

Response to question on notice

Questions on Notice Paper No 11

26 September 2025

Question No. 681

DEBORAH MORRIS MLA: To ask the Minister for Police, Fire and Emergency Services —

1. What formal guidance has been provided by the Government to ACT Policing on how officers are expected to respond under the new framework following the commencement of legislation raising the minimum age of criminal responsibility to 14 years.
2. What training has been provided to general duties officers on responding to incidents involving children under 14, including where the serious violent offence exception may apply.
3. How is ACT Policing ensuring that the serious violent offence exception for 12 and 13 year olds is applied consistently, and what oversight or review mechanisms are in place.
4. Has ACT Policing raised concerns that drug dealers or organised crime groups may exploit 12, 13, or 14 year olds to distribute drugs in light of the new minimum age framework referred to in part (1).
5. What programs have been introduced in 2024–2025 to manage harmful behaviours by children under 14 who are no longer subject to criminal responsibility, and what role (if any) does ACT Policing have in referring or supporting children into such programs.
6. Where the programs referred to in part (5) exist, has any evaluation or early evidence been collected about their effectiveness.
7. Are offences committed by persons below the age of criminal responsibility recorded in ACT crime statistics; if so, how are they categorised and reported.

DR MARISA PATERSON MLA - The answer to the Member's question is as follows:

1. In preparation for the raising of the minimum age of criminal responsibility (MACR) in the ACT, the Justice and Community Safety Directorate collaborated with ACT Policing to develop a mandatory training package. This training package included model decision pathways to assist officers to apply the new legislation in time-sensitive situations.
2. In preparation for the raising of the MACR in the ACT, ACT Policing invested heavily in a capability uplift by developing and delivering a mandatory MACR training package, targeted for all sworn operational members of ACT Policing (up to and including Superintendents).

As of 1 October 2025:

- Approximately 700 officers and ACT Policing support staff have completed this training.

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- ACT Policing members spent a combined total of around 2,500 hours attending MACR training and supporting the operationalisation of the reforms for policing.

ACT Policing also undertook significant updates to MACR related governance material to provide members with guidance on the reforms, including where the offence exceptions may apply.

3. Per the response to Question 2, ACT Policing invested significant resources to ensure that members understood the changes that came into effect on 1 July 2025.

Section 25(2) of the *Criminal Code 2002* provides that a child who is 12 years old or older, but under 14 years, can be criminally responsible for an offence mentioned in schedule 1 of the Criminal Code (a schedule offence) being:

- Murder;
- Intentionally inflicting grievous bodily harm
- Sexual assault in the first degree; and
- Act of indecency in the first degree.

Between 1 July 2025 and 1 October 2025, a person under 14 years of age has not been charged with any of the schedule offences. These are exceptionally serious offences, and ACT Policing would not expect there to be many cases involving persons aged under 14 years of age.

Nonetheless, ACT Policing members and their supervisors have received the requisite training to ensure there are appropriate processes and mechanisms are in place to pursue these matters where appropriate. ACT Policing, as part of the Australian Federal Police (AFP), has several internal mechanisms to monitor the efficiency and ethical conduct of ACT Policing.

4. As part of designing the legislation that increased MACR, some stakeholders raised concerns that people may attempt to exploit children and young people under MACR to undertake criminal behaviour on their behalf, such as distribute drugs. This feedback informed the development of the Crimes Legislation Amendment Bill 2025 to ensure that police officers had clear powers to collect evidence from people under MACR where they are investigating an offence, or possible offence, committed by another person, and they believe on reasonable grounds that the person under the MACR possesses evidence relevant to that investigation (section 252AD of the *Crimes Act 1900*). Procuring a child to sell, transport, prepare, or hide a controlled drug is a separate offence (section 624 of the *Criminal Code 2002*).
5. Following the legislative reform that raised the MACR to 14 years, the ACT Government has introduced a range of programs to support children and young people exhibiting harmful behaviours. These initiatives focus on therapeutic and stabilising interventions rather than punitive responses.

A central component of this response is the Therapeutic Support Panel for Children and Young People (TSP), a multidisciplinary panel that provides coordinated, trauma-informed assessments and therapeutic support tailored to individual needs. The TSP offers therapeutic intervention in place of criminal justice processes for children and young people who are at risk or have engaged in serious or destructive behaviours.

Under the *Children and Young People Act 2008*, ACT Policing plays a vital role in identifying and referring children and young people to the TSP. Police may refer a child to the TSP if they believe, on reasonable grounds, the child or young person:

- Has a genuine need for therapeutic support services; and
- Is at risk of engaging in or has engaged in:
 - Harm to themselves or others
 - Serious damage to property or the environment, or cruelty to animals

- Any other serious or destructive behaviour.

Complementing the TSP is the Safer Youth Response Service (SYRS) pilot, which offers:

- After-hours on-call youth support
- Crisis accommodation
- Case coordination for children and young people unable to safely return home.

SYRS assists children and young people under the MACR who come to the attention of ACT Policing due to risky or harmful behaviours and who cannot return home due to safety concerns or other reasons, such as the absence of a parent, carer, or responsible adult. Referrals can be made directly by ACT Policing at any point during their engagement with a child or young person under the MACR. ACT Policing may:

- Request immediate youth worker support
- Make proactive referrals following concerning interactions
- Refer children for crisis support, accommodation, or case management.

Together, the TSP and SYRS ensure that children and young people under 14 receive timely, therapeutic interventions that prioritise safety, wellbeing, and long-term support.

6. The 2023-24 Budget provisioned \$200,000 in 2026-27 for an independent review of the MACR service system and outcomes of raising the MACR. This review is expected to include an evaluation of the Panel's operations. Preliminary insights from the Panel are also available in its 2024 report, published on the ACT Government website. The Panel's 2025 Report is expected to be released before the end of the year.

An independent review of the SYRS pilot model is underway. Findings from this review are expected in late 2025 and will inform future service design and delivery.

7. If a child under the MACR is identified as having committed an offence, the case officer clears the offence identified with 'Offender identified – Child under 14yrs' in ACT Policing's Case Management System. These offences, like any other reported offences, are mapped to the Australian and New Zealand Offence Classification (ANZSOC) codes for reporting purposes.

Approved for circulation to the Member and incorporation into Hansard.

M. Paterson

Dr Marisa Paterson MLA
Minister for Police, Fire and Emergency Services

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This response required 8hrs 30mins to complete, at an approximate cost of \$785.76.

