justice system. This tends to dissipate when thinking about older cohorts (13 years and above).
- Overall, there is a sense that the ACT community would be relatively comfortable with the **MACR increasing to 13 years... but beyond this age, there are very mixed views about where the line should be drawn.**

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*I was a bit shocked...I thought jeez, that's pretty harsh. And then I thought, geez, I hope there's not too many 10 year olds that it actually applies to.*

**Victim of crime**

*As a mother of incarcerated sons, I don't think my children had a fair chance in court.*

**Aboriginal and/or Torres Strait Islander**

*We need to take into account the circumstances of the individual as well as the circumstances of the crime... as well as the age [of the young offender]*

**Parent**

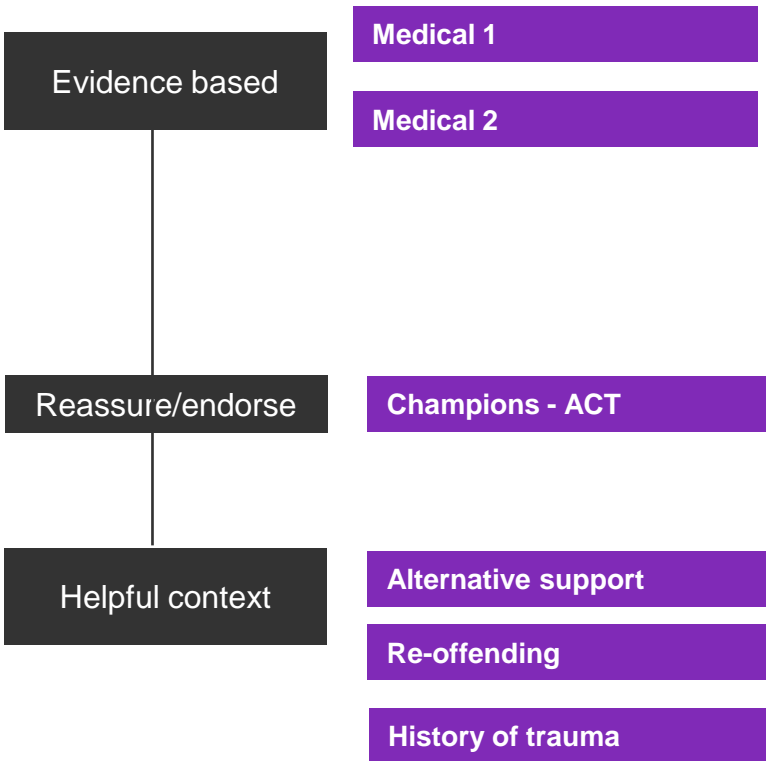
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# The ‘minimum age’ is not straightforward to explain and communicate...

The specific language used to describe the reform (minimum age of criminal responsibility) has impacts on how the reforms are perceived, which is complicated by the fact that most in the ACT community are likely to have little to no knowledge or prior exposure to MACR as a concept. As a consequence:

- There is likely to be an **instinctive impression that raising the age of criminal responsibility equates to fewer consequences** (the language of an increased minimum age automatically suggests a greater number of youth offenders potentially being held “less” responsible for their actions)
- **The average person in Canberra may not distinguish between a minimum age versus the age of a young offender.**
  - for the purposes of illustration, if a decision were taken to lift the minimum age of responsibility to 14 years, it would represent a change for young offenders aged from 10 to 13 years of age – but what our research suggests is that what some in the ACT community are likely to “hear” is that the reform applies to 14 year olds (this type of misperception is likely to arise, irrespective of where the MACR ‘line’ is drawn)
- Stronger biases (and reduced empathy) emerge when people start to reflect on young offenders of different ages. **A minimum age of 13 years** (which would nonetheless need to be clearly explained as a reform to help 10 to 12 year olds) **would seem to be likely to be fairly readily accepted by a majority of the ACT community at this time.**
- While any change to the MACR should obviously be made on its merits and the best policy evidence at hand, **a minimum age higher than 13 years would appear to be more challenging to communicate clearly to the ACT community.**

# A combination of different evidence works best to position the MACR reforms...



Eleven (11) policy/evidence statements were discussed with the ACT community (the content was provided by experts from within the ACT Government). Some of the information was (unsurprisingly) felt to be too long/technical, however our analysis was directed at understanding how ACT citizens responded to the underpinning ideas or information. Some simplification in how the evidence is expressed will be necessary when designing community communications.

Overall, it is clear that scientific/medical **evidence about trauma and the psycho-social development of young people was most compelling in explaining the 'why'**. Messaging about local champions (that **key peaks and experts in the ACT endorse youth justice reform through changing the MACR**) was reassuring (but of itself is not the core 'reason to believe'). Secondary messaging about **alternative support models for young people; that most young offenders are harmed by prior trauma; and that criminal justice responses drive further offending** was also persuasive. Learnings from these elements have informed our broader recommendations/strategies on the optimal way to frame and position the reforms, which is set out later in this report. Detailed analysis of how the community responded to policy evidence is provided at **Appendix A** of this report.

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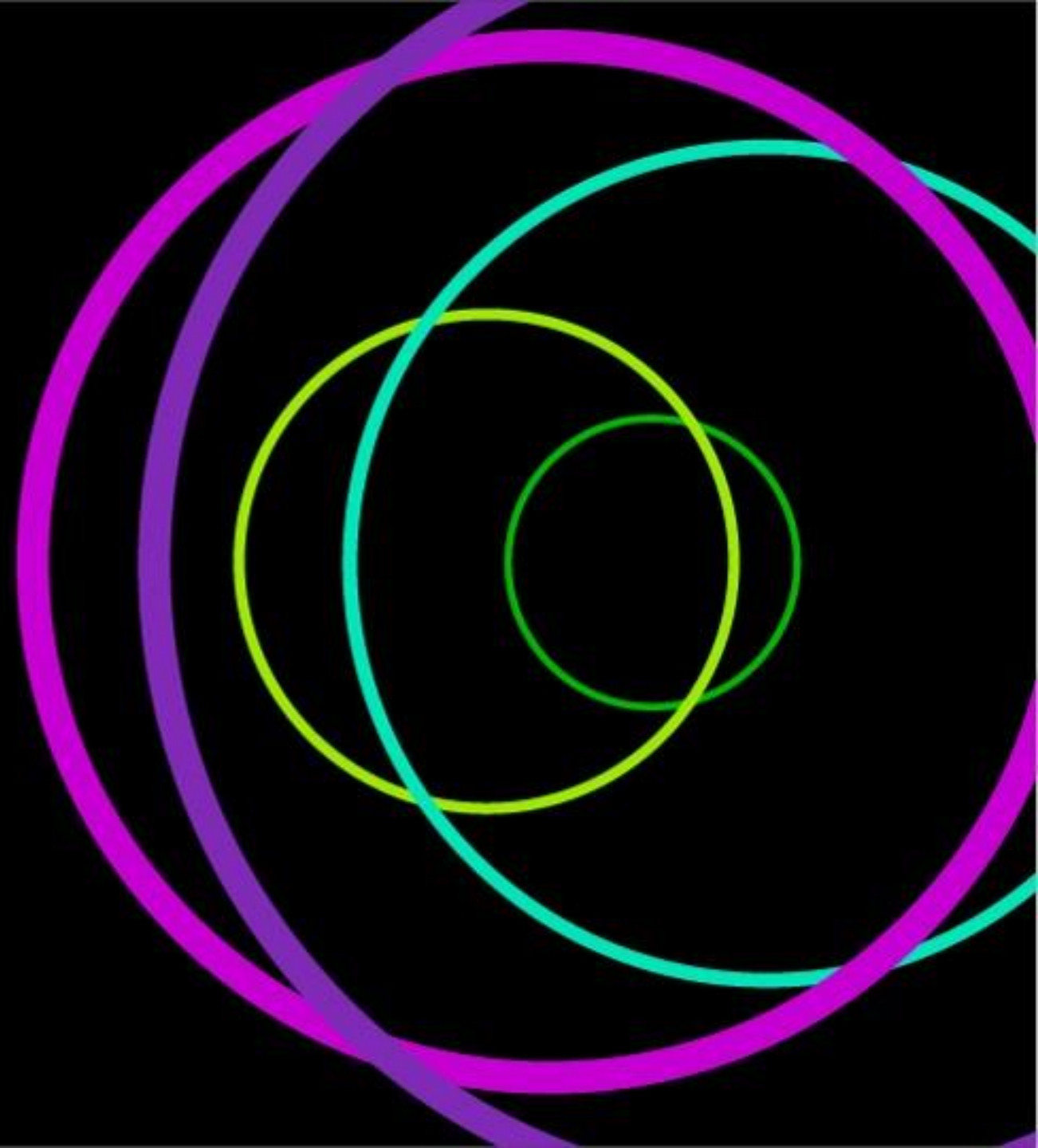
*I mean... they don't have the cognitive maturity, they've come from hard lives, it's backed up by people [working] in it. And this is what this is, what it looks like, you know.*

**Victim of crime**

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# Methodology and interpretation



# Methodology and approach

## The overarching objective:

- To provide insights and direction in relation to community opinions on the potential MACR reform, including potential strategies and options to maximise community understanding and acceptance.

