

Raising the Age: Getting Children out of Prison

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Ebony Bennett [00:00:03] G'day, everyone. I'm Ebony Bennett, I'm the deputy director at the Australia Institute, and welcome to our webinar series. I'd like to begin by acknowledging that I live on Ngannawal and Ngambri country here in Canberra and acknowledge the traditional owners of the land on which I live and work. Sovereignty is never sated. This always was and always will be Aboriginal land. And I pay my respects to elders past and present. The Australia Institute likes to do these webinars, at least weekly, but the days and times do vary. So head on over to Australia Institute dot org, don't I you to find out all the details for our upcoming webinars and just a few tips before we begin to help. This'll run smoothly today. If you hover over the bottom of your screen, you should be able to see a Q&A button where you can type in questions for our panel. And you should also be able to upvote questions from other people and make comments on their questions as well. Please keep things civil and on topic in the chat or we'll have to boot you out. Doesn't happen often, but we'll do it if we need to. And finally, a reminder that this discussion is being recorded and will be posted up on the Australia Institute's YouTube channel. You can find that at Australia Institute DOT TV. Hopefully by the end of today, but within the next day, basically. So today's webinar is really important. I want to thank you all for coming along today. It's about a campaign to raise the age of criminal responsibility and to get kids out of prison. I'm really delighted to introduce all our speakers. Ali is a millionaire, I was born and raised Drewett, and she's the Mount Druitt community engagement officer at Just Reinvest a single mom to five kids and grandmother to 11 grandchildren. She was raised strong in identity, community and culture through both her mother and her father's family. Both herself and her family have experiences with the criminal justice system, which really allows Julie to better understand the forces that pull our young people into it. And she strongly believes in the need for early intervention and for better community based support for families. Witnessing is a Yorta Yorta and Indian woman born and living on the lands of the Cool in Nation May Not has held senior roles within organisations such as Victoria Legal Aid, the Victorian Aboriginal Legal Service and most recently, the Human Rights Law Centre. Her consulting work has work with organisations such as JIRA, Brimbank Community Legal Services and Hanover Housing Services, which is now called Launch Housing. She's currently undertaking a day of research into the experiences of Aboriginal women and women of colour who have practised as lawyers. Sophie Trevor is executive officer at Change the Record, which has as its mission to end the incarceration of and family violence against Aboriginal and Torres Strait Islander people. So, if he's a solicitor, campaigner and strong advocate for reforming the justice system and ACT co-chair of Australian Lawyers for Human Rights, she practises a wide range of civil and admin law before managing the youth prison and police

accountability practise for an Aboriginal Legal Service in Alice Springs. So if you began her work in Alice Springs, just as the Royal Commission into the detention and protection of children in the 90s was underway, and Dr Nick Phan, quote, is a paediatrician based in Darwin, where he provides outreach services to Don Dale Youth Detention Facility. He works as clinical aide for adolescent health at the Royal Darwin Hospital and as a research fellow at the Menzies School of Health Research IS Clinical and research focuses on adoptive health systems for vulnerable populations. And most recently, he's been working on new models of care for the assessment and treatment of neurodevelopmental and behavioural disorders in indigenous kids. So, Sophie, Julie, Meina and Nick, thanks so much for joining us today. Sophie, to kick us off, I wonder if you can tell us about the race, the campaign, and why we need to raise the age of criminal responsibility.

Sophie Trevitt [00:04:04] Hi a nd everyone, thanks so much. Can I just check my Internet holding up OK?

Ebony Bennett [00:04:09] It is for now, yep.

