

**AMNESTY  
INTERNATIONAL**



**DEFENDING HUMAN RIGHTS**

24 December 2020

Senator Amanda Stoker  
Assistant Minister to the Attorney-General  
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Dear Senator Stoker

**RE: CONGRATULATIONS ON YOUR APPOINTMENT AS ASSISTANT MINISTER TO THE ATTORNEY-GENERAL**

I am writing on behalf of the more than 500,000 Amnesty International Australia supporters to congratulate you on your recent appointment as Assistant Minister to the Attorney General, the Hon. Christian Porter MP.

Amnesty International is a worldwide movement of more than 10 million people that promotes and defends all human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. In Australia, we work with governments and relevant ministers to further this work - there are two key issues that I would like to raise with you relevant to the Attorney-General's Department.

**Federal Human Rights Act**

An overarching human rights protection - such as a human rights act or charter - is the best way to protect, promote and defend the human rights of all in Australia. As you would have seen in your home state, a Human Rights Act enables the individual to hold the government to account in regards to its human rights obligations.

To date, rights protections are found in individual pieces of Commonwealth, State and Territory legislation (aside from protections introduced in Queensland, Victoria and the ACT). As a result, jurisprudence to inform how best to balance human rights when they are in competition is equally piecemeal or underdeveloped.

The certainty and level of clarity provided by one overarching document - and the jurisprudence that would flow in its interpretation - would greatly assist individuals, entities, governments and their agencies to best respect every person's human rights.

Over 20,000 people have the Amnesty International petition calling on your government to legislate a Human Rights Act. **I ask that you consider advocating for such a human rights protection in your new role.**

### **Raising the minimum age of criminal responsibility**

The minimum age of criminal responsibility is 10 in every jurisdiction in Australia. This is not in line with medical and legal experts around the country, nor international standards, which state that it should be at least 14. I have enclosed our report, *Raise the age: kids belong in community*, for your information.

Under the Attorney-General's leadership, the Council of Attorneys-General has received a report from a working group on the issue, and in July 2020 resolved to undertake further work regarding the need for adequate processes and services for children who exhibit offending behaviour. That is, it needs to understand the alternatives to prison for children under the age of 14. Amnesty International agrees that this work is needed, and stands by to assist wherever possible.

I am however concerned with the trajectory of this work given the recent cessation of the Council of Australian Governments, and formation of the National Federation Reform Council. The Attorneys-General Minister's Meetings have been designated as only 'time-limited and when needed'. It isn't clear what this means for the ongoing work related to the minimum age of criminal responsibility.

Meanwhile, individual jurisdictions are moving forward and raise the age. The Australian Capital Territory has committed to raising the age to 14, and the Northern Territory has committed to raising the age and is currently working on the details of what that would look like. **This progress signals a great opportunity to bring the individual jurisdictions together and map out a consistent way forward in this important area of law.**

Nearly 70,000 people have signed the Amnesty International petition calling on your government to raise the age to at least fourteen.

We are keen to work with your government on the matters of a Human Rights Act and the minimum age of criminal responsibility, as well as other issues that arise in your portfolio. We would appreciate the opportunity to meet with you to discuss these important issues.

For further information and to organise a meeting, please contact Joel MacKay at [joel.mackay@amnesty.org.au](mailto:joel.mackay@amnesty.org.au) or 0424 242 112.

Yours sincerely,

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