## Methodology

- The research project involved two (overlapping) domains of inquiry:
  - **Formative exploration and discussion** to gain a deeper understanding of community attitudes and mindsets in relation to the MACR; and
  - **Evidence/proposition testing** to determine the type of framing, and messaging to best help people in the ACT to understand and ideally accept/endorse the proposed MACR reforms.
- Representatives of the ACT Government approved the research discussion guides (setting out the flow and nature of the research discussions) before research took place. The ACT Government also approved the research specifications and screening approach at the project inception stage.
- Mini focus groups and in-depth interviews were conducted online between 7 and 10 February 2022. Consistent with market research industry practice, participants were provided a small financial incentive as a 'thank you' for participating in the research.
- All research (except with Aboriginal and/or Torres Strait Islander community members) was conducted by experienced Kantar Public moderators. **Three out of the four Kantar Public moderators for this project live and work in the ACT.** Research with Aboriginal and/or Torres Strait Islander participants was conducted by a specialist consultancy, CIRCA Research, acting as a sub-contractor to Kantar Public. **A trained Aboriginal and/or Torres Strait Islander moderator facilitated all the discussions with Aboriginal and/or Torres Strait Islander participants,** and the findings from those sessions has been analysed and synthesised within this report.

## The research method:

### 7 mini focus groups – 90 minutes each (online)

Seven (7) mini groups were conducted with adult residents of the ACT, involving a mix of ages, genders and socio-economic status. People from culturally and linguistically diverse communities were represented in all discussions (excluding the sessions with Aboriginal and/or Torres Strait Islander Australians):

- 2 groups (total n=6) of parents/carers/guardians
- 2 groups (total n=8) of non-parents/carers/guardians
- 1 group (total n=4) of young people (18 to 25)
- 2 groups (total n=8) of Aboriginal and/or Torres Strait Islander Australians (**facilitated by a specialist Aboriginal and/or Torres Strait Islander moderator**)

### 6 in-depth interviews – 60 minutes each (online)

Six (6) individual in-depth interviews were conducted with victims of crime (people who'd experienced a crime within the last 10 years, typically property, burglary and motor vehicle offences)

### Ethical considerations

Research excluded people under 18 and prior victims of serious crime. Further detail about this, and other approaches to ensure the welfare of people who participated in the research, is at Appendix B.

# Interpretation of this report and its key findings

## Qualitative in nature

The research described in this report was qualitative in nature, and the proportion of participants from certain backgrounds/cohorts will not necessarily align to the demographic profile of the ACT. This is a standard feature of qualitative research, as it is typical to 'oversample' to ensure adequate numbers of participants (in this case, the ACT Government expressed a specific interest in hearing from victims of crime, Aboriginal and/or Torres Strait Islander Australians, etc). Without the step of specifically recruiting higher numbers of research participants than would naturally fall within the population, it would yield either a very small or non-existent representation of certain sections of the community.

Findings are not statistical in nature, but nonetheless represent a careful and thorough analysis and assessment of community attitudes, perceptions and beliefs regarding the MACR reform and youth justice issues that emerged through the research process. Any adjectival descriptors within this report (e.g. *most / few / minority*) are intended to provide an overall view of the general quantum of community sentiment.

## Discussion guide flow

All focus groups and in-depth interviews followed a tailored discussion guide, which was largely consistent to be suitable for use across all groups. To uncover the depth of insights required, a range of advanced qualitative techniques were incorporated into the discussion guide structure to be able to uncover 'new news' and effectively answer the research questions.

So that participants were not primed early-on, the discussion and line of questioning initially had a broader focus, before more detail, evidence and context were introduced. Participants were firstly asked for their general views on the MACR, justice and youth justice. Towards the end of the discussions, and after completing qualitative exercises, they were presented with further information/evidence on the topic. In most cases, the 'right' blend of evidence helped to confirm or alleviate most potential concerns about raising the MACR.

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# Community perceptions on justice and crime among youth



# While starting perspectives differ...there is a sense the MACR should be raised

The chart below depicts a general 'consensus view' among the audience segments, opinions were however not completely homogenous

	Parents/carers	Non-parents	Younger Canberrans (18-24)	Victims of crime *	Aboriginal and/or Torres Strait Islander
Starting point	Deep, more intuitive understanding/empathy for young people and developmental immaturity of children aged 10 (and up).	Initially struggle to relate to younger people committing crimes, but rationally understand developmental immaturity.	More matter of fact and focused on consequences for offenders rather than bringing considerable empathy/understanding.	Rationally understand developmental immaturity of young people, slightly more concern around keeping the community safe.	Criminal justice is inherently racist; Aboriginal and/or Torres Strait Islander youth are treated differently; negative impacts are disproportionately felt
Considerations	There needs to be an intervention/response to deal with young offenders, but a criminal justice-led system is not necessarily the right solution.		Blend of views, some support for early intervention, but also a concern that punishment and deterrence must be in place.	There needs to be an intervention/response to deal with young offenders, but a criminal justice-led system is not necessarily the right solution.	The justice system is punitive. Restorative justice and early intervention should be core; incarceration should be the last resort.
General view on raising MACR	10 years of age is viewed as too young to be held criminally responsible – most <b>would support the MACR age being increased.</b>		Mixed views – some were comfortable with the status quo, <b>some support for a moderate increase in the MACR age.</b>	10 years of age is viewed as too young to be held criminally responsible – most <b>would support the MACR age being increased.</b>	<b>Strongest support for reform, would see benefits in a considerable shift in the MACR age.</b>
Support for new MACR age	Support for the MACR age to be lifted to ensure that young offenders (10-12) are not subject to criminal justice systems; far more mixed views on offenders 13 and above		Likely to accept a shift to 12 years of age at most, much more limited support for a higher age.	In line with the general sentiment of parents/carers and non-parents	Raise to at least 15-16 years of age, some supportive of raising MACR to 17 years of age.

\* Not including crimes as defined by ACT Policing as Homicide, Assault, Robbery, Sexual Assault and other offences against a person

# Starting and end points are very different for Aboriginal and/or Torres Strait Islander participants

There are significant differences in the perspectives of Aboriginal and/or Torres Strait Islander people in the ACT, and overwhelmingly stronger levels of support for reform to the MACR. Specific insights are presented below to provide a sense of key mindsets, attitudes and core beliefs, which are likely to be at least partially influenced by higher levels of interaction with the youth justice system:

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## Key insights

Most Aboriginal and/or Torres Strait Islander participants believe the MACR age **should be increased to at least 15 or 16 years, if not higher**, in light of the negative impacts that they believe the current system is causing:

*“Justice is important as it’s about righting the wrongs. For our people, the statistics speak for themselves. We often experience discrimination. We are overrepresented. We are not treated fairly dating back to colonisation.”*

Many in the groups had awareness of, and in some cases, **lived experience with the current MACR**:

*“I know the criminal age of responsibility. My son was 10 years old when he was incarcerated. It didn’t work. It made him worse.”*

Aboriginal and/or Torres Strait Islander participants feel that the **current systems provide a lack of justice for the community**, and the effects are borne by young people:

*“There is entrenched systemic racism in the justice system that adversely impacts on Aboriginal children”.*

Aboriginal and/or Torres Strait Islander participants feel that **offenders are more likely to be judged and stigmatised**:

*“Aboriginal people would be curious about what happened. White people would automatically blame the young [Aboriginal and/or Torres Strait Islander] people.”*

There is a feeling that **Aboriginal and/or Torres Strait Islander youth will automatically end up in the adult criminal justice system by default**:

*“We see a lot of kids that ‘graduate’ from the youth justice system to the adult system.”*

There are **high levels of fear and apprehension**:

*“I remember my mum, when I was 10, telling me that I could be locked up in jail when I was 10. I have never forgotten this.”*

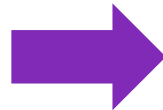
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# For most, agreeing on the ‘right’ minimum age of criminal responsibility is intellectually and emotionally difficult, and not ‘clear cut’

While there is a **general consensus that the MACR should be raised in the ACT, there is not agreement on how that should be achieved**. It was notable that weighing up all reasons ‘for’ and ‘against’ was emotionally and cognitively challenging for almost everyone who took part in the research. The exception was Aboriginal and/or Torres Strait Islander participants, who had unambiguous views that MACR reform is needed to address systemic issues/perceived racism within youth justice, with little cognitive dissonance.