Sophie Trevitt [00:04:11] Because let me know if it doesn't. We had some Internet problems this morning. I'm also zooming in from Nonno country like Ebonie and I feel very lucky to be on this beautiful, unseeded country during lockdown. I also pay my respects to elders past and present always, but particularly in light of the conversation we're having today around race the age. So I want to start by by saying that raising is a campaign that came about because of the way in which these unjust laws impact on on very young children, children under the age of 14 and particularly on Aboriginal and Torres Strait Islander kids today in September the 8th, which is actually the anniversary of when Auntie Tanya died her birthday, she passed away as a result of public drunkenness laws in Victoria, which is why I'm wearing pink. And the connexion there, I guess, is that we have a whole system of unjust laws in the criminal legal system that hurt particularly Aboriginal and Torres Strait Islander people, but but a large number of people within our communities. That horrific death also sparked a community change and a big campaign which led to the overturning of public drunkenness laws in Victoria and I guess out of this horrible tragedy, we saw the power of communities and families coming together and lobbying governments for reform. And that's what we're hoping to achieve with the Raise the Age campaign. The campaign to get children out of prison has been going on for a really long time and has been led by Aboriginal and Torres Strait Islander people, particularly, at least in my experience, Aboriginal grandmothers who have been at the forefront of campaigning for their kids and their grandkids to be kept safe from from prisons and harmful interventions. About a year ago, we built on some of that, you know, that long legacy of work and brought together a range of organisations, medical organisations, Aboriginal and Torres Strait Islander organisations, human rights, legal organisations. I think there are a hundred organisations now as part of our coalition who all came together under the shared banner of trying to keep children as young as 10 out of the criminal justice system, make sure that they can't be arrested, can't be hauled before courts, can't be trapped in this in this cycle and this damaging institution of the criminal legal system, which so often takes kids away from their families in the community and schooling and can really set them on a trajectory that ultimately causes them harm for the rest of their lives. So we launched the campaign last year. We were hoping that attorney generals would get on board and would commit to raise the age. That hasn't happened across the board. It's a state and territory issue. So we need every state and territory to change their laws. But we have seen some progress. The act has committed to raise the age to at least 14 and in the process now of draughting that legislation. So that's extremely exciting. But other states and territories have been much slower to to move. So we're currently watching Victoria and Western Australia really closely with the hope that they will

that will be the next states to move and to raise the age of 14. But what we know we really need now is we've convinced decision makers on the on the policy, on the fact that locking up kids doesn't keep the community safe it hurts children, it hurts families. What we need now is to show decision makers that they have the support of the public and that they can be brave and change these laws and that the majority of Australians will back them in doing that.

Ebony Bennett [00:07:55] Thanks, Sophie, Julie. I wanted to come to you next as a parent of a child who was caught up in the criminal legal system and through your working, just reinvest. Can you tell us a little bit about what it's like for kids and their families who really what they need is support and services, but end up being met with a police response instead? I imagine it must be incredibly scary and infuriating.

Julie Williams [00:08:25] As a parent, it was a big struggle for me because it was a long process that became over two years of fighting and finding that right support for myself and my daughter. So my my daughter, when she started hanging around that wrong age group, the wrong crowd become in trouble. And I struggle just trying to find a service that could support me because my daughter wasn't 12. So it might might even the process feel even longer, because as a parent, I was trying to do everything I could to try and get that support for my daughter where I just couldn't get that anywhere. That's why I have a big thing around early intervention where I believe families have helped a little earlier in the process, then it wouldn't turn out that bad at the other end, you know what I mean? So, yeah.

Ebony Bennett [00:09:23] Yeah. And so when you say your daughter was around 12, was that an issue where services were designed for kind of different ages than your daughter was at the time? Or was it just that you couldn't find any services available to you? What kind of problems did you encounter?

Julie Williams [00:09:39] She wasn't 12, so I couldn't find any services to support. So a lot of the services out here man it where they only support children who are 12. And then the next thing I struggled with was because she got into so much trouble and then had so many charges where I still couldn't be supported until all those charges went through the system. And she was fully sentenced on those until we were given that support. So it was well over two years in and out go into court where we didn't receive nothing. And finally, when we did receive that support from a service that could only work with my daughter for 12 weeks. So but it was real. I was grateful that that service could extend at the time for another eight weeks. I think it was so but that that help that it could be extended. But a lot of services only have those where they would work for that time frame in that seat. So then you're looking for another service to support you?

Ebony Bennett [00:10:49] Yeah. We might come back a little bit to some of those experiences, Julie, but meina I'm looking at the legal side of things. I mean, what kind of age are we talking about? That kids are going into prisons and and what are some of the main problems that children encounter once they get caught up in this system?

Meena Singh [00:11:10] Yeah, well, I mean, because the age of criminal responsibility is so low as 10 years of age, that's exactly when kids can go to jail. And we've seen kids, whether it's being arrested and put into custody, held on what we call remand, which is you're still waiting for your legal matter to be finished, so you're still waiting to be sentenced. Kids could be held in jails, in police cells, which, of course, is highly traumatic. Any experience with the criminal legal system is incredibly traumatic. And, you know, we see when you look at the types of offending that are that

are going on, when you're talking about kids as young as 10 and up to that 14 years of age, that sort of group you're really talking about offending, that doesn't require much forethought or planning. You really talking about spur of the moment type activities. So maybe stealing a chocolate bar or a drink from a shop or maybe engaging in criminal damage, the types of offending is very low. And if we're not addressing what that sort of behaviour is and where it's coming from, if we're not looking holistically at what the child's environment is, what struggles they might be facing, you know, are they connected with school or are they connected with culture, particularly for Aboriginal Torres Strait Islander kids? You know what's going on with family and stuff. If we're not looking at the child's circumstances holistically, you know, any response that doesn't address those things, any response that just throws the kids a kid in prison and, you know. Leaves it at that won't lead to long term change or long term positive outcomes. And there's research to say that the earlier a child becomes engaged with the criminal legal system, the more likely they are to return to it as they get older and into adulthood. And there's so much research also that says that prisons do not rehabilitate prisons and not positive places, they are inherently violent places where there's a huge imbalance of power. And, you know, a child going into prison is subject to things such as strip searches, which, if it wasn't for the law, would be considered sexual assault. So these sorts of traumas that children are experiencing at a very young age is highly damaging unless it's addressed with trauma, informed responses.

Ebony Bennett [00:13:38] Yeah, that's just awful to think about those types of things happening to kids as young as 10, 11, 12, that's primary school age. And I'm sure there's a lot of parents on the line with us today. Nick, as a paediatrician, I can't imagine that incarceration is in any way beneficial to the health and development of kids as young as 10. Can you reflect on some of those health impacts that kids are encountering?

Nick Fancourt [00:14:06] Yeah, Thanksgiving, I think there are really two things to say about that, and one is that children as young as 10 and certainly all adolescents through what is a really crucial stage of development is the time when is that going to disconnect between family and to create our own identity and develop our own sort of independence and language skills while we're surrounded by school and education and community and always important features that help to drive that developmental transition. Those are complicated times and the best of circumstances and and the times when we know that from a scientific point of view on neuroscience, brain science, point of view and brains are still developing into the early 20s and the developing things, as well as things that we may take for granted, like impulse control and executive function and sort of understanding the world around us. And and and physically, kids are also small. That average weight of a 10 year old child, about thirty two kilos for boys and smaller for a very small, vulnerable children. And and then what we layer on top of that is that the the comfort that the justice system tends to capture is actually for the children who are significantly disabled. And they're often disabled because their brains haven't developed properly for a variety of reasons and then leads them into and responses, emotional responses, that that the symptom that we see is aggression and and destructive behaviour. And that's how they end up in the justice system. And what it means to us from a developmental perspective is actually children who might be 14 or 16. But if you actually spend some time with them, do some proper psychology assessment, see what you find is that their and their level of functioning is often less than 10. And so we've got this cohort of very, very vulnerable kids who are not always performing at their chronological age.

Ebony Bennett [00:16:13] Yeah, that's quite confronting, isn't it? I mean, Sophi, coming back to you, you know, as a white girl growing up, I was always told to trust in the police. I would obviously have an extremely different experience than Aboriginal and Torres Strait Islander kids as

a lawyer. You talked about when you went to Alice Springs, they were practising in Alice Springs that, you know, that you were not aware of a single non-indigenous child that was incarcerated in that youth detention centre. What does that tell us about how this system is failing Aboriginal kids in particular?