Most participants instinctively went through a process of sorting through and unpacking the many possible contextual factors at play: the age (and psycho-social maturity) of a young offender; the possible nature/impact of offending; whether reoffending was happening; the assumed history/family circumstances of the offender; and ultimately, the costs and benefits in terms of community safety. Support for MACR age reform appears to be strongly linked to the age of the offender (and empathy towards young offenders rapidly declines when people think about offenders older than 12 years)

**Consciously** – most participants feel raising the MACR, on balance, is ‘the right thing to do’

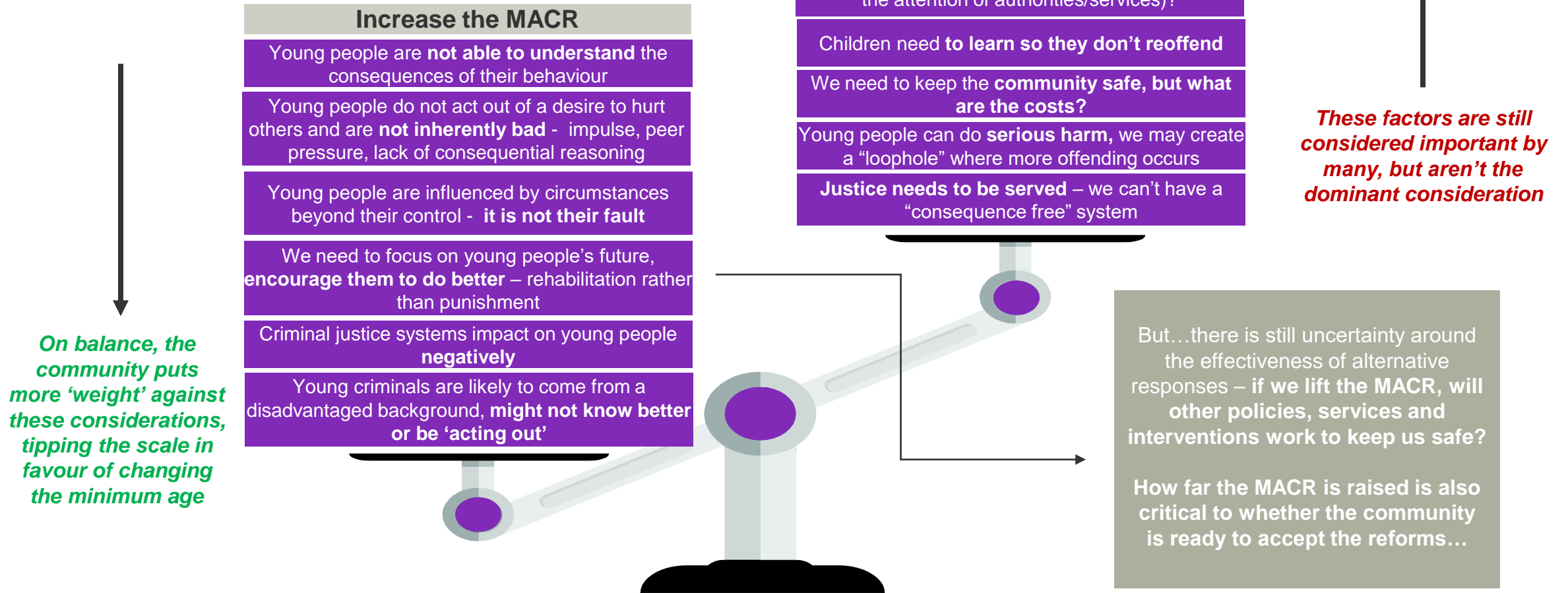


**Subconsciously** – there is a lot more going on – involving both **rational and emotional** processing:

- What are we seeking here – is it about rehabilitation, punishment or deterrence?
- At the level of core values, what is really the ‘right thing’ to do – both for the community and young offenders? What is the evidence that supports this change?
- What ‘alternative solutions’ that would be put in place to protect and help both the community and young offender?
- Will young people be let off without consequence? Could this make young offenders emboldened to commit crime without perceived repercussions?

# Ultimately, the scale tips toward increasing the MACR in the ACT

When all the factors are weighed up, most people **can see more reasons to increase the minimum age in the ACT...**



# There is some fear for community safety...but overall there is support to raise the MACR

When talking about youth crime and the consequences, there was generally little fear expressed in terms of personal or even family safety. In practice, many members of the ACT community are unlikely to have been the victim of a crime by a young offender. There is little ‘catastrophising’ about the potential MACR reform – while many noted that young offenders could start to commit more serious offences, there were very few ‘top of mind’ mentions of more serious crimes such as sexual assault, murder, manslaughter and so on. To the extent that young offenders were seen as able to pose a community danger, most thought harms would be more likely to be accidental or unintended (e.g. injury to another road user while joyriding in a stolen vehicle, rather than pre-meditated violence). **However, there is a sense that where or if serious harm is caused, the community would nonetheless expect there to be some form of redress or restorative action by the young offender.**

However, **there remains a risk that without a clear narrative that explains and reassures the community, there is still room for a counter-narrative that sparks fears about safety.** Because there is little awareness of this topic, and it feels like there has been little community debate on this issue to date, there is still space for (valid) latent concerns to become more dominant as community awareness of the MACR reforms increases.

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*I think it would just have to be made very clear to the public what is happening. Because if there are young offenders in your community you want to know that there is safety.*

**Non-Parent**

*Would just be worried if there was a huge spike in juvenile crime or something and young kids started doing lots of break ins or stuff like that.*

**Victim of crime**

*There could be some issues about community safety if our young people are committing crime and [perceived to be] getting away with it*

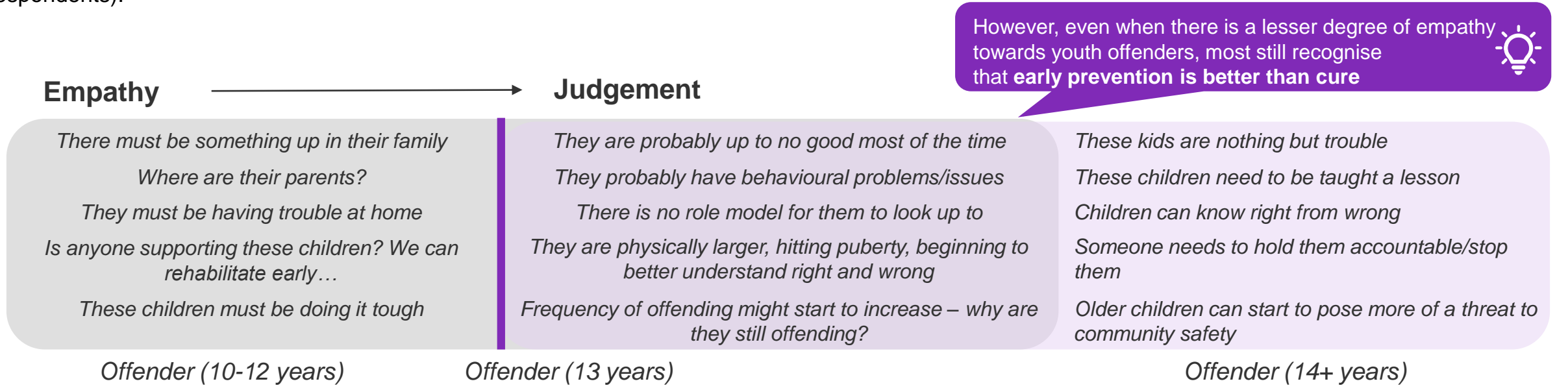
**Aboriginal and/or Torres Strait Islander**

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# Strong biases (directed at young offenders) may impede acceptance...

The idea that young people (aged 10 onward) are potentially committing and being held accountable for crimes through the justice system in the ACT initially drove feelings of empathy (for young offenders) and/or surprise/shock. Young offenders (between 10 and 12 years of age) are largely seen to be at a similar milestone in their maturity/development – very young/vulnerable, incapable of ‘true’ criminal intent and unlikely to foresee the consequences of their actions. There is almost no ‘friction’ with the idea of adjusting the MACR for this cohort.

Perceptions of young people rapidly moves from **empathy to judgement, with a clear inflection point that starts at around 13 years of age** – there is a greater sense that young people of that age are more aware of their actions, better able to understand wrongdoing, are becoming more autonomous (some mention physically stronger), and may start to commit more dangerous or significant crimes (and/or are assumed to have a prior criminal activity/offending history). Aboriginal and/or Torres Strait Islander participants, however, hold a largely contrary view; there is greater empathy and a desire for young offenders to be completely diverted away from formal criminal justice processes or systems. The information below represents the typical ‘internal narratives’ or biases that naturally emerged (unprompted) as part of the research discussions (noting these biases are largely not held by Aboriginal and/or Torres Strait Islander respondents).



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Perceived appropriateness of  
responses to crimes among young  
offenders



# Early intervention is generally favoured...

When talking about crimes committed by young people, most are genuinely curious about what might put young people on to a path of crime, and it was believed that prevention would be the best way to deal with young people at risk of committing crimes. **Even though there isn't always empathy for young offenders...there is still a view that prevention should be the starting point.** The following perceptions and beliefs were shared among most participants:

- There was a belief that the youngest offenders (ten year olds) would not choose to behave in a “criminal way”, and that vulnerability/disadvantage would be a root cause of most offending (personal circumstances such as a traumatic upbringing, domestic violence, an unstable, insecure or unsafe environment).
- Elements such as boredom, lack of motivation/sense of purpose, peer pressure, acting out, testing of boundaries were all seen as potential (more personal) drivers that might contribute to offending by young people.
- Lack of family/social supports were also raised as a potential contributory factor.
- Aboriginal and/or Torres Strait Islander participants were strongly of the view that youth justice/incarceration traps all children in a cycle of reoffending, and pathways should be in place to support children, and re-engage them with society. Specifically for Aboriginal and/or Torres Strait islander offenders, there was a strong feeling that it would be beneficial to encourage greater connection with their Elders and culture.



*We need more social workers or community workers to work with young people, but also to work with their parents. The carrot is always better than the stick. It would change things by being better for the ACT.*

**Parent**

*Depends on the specifics as well. Social and community supports are almost certainly going to be more effective than incarceration.*

**Non-Parent**

*We wouldn't be wasting money on jails...we could put this into schools and prevention*

**Aboriginal and/or  
Torres Strait Islander**

*I don't feel our system does enough to help offenders, we need to make sure we support offenders, also monetary support, to ensure they don't commit crime again... we need to break the cycle.*

**Victim of crime**



## ...and very few see 'punishment' as the solution

There are strong cultural norms and beliefs about the role of the justice system, most of which are up-ended when talking about very young offenders. Most participants were, at some level, able to see that genuine attempts to deal with youth crime needs a multi-faceted approach (social/community services and 'law and order' responses working in harmony). The focus of concern in relation to justice and young people was **mostly about discouraging reoffending or preventing offending in the first place**. Very few were focused on punishment as an end in itself. The main desire for a punishment was for crimes that had resulted in significant harm to another person. **The underlying need state for most is actually to increase community safety** – and there is clear recognition that this is **best achieved by stopping harmful patterns of offending by young people**.

Resources and interventions should mostly be focused on prevention/deterrence that drive greater community safety and/or help the young person.

Punishment was favoured by a minority, whose dominant need state is about imposing order and safety. Overall, a majority could see that punishment-led approaches are counter-productive, and are only needed for serious harm/as a last resort.



# Most believe very young people cannot be held fully criminally responsible...and there is clear support for addressing underlying causes

- Overall, most participants generally understand that young people are developmentally immature, driven by impulse and with limited ability to reason.
- The majority of participants understand that criminal justice can be a blunt and ineffective instrument – e.g. negative mental impact, the systems might teach younger people to be ‘better criminals’, that incarceration isn’t always a deterrent (and could be seen as a badge of honour by some offenders).
- There was also an awareness by some that the complex needs of young offenders will not be well-catered for by placing them into the justice system.



*I think that's perfectly natural and normal for punishment to differ for young people. They're not fully developed, or emotionally or mentally developed, so they need to be judged with merits.*

**Parent**

*For our people to have justice, there needs to be a consideration of things that impact on us... that is not used in a way that does more harm...*

**Aboriginal and/or Torres Strait Islander**

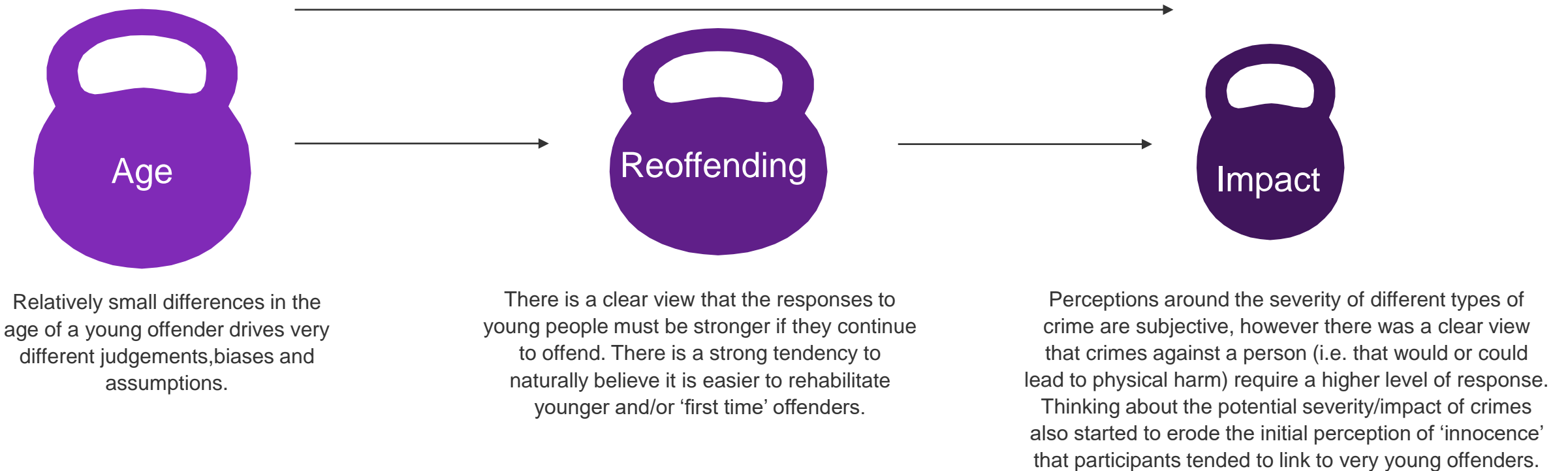
*Depending on their age, because a child who is 10 is going to have a different level of brain development to someone who is 16. Can a child who is 10 really rationalise their actions in the same way as a 16,17,18 year old?*

**Non-Parent**



# Rationally, there are three key factors that are weighed up, when considering a response to offending by young people...

Most participants start from a position that responses/interventions must be proportionate to the **age/maturity** of the offender, followed by consideration of **reoffending**, and then the **type/impact of crime** being committed. Thinking is not completely linear, as assumptions about the age of the offender can drive perceptions of what types and impact of crime they might commit (and in turn, the impact on community safety).