Sophie Trevitt [00:16:50] Yeah, I mean, Julie will also be able to talk to this and about the way in which Aboriginal kids in particular are targeted and harassed by police as well as sort of entrenched it at every stage of the criminal legal system. I'll just say the first thing off the back of some comments that Nick made, I really think that there's this real spectrum of kids that are getting caught up in the criminal legal system. Some of the kids that we find who are being held in detention centres for really long periods of time have these. Yeah, like a whole bunch of different things going on. They might have physical illness. They might have disabilities, a whole bunch of things that make them particularly vulnerable. But you also get kids who are just being naughty. You know, like kids that I worked with in Alice Springs were doing seriously naughty things like throwing rocks at a car or graffiti ing on private businesses. You know, these are naughty things that are that are causing people damage and, you know, understandably making people angry and upset and may be costing money, but they're also normal behaviours. But when that kid is then confronted with police, maybe they're assaulted by police when they are routinely put into police cells, when they held in detention centres. That then becomes a part of a system that's very hard to get out of. So you effectively trap and normalise children in these extremely punitive, damaging institutions as opposed to doing what you could do, which is engage with that young person, find out why aren't they attending school? You know what's going wrong there. That means that kid isn't able to engage in the classroom or is something going wrong at home? You know, that that means they don't want to be hanging around at home at night or I'm actually just caught up with the wrong crowd like all of us. Definitely I was when I was a teenager. But like you, Ebonie, as a white girl from an affluent family that didn't attract the police, it attracted the attention of my teachers who then provided me with support, which is a very different response to the response that, say, kids that I worked with in Tennant Creek or Alice Springs received, which is that the police are often called to the school by teachers and kids who are arrested at school. You know, or you have situations like Julie described where kids are going through a really tough time and families are trying to get them help and support, and that's being denied to them. And they're being locked out of the services that we all should be providing for kids and young people to try to make sure they can grow and thrive in their homes, in the communities, in their schools. So I think that's the sort of broad point to the point of that. You specifically asked about Aboriginal and Torres Strait Islander kids. When I worked in Alice Springs and the Barkly region, I never saw a non-Aboriginal child be incarcerated. That's not to say that it never happened. But I was there for three years and it never happened in the Barkly region when I was there. And I think that that's because of a range of points in time at which the system discriminates against these kids. You know, it's from police targeting and harassing kids. And the kids would tell you, you know, this particular cop noise, the noise, their family will refer to them by name and their family by name and say that, you know, they know that these are bad kids. So we know what happens at that point. It happens in the courtrooms. There are you know, it is like an unfortunate reality that the courtrooms and the legal system is not a neutral space. You may have seen in the news there was an investigation over a judge in Alice Springs who presided over marriages with kids that I represented who was openly racist in court repeatedly. So, you know, there are biases entrenched within the legal system. And there have been a number of studies that show that Aboriginal kids are more likely to be sentenced to time behind bars than non-indigenous kids who commit the same crimes. You've got two kids being naughty, doing something wrong. Aboriginal kids are sent to prison, non-Aboriginal kids and may be put on community orders, good behaviour, bonds, things that take

them out of the criminal justice system. And then you have when these kids do go through that process, they're put into prisons for longer when the Aboriginal and Torres Strait Islander kids. So this is a whole system that has discrimination built in at every single point along the way.

Ebony Bennett [00:21:16] Hmm. Julie, I'll come to you next. Is that your experience in the Mount Druitt community, that Aboriginal kids kind of get a tougher time from police and that type of thing?

Julie Williams [00:21:30] I think it is because, you know, my my daughter had non-indigenous friends as well, where, you know, she'd be my daughter would automatically be also refused, but wear others with her at the same place, same time that they wouldn't get what my daughter was getting later. So, yeah, I do I do believe that that happens. Yes.

Ebony Bennett [00:21:53] And can you tell us a little bit more about the work you do as a community engagement officer in Mount Druitt with Just Reinvest? What are the types of things that you do, what supports to families made?

Julie Williams [00:22:06] Well, at the moment it's around having conversations with loving community, having bonds with them. But, you know, I made myself talking about what my struggle is and then they are comfortable having it that young what they struggles with services and police and whatever's going on for them.

Ebony Bennett [00:22:25] Yeah. And how long have you been doing that now? Julie, do you feel like those sorts of things that there's better services available now than when you were kind of struggling to look for things for your daughter? Or is it still really a struggle for a lot of families?

Julie Williams [00:22:41] I believe it's still really a struggle just because of John's. I have with loving community as well, where they they struggling with what I was struggling with with any similar situation. So it does still happen.

Ebony Bennett [00:22:55] Yeah. I mean, I'm coming to you next, I guess, you know, for a lot of people probably who are watching, they weren't necessarily even engaged with the the legal the criminal legal system or the criminal justice system at all. It can be really hard, I think, for people to imagine what these kids are going through or the different backgrounds. Is that a bit of an obstacle to people coming on board with this campaign that that idea that I knew right from wrong when I was young, that type of thing, to encounter a lot of that in this campaign?

Meena Singh [00:23:32] Yeah, and I think, you know, there's a lot that isn't known wilfully or however, for whatever reason, about the experiences of Aboriginal or Torres Strait Islander people in Australia and how, you know, how invasion and colonisation has led to entrenched disadvantage now. And, you know, the basic denial of rights to Aboriginal Torres Strait Islander people compared to non Aboriginal or Torres Strait Islander people, and has just created very different outcomes for our community. And so people tend to look at this situation. I find two things. First thing, people are shocked when they hear that children as young as 10 can be put into jail and can be arrested. And the whole works.