# There is a view that young offenders should understand the consequences of their actions, but also receive tailored support to address underlying causes

- There is a default (largely unconscious) belief held by some, that children, while developmentally immature, will still grasp right from wrong, and that they should face the consequences to some extent, as well as accept a level of responsibility for their actions.
- Most felt there should be systems in place (albeit not within a formal justice setting) to allow young offenders to learn and atone for their offending, particularly to address repeat offending.
- Due to the complexity of all the issues, some people realise that that MACR reforms are only part of the puzzle – the underlying causes (a young person’s specific drivers, circumstances and needs) will need a tailored approach.



*I'd become aware of all the facts before I think about it. If it's their first offence then there's probably a lot of opportunity for rehabilitation.*

**Parent**

*I definitely think severity of crime should be considered. I also think the number of times they have committed [a crime] should be taken into consideration.*

**Non-Parent**

*The criminal justice system should be about rehabilitating offenders – which we know is not happening*

**Aboriginal and/or Torres Strait Islander**



# Underlying needs/concerns around response to crime among young people



## The individual and the community

- **Safety** (underlying need was to keep the community safe – which is achieved by helping young offenders).
- **Order** (young people can't just get away with whatever they want, they need to obey the rules like everyone else in the community).
- **Justice** (criminal behaviour is wrong, needs to be addressed and reduced).



*I think there's potential that, you know, a young person is gonna think to themselves, oh, I did XYZ and nothing really happened. Who cares? I got a slap on the wrist. Big deal. I think I can do it again. There's no consequences... I think there needs to be a balance.*

Victim of crime



## Related to the young offender

- **Early intervention and prevention** was felt to be important, to avoid young people starting to engage in crime.
- Education and other support mechanisms **addressing the root cause of the behaviour** with the young person, rather than a focus on punishment.
- **Young people should still learn about, and face the consequences of their actions** (atonement/restorative processes), given the context of what has occurred.

*It's kind of depends on the crime. If a younger person... let's just say they kill someone... I think it still might be beneficial to look at the situation as a whole.*

Young person

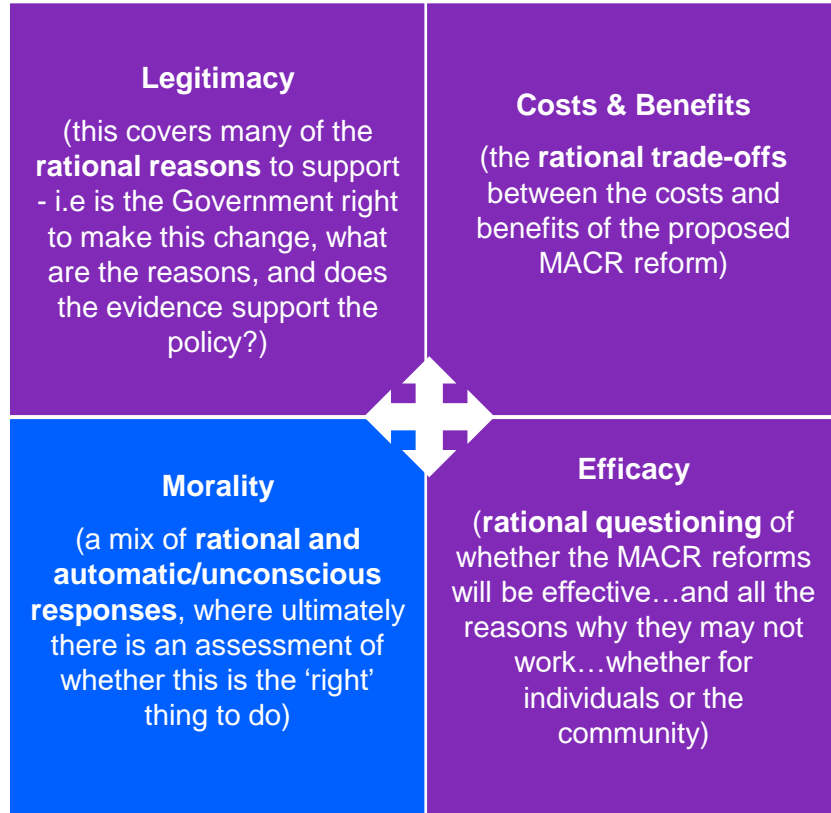


5

What are the attitudes and drivers that need to be addressed?



# Four attitudinal drivers are crucial to shaping perceptions and understanding/ acceptance of the MACR reforms...



When thinking about youth justice and MACR, the “internal” debate involves four broad domains – while deconstructed separately for ease of understanding, in reality, these four domains inter-relate and overlap.

Most of the key attitudinal influences are processed at a rational level:

- **Legitimacy** (is the policy basis sound).
- **Costs and benefits** (who ‘wins’ or ‘loses’, and who bears the costs).
- **Efficacy** (whether the MACR reforms, and any supporting measures, will work as intended).

The final key influence on attitudes involves a mix of both rational and unconscious processing - a weighing up of right and wrong, and core values:

- **Morality** (does this change feels like the “right” thing - both for individuals and the broader community).

# Is this reform ultimately the ‘right’ thing for the ACT to do..?

<p><b>Legitimacy</b> (this covers many of the rational reasons to support - i.e is the Government right to make this change, what are the reasons, and does the evidence support the policy?)</p>	<p><b>Justification</b></p> <ul style="list-style-type: none"> <li>= There is <b>near unanimous agreement that 10 years of age feels too young as the current MACR.</b></li> <li>= As set out later within this report, there is a persuasive mix of evidence that can be invoked to effectively explain the reasons ‘why’ MACR needs reform.</li> <li>= <b>In principle, raising the MACR feels like the right thing to do...</b>but there is a clear point of tension around how far/how high the MACR age should be raised. Some of the justifications for the reform are perceived to be far weaker or less salient when considering offenders who are slightly older (at or around puberty – 12 years and older).</li> </ul>	<p><b>Application</b></p> <ul style="list-style-type: none"> <li>= There is a tension between ‘first time’ vs ‘repeat’ offenders, and a view that <b>different approaches are needed for re-offending by young people.</b></li> <li>= There is a latent concern that raising the MACR age could create a “loophole” (i.e. that youth offending would be consequence free), and/or that it could see (vulnerable) younger children enlisted to undertake crimes on behalf of others, further victimising them. Some believe <b>raising the MACR age may create undesirable gaps in application or fairness (young offenders ‘unpunished’, older offenders largely still treated more like adults).</b></li> </ul>	<p><b>Penalties</b></p> <ul style="list-style-type: none"> <li>= <b>There is generally a view that very young offenders need not be “punished”</b> as such, but that they should be diverted, supports put in place, and that young people should be alerted to the consequences of their behaviour.</li> <li>= Many in the ACT believe relevant supports and systems (both criminal justice and community services) <b>should have a greater focus on restorative/early intervention type activities.</b></li> </ul>
<p><b>Morality</b> (a mix of rational and automatic/unconscious responses, where ultimately there is an assessment of whether this is the ‘right’ thing to do)</p>	<p><b>Right vs Wrong</b></p> <ul style="list-style-type: none"> <li>= <b>Generally, there is clear agreement that it is ‘wrong’ to criminalise 10 year olds...however this becomes less clear cut and more ‘blurry’/subjective as people begin to think more about older children,</b> and the potentially greater harm that could come with more serious offending. Persistent re-offending is also seen as wrong and requiring redress.</li> </ul>	<p><b>Core values</b></p> <ul style="list-style-type: none"> <li>= Expectations of the justice system vary – for some, this is expressed as being about early intervention; for others, there are questions on whether there will be sufficient ‘deterrents’ if the MACR is raised. <b>In either case, the core value appears to be about ensuring that the community is safe (and this is achieved if young people do not continue to re-offend or never offend in the first place).</b></li> </ul>	<p><b>Impact on others (i.e. how will the MACR reform help young people?)</b></p> <ul style="list-style-type: none"> <li>= Most of the participants could relatively quickly grasp the intended benefits of not exposing young people to the criminal justice system...but there is a feeling that this of itself is insufficient – <b>there will need to be other forms of support and intervention.</b></li> </ul>