Ebony Bennett [00:24:18] A lot of comments today. Yeah, yeah, yeah.

Meena Singh [00:24:22] And then the second thing is that people often move very quickly to, oh well, if they've done the wrong thing then that's appropriate. Or that idea of a well I knew right from wrong at 10 years of age know we're talking about kids who haven't had the advantages that a lot of us have had. You know, if you think about the things that keep us out of prison, if I think of the things that have kept me safe, you know, it's things like always having a stable household, my parents always being in employment, having been connected to high school and primary school, you know, having uninterrupted education, not having significant health issues, no mental health issues growing up, no significant traumas growing up. All of those things keep us safe. And if you think of any of those things coming into play, you start to kind of, you know, create a picture where kids become much more vulnerable to acting out, acting in those naughty ways, as Sophie said, or acting in more serious ways that get them in trouble with the law. So we really need to think about what are the experience of these kids. And like Julie's shared with us her experiences and her daughter's experiences, this is who we need to listen to. We need to hear voices of those people who are experienced in the legal system because they're the ones that are actually the experts of the criminal legal system, not us lawyers, not us, the judges or the decision makers, the police. It's actually people experiencing these these very oppressive systems that have the knowledge and the expertise to be able to say this is what's needed. So Julie's a very clearly, you know, we needed programmes for younger kids. We need programmes that go longer than 12 weeks. That's that's where the knowledge is and that's where the expertise is. What we really need to hear.

Ebony Bennett [00:26:14] Yeah. Niek, coming back to your experiences, we've obviously seen a lot about Don Dale in particular in the Northern Territory. Do you think there's an understanding in the community of kind of just how damaging incarceration can be for children?

Nick Fancourt [00:26:35] I think we got a long way to go to get a good understanding in the community about what this means. I think, you know, we're five years after the royal commission and we're still seeing a government that's reversing changes directly made in response to the commission. So we're on a path backwards. And I think the government is responding and powers to a lot of misunderstanding in the community. And there's a lot to be done, I think, to for all of us to be talking to each other, educating our community and other members in the professions and the next door neighbours. There's a lot to be done as Julian men sit around really providing a voice for children and young people in their families. And so that these things are not just testimonials on a royal commission. These are everyday stories that we understand and hear from on a regular basis.

Ebony Bennett [00:27:32] Yeah. And Sophie and meina. I'm not sure which of you might answer this, but for people who are kind of like, OK, well, if a kid's stolen a bike or graffiti. Yes, I can say that you want to divert them. But for more serious offenders, you know, surely the system this is the system that should work for them. They should be behind bars. What is the response to the campaign to people who I guess are worried about that public safety element?

Meena Singh [00:28:01] Yeah, absolutely, people are right to be concerned about their safety, but we need to have responses that respond to the individual child who has committed the offence and look at exactly what that child's circumstances are. As Nick said before, we could have kids who were 14, 15, 16, who were who are developing, who are behaving or acting cognitively at a much younger age. So, you know, we need to have responses to offending that match up with the child's individual experiences and have age appropriate responses to to what this offending is. And, you know, it's very likely that if a child is engaging in more serious offending somewhere

earlier, they've engaged in very low level offending. And that's where, as Julie said earlier, there needs to be that early intervention and that addressing of what's going on. And, you know, looking at it from a different a few different angles in terms of how they engage with education. What's their mental health like? What's the physical side of things going on for them? Are they connected? Youth culture? They got ties with families. Are they in a safe space at home? All of these things need to be addressed. But, you know. We need to think differently about how we respond to things and simply locking up children in prison. Capes might keep community safe for that period of time, but it doesn't address what's going on for that child and why that offending is happening in the first place.

Ebony Bennett [00:29:39] Yeah, and I used to my roommate used to be a criminal lawyer, so she always used to explain to me about how, you know, being incarcerated really, you know, has such a huge impact on people's lives. And what the community doesn't understand is that most people end up back in the community. Unless you're Ivan Milat, all of these people are actually part of our community. The idea should be to rehabilitate them and then they are going to end up in the community. That's obviously particularly obvious for children. So I think you still meet so far. But can you just tell us how important it is that the focus does shift to rehabilitation? Because obviously these are little kids right at the start of their life.