# ...and if so, will these changes work, at what cost, and who bears those costs?

<p><b>Costs &amp; Benefits</b></p> <p>(the rational trade-offs between the costs and benefits of the proposed MACR reform)</p>	<p><b>Threat Appraisal</b></p> <ul style="list-style-type: none"> <li>= Most in the ACT do not directly fear for their own or family safety in terms of youth crime, but they will need some convincing that community safety will be upheld...they will need both rational and emotional reassurance that change does not create the risk of new or different patterns of youth crime.</li> </ul>	<p><b>Benefits / incentives</b></p> <ul style="list-style-type: none"> <li>= There is little direct or immediate benefit to the average ACT community member from raising the MACR age, as most are not impacted by, have knowledge of, or have ever been directly involved in the youth justice system.</li> <li>= Most citizens struggled to think about how the MACR reforms would directly benefit them...so the reforms will need to be pitched about enhancing community safety while also helping/supporting young offenders on to a better path.</li> </ul>	<p><b>Costs</b></p> <ul style="list-style-type: none"> <li>= Some participants were primed to consider the costs when presented with some of the policy evidence – would the community need to fund expensive early intervention support that would benefit only a relative few...?</li> <li>= It is unclear to many what the true costs of youth crime actually are, which makes it difficult to understand if the proposed changes are prudent or sound.</li> </ul>
<p><b>Efficacy</b></p> <p>(rational questioning of whether the MACR reforms will be effective...and all the reasons why they may not work...)</p>	<p><b>Response efficacy</b></p> <ul style="list-style-type: none"> <li>= Will the reforms actually work as intended – what if new or improved early intervention services don't work as intended?</li> <li>= Do we have a good way of dealing with complex needs (of offenders)?</li> <li>= Are our current systems failing young people...if so, do we have a good platform to build on, or are we starting from scratch?</li> </ul>	<p><b>Barriers / facilitators</b></p> <ul style="list-style-type: none"> <li>= Some participants felt that the ACT judicial system is already relatively 'soft' on crime, that there are too few police resources (lowest per capita ratio of police to population), and that current early intervention services for young people might be inadequate or failing.</li> <li>= There was an open question around how young offenders (and indeed their families) would be compelled to engage in early interventions, without the threat of a criminal or other penalty being in place.</li> <li>= Equally, there is a concern that current services aren't being properly utilised.</li> </ul>	

# Where is the ACT community now?



**In summary, our research and analysis suggests that:**

There are clear and compelling reasons – **legitimacy** of raising the MACR is not in question, however the ACT community may need further reassurance that young offenders will still face consequences (albeit not criminal sanctions) and get the support they need.

**Benefits** may need to be better demonstrated (in particular, that the intended benefits of MACR reform outweigh any new costs).

Some may require greater **reassurance that the MACR reforms will be effective**, and any supporting measures, will work as intended... **both to keep young people and the community safe.**

The **morality** aspect is the most subjective and potentially difficult part of this reform – **raising the MACR age is the key point of tension – the sense of ‘right and wrong’ shifts markedly depending on where the ‘line’ is drawn in terms of the minimum age.**

6

Implications for communications...  
making the case for change



# Raising the age is seen as the ‘right’ thing to do...but some of the benefits feel distant...so framing and articulating the case for change will be critical

On paper, the MACR reforms appear straightforward...all of the intellectual reasons to support are clear, and are largely accepted by the ACT community (and are extremely strongly endorsed by Aboriginal and/or Torres Strait Islander community members). It is important to note that even though most of the attitudinal influences are rational, there is nonetheless a risk of starting a community conversation that feels like an ‘academic’ debate.

A key risk in communicating this reform is that the policy objectives (to help young people and keep the community safe) will be misperceived (or missed) if the framing focuses unduly on the minimum age. **The minimum age is problematic as a construct, as talking about it in detail is likely to drive debate and confusion about what the ‘right age’ is, and for some, reduce empathy and support for what is trying to be achieved.** The language of “minimum age” is also confusing in itself (as noted earlier in this report). Accordingly, we recommend that the minimum age is actually best positioned as part of a (well considered) set of broader changes (new ways of looking after young offenders, so that they don’t continue to offend, so the community benefits). The strategy summarised below (and the evidence to support it) is further detailed in the remainder of this report.

## Appeal to the mind

Reframe – we’re making changes to protect young people and the community, based on the best evidence

## Appeal to the heart

Reassure – we’re all safer when youth crime is dealt with earlier, and young people get the help they need

# A (draft) outline of the community “narrative”



*You know, if something happened to me and the young person got the support...they were genuinely remorseful. It made a change in their lives and you know, they weren't an offender as an adult.*

*Then I would consider that a win even if whatever they had done had affected me. Personally, I would still consider that a win, for the young person, for society, for the community, for Canberra you know, for everyone involved.*

**Victim of crime**



## Opening up the conversation

- We're making changes to protect young people and the community.
- There is clear evidence that young people committing crimes need help rather than a criminal response [medical/trauma evidence].
- There will be changes so that young people aren't harmed by interactions with the justice system, and more support to stop young people offending.
- Local experts in the ACT support these changes.

reframe

Appeal to the mind

## Protecting the community

- There are better ways to help young offenders in the ACT, to keep our community safer.
- Our current system treats young people as criminals...which in the long run makes us less safe, is costly, the wrong thing to do, and can contribute to (rather than stop) patterns of offending.
- There will still be consequences for young people who continue to commit crimes.

reassure

Appeal to the heart

## Helping young people

- Most young offenders do not choose to become criminals, and they deserve a better system.
- Reducing young people's interactions with formal justice systems helps them, and there are legal reforms [MACR] that will help with this.
- Most young people who commit crimes have complex needs, and they need our help rather than punishment.