Sophie Trevitt [00:30:30] I think the first thing to say is that it's actually very, very rare for children under the age of 14 to commit any of these sort of serious crimes. That's much more common in older cohorts, so late teens and adulthood. Having said that, the principles still apply, right? Like what is the point of taking folks who do something, even something serious, putting them in a place where all the evidence tells us they are more likely to offend again in the future and worse because of that experience within prisons in the correctional system. So these places do nothing to keep us safe, the rest of the community safe in the long term. And they certainly do nothing to help those individuals. And that's the case for adults. And then when you think about it, for a child taking a child as Meina said, there are a range of things that we have in our life that help us grow healthily and keep us strong and mentally well, physically well. And some of those things, education, going to school, being connected with our families, being connected with culture, being connected to our community, all of those things are ripped away when we take a child out of that family and and put them in a detention centre in a prison. So when we think about what happens on that very, very rare instance where a child does something seriously wrong, I guess I have two questions. One is, how does it make any sense that we can say a 10 year old is too young to be held criminally responsible for shoplifting? But if they do something seriously wrong, then they are it's OK to hold them criminally responsible and send them to prison? That doesn't make any sense. Second point is when a young person does something seriously wrong on the rare occasion, we have to look at that kid in case something has gone seriously wrong in that child's life. There is a child doesn't act with extreme violence. They don't behave in a way that is repeatedly destructive unless something has gone wrong. And it's our job as adults in the community to go, OK, where are the gaps, where the needs that are not being met for that child, how do we meet them to make sure that that child is safe and healthy and well? And also the whole community is kept safe and healthy and well. So that might mean not sending them to prison, but having a look as as Nick said, and going, OK, is there an underlying disability here or is there help me that actually needs to be treated. Is this child acting up so badly and not engaging with school? Because there is a learning issue? And actually what we need is to support that child, to be able to learn in a school environment. And maybe that means it needs to look like something different, or is there something seriously wrong going on at home? Has that child been exposed to trauma that we need to address? And how do we do that in a way that isn't very traumatising? So not just by

involving the child protection system, which we know is often a funnel straight into the criminal justice system. But how do we engage with that family? How do we engage with social services and family support services to make sure that kid is getting the best care and support? And so that family that they need, those are the questions we should be asking every time we send a child to prison. There have been so many adults along the way who could have intervened and helped if they were given the resources and the backing to be able to provide that child with something better than sending them to a prison.

Nick Fancourt [00:33:46] So just to reflect on that a little bit and just maybe that around Sydney, because it's the experience that we have, is that and look at it from a students. When you see these kids, a group of these kids, when they're young, we pick them up for various different reasons because in some somehow it made it through to the GP, into the health services. And we're saying there's been a bit of conversation around foetal alcohol spectrum disorder, for instance, in which we see these kids when they're young and we get them on to early intervention plans and supports them early in life. And there's another group of kids who come through the education sector and are picked up by education, identified as hidings and problems in the same with child protection service. Is there there are still good people to work with in child protection services in the territory, and they do pick up some of these kids in different ways. It's just that we have this set of children who for many of them, the first time they hit someone who can look at this sort of issue in their health and disability or have high needs framework is when they're within a justice framework. And the justice system at the moment isn't set up to respond to that. And and so we know we've got the ability to do early intervention and identification. And we say some of those children that the children who had justice first are the ones who are left wanting and have the worst experience, because that's either social services hasn't yet adjusted to thinking and delivering services in this way.

Ebony Bennett [00:35:26] Excellent, we might go to questions from the audience now, the first one is from Abasic, who asks, What factors have prevented state and territory governments from increasing the age of criminal responsibility? Meina or Sophie, do you want to take that one?