# Overall lessons from how policy and other evidence is perceived by the ACT community:

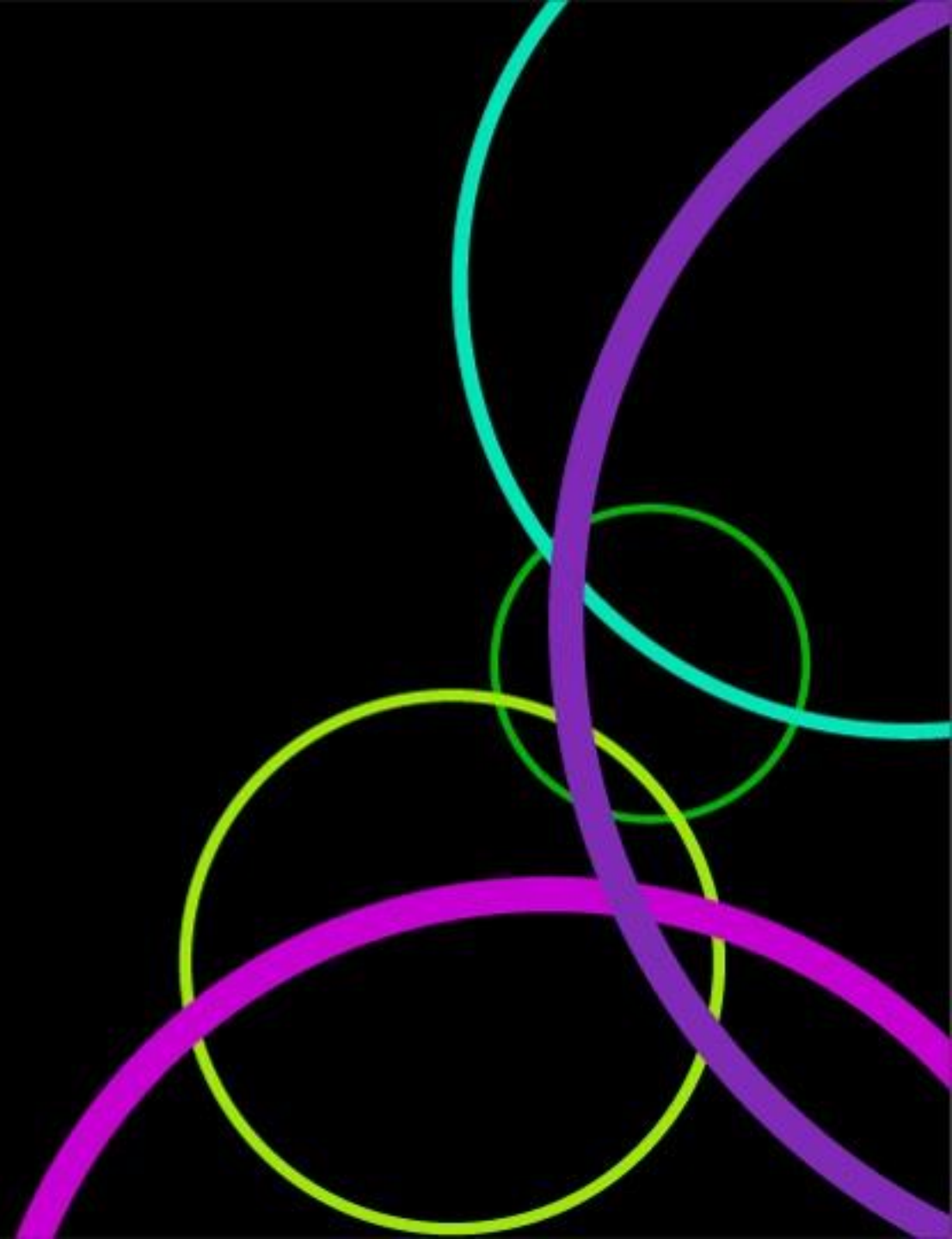
## Elements that worked well

- Endorsement from local experts is **reassuring** in showing the reform is backed up by **local people** who work in the space - but only as a **secondary message**, as it lacks impact as a standalone.
- Evidence-based framing (from A + B) helps to solidify assumptions that the community already has (i.e. that young children's brains are not yet fully formed), helping to **instil confidence** that this is the right decision.
- Context is useful and **brings the reform to life**, particularly as most do not have an in-depth awareness of the situation.

## Elements that are not recommended

- The use of international / Australia-wide (non-ACT specific) champions was not effective, largely as this **endorsement struggles to resonate** when coming from outside of the ACT.
- Use of **'nation leading' in the framing is risky** – although it provides a sense of pride for a very small minority, for most it makes the ACT feel like a 'test subject' and makes the community wary of poor outcomes.
- While the use of statistics is helpful to validate claims, over-use of numbers is **less engaging and hard to process**.
- Communicating the low number of 10-13 year olds in the system may have the **opposite effect** – with some not wanting to take the risk and/or make an extra investment **when the changes would only impact/benefit a few**.

# 7 Key conclusions



## Key conclusions and take-away learnings

- The current “label’ (minimum age of criminal responsibility) is complex (the average person is unlikely to distinguish between a MACR age versus the age of an offender). Additionally, this ‘label’ also drives an impression that there is a need to make legal changes to respond to the age of a young offender...**without broader contextualising or explanation, this may drive initial impressions that the reform will decrease the responsibility of younger offenders** (as it implies that there will be a group for whom there is no longer ‘responsibility’ for committing crimes)
- Almost everyone who took part in the research (with very few exceptions) thought that **treating children of 10 to 12 as ‘criminals’ was wrong (both morally and as a policy response)**. However, the **community appetite to raise the MACR to a higher age is impeded by several interrelated issues that can start to act as a negative cognitive loop** (there is generally a reduced empathy for offenders who are older than 12; the reasons for the reform are perceived to be ‘weaker’ when thinking about older children who are committing crimes; and perceptions can be coloured by a feeling that MACR reforms could be about reduced responsibility....which in turn feeds lower empathy when thinking about young offenders)
- For the average Canberra, there is a need to establish that **a justice-led approach isn’t helping young people...and is almost certainly making things worse** (both for young offenders, their families and community safety more broadly).
- For those who will want (or need to) know more, the narrative should reassure with rational messages (the ‘why’), but ultimately leverage an appeal to the heart (we want the community to stay safe, and we also want to look after young people who in turn need the help of the community).
- We believe that only a relative minority of the ACT currently know anything about MACR or the changes...so **there will need to be some efforts to educate and inform so that the reform does not feel like a surprise...**
- **Aboriginal and/or Torres Strait Islander communities in the ACT may need further engagement and support**, as their views about MACR reform appear to be considerably further ahead of others within the ACT community)

# Appendix A – detailed analysis of responses to policy/evidence statements



# MEDICAL 1: Brain maturity

Provides clear and persuasive rationale, and most people respond to the evidence - noting the framing/language needs to be simpler and more concise

There is strong medical evidence to support raising the age of criminal responsibility. Research suggests that children under the age of 14 have not developed the maturity necessary to form the intent for full criminal responsibility. This developmental immaturity relates to multiple areas of cognitive functioning, including impulse control, reasoning and consequential thinking.

Research also indicates that the brain matures gradually over adolescence and is near complete maturity at 18 years. This can also mean that many children lack the capacity to properly engage in the criminal justice system, which can lead to children pleading guilty, giving false confessions or failing to keep track of court proceedings.

Confirms what most assumed – that children don't have developmental maturity to be aware of consequences



Not as attention grabbing or 'hard hitting' as other evidence presented



*Be careful with words like 'medical evidence' and 'research'. It needs to read easy and in simple language – common sense. The idea then could work, the content is important.*

**Victim of crime**

*I stopped reading halfway through – to me it's a lot of waffle with very little hard hitting facts.*

**Non-parent**

*This is important information, however some people just don't give a s\*\*\* about researchers and they won't latch onto scientific evidence if it is talked about in such a way.*

**Victim of crime**



# MEDICAL 2: Prevalence of impairment

Helps to quantify the impact of the issue, however some details are unnecessary and are misperceived as being about needing to diagnose underlying medical conditions

Children in the youth justice system in Australia have high rates of trauma and mental health issues.

A large study of 99 children and young people sentenced to detention in Western Australia showed that 89% had at least one severe neurodevelopmental impairment. Notably, the majority of children diagnosed with neurodevelopmental disorders had not been previously identified until the study occurred.

% helps to quantify the impact and potential scale of the issue. Recognises that a lot of young people experience issues with mental health and neurodevelopmental issues



'Large' questioned with a sample of 99, referencing 'Western' Australia makes it less relevant to ACT. Some people confuse the evidence as being about identifying neuro-impairment as the end goal



*If this neurodevelopmental impairment was caught [early], would they end up engaging with the youth justice system?*

**Victim of crime**

*Why are we way behind? Why aren't we improving our facilities in terms of diagnosing early, getting data and support in... rather than having these long wait times?*

**Young person**

*It doesn't impact – this is more about putting better measures in place to identify neurodevelopmental disorders.*

**Parent**



# TRUSTED CHAMPIONS: International

The United Nations Committee, as an international body, was not a source that resonated with the audience and felt distant

In 2019, the United Nations Committee on the Rights of the Child (the UN Committee) recommended that all State parties raise the minimum age of criminal responsibility to be *at least* 14 years old.

They stated that children aged below this 'are to be provided with assistance and services according to their needs, by the appropriate authorities, and should not be viewed as children who have committed criminal offences.

The UN specifically recommending 14 years old rather than general backing – more persuasive



UN is outside of the ACT and Australia, feeling distant and lacking the local perspective



*It is good, but feels a bit distant, not close to home, doesn't resonate and connect to ACT.*

**Victim of crime**

*I don't think people will give half of a \*\*\*\* about what the United Nations think.*

**Parent**

*The least convincing. The United Nations is not as close to home to me as the ACT is.*

**Non-parent**



# TRUSTED CHAMPIONS: Australia-wide

Similarly to the United Nations, participants felt the Australia-wide trusted champions were not close to home and did not resonate

All 16 of Australia's children's commissioners, guardians and advocates, Save the Children, Change the Record, the National Aboriginal and Torres Strait Islander Legal Services (NATSILS), the Human Rights Law Centre and Victorian Aboriginal Legal Service, Amnesty International, the Law Council of Australia, and the National Health Leadership Forum have called for the age to be raised to at least 14.

Listing experts that support this reform may hold some weight in the community



Many had not heard of these organisations – and their perspectives are capable of being dismissed as not close enough to home.



*Just left me feeling completely ambivalent.*

**Victim of crime**

*Australians might not respond well to authority, conflicts with criminal justice, and doesn't give focus on other systems.*

**Young person**

*Most people would have never heard of these organisations, might not mean anything to them.*

**Victim of crime**



# TRUSTED CHAMPIONS: ACT

This resonated with participants more than other trusted champions

Key ACT based organisations are in support of raising the age of criminal responsibility, including, ACT Law Society, The ACT Human Rights Commission, Families ACT, Legal Aid ACT, ACT Council of Social Service, and more.

ACT trusted champions were seen as more legitimate and closer to home – a local perspective which could be trusted as most relevant



This was not as punchy or hard hitting as other framings but could effectively back up other evidence. There is no clear support for what the MACR age 'should' be



*If people were involved in these organisations or had some contact with them, it might be more influential, but the average ACT person won't take much mind of these abbreviations.*

**Parent**

*Would give people confidence that there are a lot of organisations behind this.*

**Victim of crime**

*I like the focus on the ACT and that they are giving advice and are all on the same page. People might not know these organisations or have an opinion on them, so the importance might not come across.*

**Victim of crime**



# STATISTICS: Census data

There were mixed opinions on whether this framing provided good evidence for increasing MACR or minimised the issue

The latest Census data showed 46,752 children and young people aged 10-19 were living in the ACT in June 2016. 22,235 were aged between 10-14.

On an average day in 2019/20, 70 children and young people aged 10—17 in the ACT, were on a community-based order or in detention. Of those 70 children and young people, three were aged 10—13 years

Providing evidence and statistics help provide clarity of the rationale for the reform (for some)



Highlighting the small number of young offenders invites people to minimise or ignore the problem



*That's kind of like, ok, there's three kids in there age 10 to 13. What's the problem? Why are we even bothering? Like, it just kind of minimises the issue.*

**Victim of crime**

*My response to that is - do the crime, do the time.*

**Parent**

*This gave me a very good understanding why we should consider raising the age of criminal responsibility.*

**Non-parent**



# NATION LEADING: ACT leading the way

Being 'nation leading' wasn't seen as a primary reason for change, doesn't change minds, and makes the community feel like we're taking a risk on a reform that others haven't (or won't)

This proposed reform is a nation-leading initiative that is aligned with other countries around the world. Within Australia, it would see the ACT be the first state/territory to commit to raising the age of criminal responsibility.

Drove pride (but for a very small number)



Felt like a motherhood statement, it is not persuasive and it raises doubts as to why the ACT is doing the reforms



*We already know Canberra can be a bit radical kind of thing... a trailblazing state - they're [the community] not gonna like that.*

**Victim of crime**

*They want to be the first to change all these things in government but they still don't do the simple things well.*

**Parent**

*I don't care if we're the first or the last, as long as it's the right thing to do. The other stats and the facts are more convincing.*

**Parent**



# PUNITIVE MEASURES VS ALTERNATIVE SUPPORTS: Responses

This provided information of the alternatives to the criminal justice system which reassured participants (and the logic of prevention rather than cure intuitively 'makes sense' to most)

Reforms to youth justice could involve alternative means to achieve community safety. These may include:

- Referring children that would have come into contact with the justice system for clinical assessment to identify potential neurological disorders and coordinate support.
- Educate relevant professionals (police, lawyers, etc.) about children with disabilities and cognitive impairment to improve understanding
- The use of voluntary restorative justice processes or elements – which focuses on reconciliation with victims and the community.

It has a positive spin and reassures the community of the alternative actions that can be taken



Framing is not as 'hard hitting' as some of the other options and should be used in conjunction with other evidence



*It sort of explains it a bit more and it leads you down the track of understanding where some of the unmet needs are.*

**Victim of crime**

*This provided the relevant information underpinning the proposed changes.*

**Aboriginal and/or Torres Strait Islander group**

*To alleviate the concerns of the community, probably propose what the alternative kind of reforms would be... reassure the community their cars, their houses, their families are going to be safe.*

**Parent**



# COMMON YOUTH CRIME: No serious crimes

While the evidence is shocking, many don't connect the nature of the crime to the need to increase the minimum age of criminal responsibility

The most common conviction for the 12–13-year-old age group in the ACT is common assault, followed by breaches of bail, minor theft and property damage.

In the last five years in the ACT, there have been no serious sexual crimes or murder/manslaughter committed by people under 14

The shocking nature of the evidence catches attention of the audience



Runs the risk of making people worry that smaller crimes would just lead to larger crimes



*Well it starts off with common assault, it leads to more serious things if you don't nip it in the bud. Kids think they can get away with it. If not nipped in the bud it will lead to bigger things.*

**Parent**

*I stood out to me, it shows you the facts.*

**Victim of crime**

*The only thing that surprised me was that the most common act for a 12-13 year old is common assault – that's violence.*

**Non parent**



# RE-OFFENDING: Increased likelihood

Provides a clear message that the criminal justice system in isolation does nothing to deter young people from committing crime – a clear “proof point”

Studies have also shown that the younger children are when they encounter the criminal justice system, the more likely they are to reoffend. In other words, taking a ‘law and order’ approach to young offenders creates a greater likelihood that they continue to commit crimes into the future. The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18.

Provides a clear message that the criminal justice system in isolation does nothing to deter young people from committing crime, and creates future costs to the community



The framing drives some to want to better understand or query the studies – i.e where does this evidence come from?



*It needs the evidence - it needs to say this is the study. This is how many kids were studied and this was the impact on reoffending*

**Victim of crime**

*Quite terrifying when I read through it. The finding that the younger a person is, the more negatively affected they are by the criminal justice system.*

**Parent**

*It is persuasive enough for me to stop and kind of think.*

**Parent**

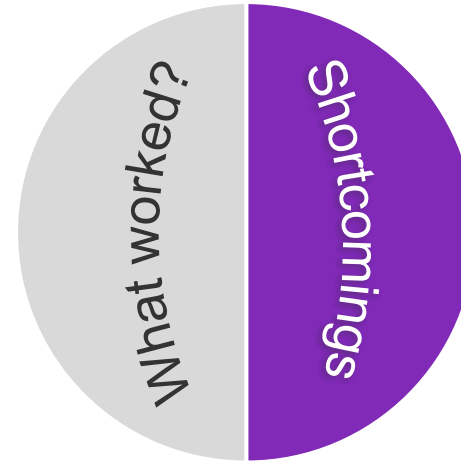


# HISTORY OF TRAUMA: Unmet needs

Appeals to the empathetic side, but may need supporting evidence to shift perceptions

Children in the youth justice system in Australia had experienced a traumatic upbringing, involving family violence, abuse or neglect (internal data analysis suggests that over 90% of children and young people under youth justice orders in the ACT were either survivors or perpetrators of family violence) and/or had needs relating to disability that were not being met.

Provides concrete framing and reasons for why change is needed...



Appealing to empathy alone won't necessarily change community perceptions. Most suggested this has to be combined with other evidence and information



*I think that this is largely known by people, and purposely overlooked.*

**Parent**

*This really stood out for me. To me, they're just kids. They haven't had a chance to figure out what's right and wrong. They haven't had their own chance to choose their life trajectory.*

**Non-parent**



## Appendix B: Ethical issues associated with this research

Due to the nature of the research (discussions about crime and offending) and the possibility that the adults who participated may have been impacted by crime (whether as a victim or offender), all participants who took part were fully briefed on the nature of the research beforehand, and were also provided with the details of relevant support services after their participation.

People under the age of 18 were not eligible to participate in research discussions, reflecting that research with young people typically requires ethics approval. In this instance, an ethics approval would have been necessary to take into account the particular vulnerabilities of young people, and an assessment of the risks and benefits of speaking to young people who may have potentially been impacted by the ACT's youth justice system.

Victims of crime were an audience of specific interest for this project. However, individuals who self-identified as being directly or indirectly impacted by very serious crimes, including sexual assaults, manslaughter and murder were excluded from the research sample. This reflected an assessment that an ethic process would have been necessary, given the high risk of causing harm or distress to those affected by particularly serious crimes. This also reflected that over the last five years, there were no recorded instances of offenders under the age of 14 committing serious sexual assaults, manslaughter or murder in the ACT.

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