Sophie Trevitt [00:35:47] So, yeah, so. So I think the short answer to this is that these are political factors in the conversations that we have with politicians. I would say the vast majority, it's extremely rare that a politician will come back and say, I don't agree. We think that kids should go to prison. That is the best response. The vast majority of members of parliament are coming back and saying, we agree that the criminal justice system is harmful. We have heard the messages from otherwise quite conservative institutions like the AMA, the Law Council of Australia. We've had these medical authorities saying that it's not doing these kids any good. It's also harming these kids. It makes it more likely that they will grow up and be unemployed, be homeless, develop mental health issues like this. So much damage that comes from sending a child to prison politicians at large. Except that. But what they say to us is you need to show us that the community will support us if we raise the age. I think for so long, state and territory and Commonwealth governments have approached their role and electoral cycles in particular with a with a law and order tough on crime response. And often there's been a real race to the bottom when it comes to who can go harder and tougher when it comes to youth crime. Also, a lot of racial fear mongering. We saw that with some of the fear mongering in Melbourne around African youth gangs. We see this time and time again. And it works, right. You know, we've seen through the electoral cycle that this often works. So there needs to be a powerful incentive for members of parliament to stop doing that and to engage with something else. And I think we have seen some signs that that is possible. You know, there was some really aggressive law and order campaigns

run in the Northern Territory and in Queensland at the last elections, which did not return those those parties to power. But, you know, both those states have recently passed some extremely punitive justice laws in response to public pressure and a lot of media misinformation. So I think that there are there are two big areas of work that we have ahead of us. One is about educating the media and trying to change some of that really nice level, fear mongering, cheap shot know law and order, media campaigning that we see in the tabloid press in particular. And the other side of it is demonstrating to our local members of parliament that the community is behind them, that we know from some polling that the Australia Institute did, that the majority of Australians don't know that 10 year olds are sent to prison. And when they find out, they think that that's wrong and it should be raised to at least 14. We need to look at ways of showing parliamentarians that if they do the right thing, if they're a little bit brave, then they will be backed by their community.

Ebony Bennett [00:38:41] Thank you. The next question I

Meena Singh [00:38:43] something that as well, you know, a lot of the rhetoric we hear, particularly from politicians, is a real othering of people, of disconnecting certain groups of people from the rest of society and saying, well, that's OK, that group of people is expendable. It doesn't matter what happens to them. And I think there needs to be sort of a re telling of who it is that our community is. And that community includes everyone, even people in prison, even people who offend people who are disadvantaged. There's you know, there's such a disconnect between so many groups of people that, you know, lots of politicians make us like us, make us feel OK about just worrying about ourselves. But we really need to think more expansively and inclusively about who makes up our community. And the fact that kids can go into jail and then come out means they always part of our community. And, you know, we can talk about so many different cohorts of people in Australia. But, you know, I think it's really important to people, for people to get across to that their local MP, the politicians that supposedly represent them, about caring for the whole of community that people need. You know, we need to see responses that ultimately do protect community prisons, protect community. They are the other programmes. The other supports that that Sophie, Nick and Jill, they've all spoken about. These are the things that keep community safe. And that's what we want to see. More investment.

Ebony Bennett [00:40:23] Yeah. The next question is from Olivia Green. Well, she says, is raising the age in legislation enough to also affect the cultural change necessary to correct either policing and biases in court? Or is it just the starting point? I might start with the Sophie.

Sophie Trevitt [00:40:42] Yeah, sure, and then I'd love to throw to Julie to talk a bit about what might need to happen for at a community level, for policing in particular, to change, I think the answer is it's just the start. Changing the law to mean that children under the age of 14 can't go to prison is is super important. That basically sets a new sort of benchmark and a new norm within our communities that say when we think about children under the age of 14, we need to think about them differently, not as potential offenders, but as kids, that we have a duty of care to to look after and to nurture and to make sure that given all those opportunities to grow and thrive, I think it also puts some responsibility on different institutions. So instead of, you know, the education system, instead of child protection, instead of the Department of Housing or being able to call the police in and say this is a problem for the police, this is a problem for the police, they actually have to go now. We have a duty of care towards these young people in their families. So what are we going to do to make sure this family has adequate housing? Well, what are we going to do with when this kid is disengaging from school instead of just suspending them or expelling

them or calling the police? We have an obligation towards that child to make sure they get a good education. So I think it's just start. But we also know that racism and discrimination, you know, extend through all of these institutions. And there's a long way to go, I think. To make sure that there is genuine cultural reform within our whole communities and we can within these specific institutions, what we don't want is to create a system where we change the law. But because we don't change any of the other drivers, because we don't address any of the other underlying things, that that leads to kids getting into trouble, like housing, like troubles at home, like the education system, not working for kids. It just means that as soon as a child turns 14, the police get involved and arrest them and send them to prison. That's also not going to be a good outcome for that young person or their families. So it really needs to be a combined reform of both the sort of social services, the big institutions, the government run that can either help or or harm people. Centrelink is a great example of an institution that could help families up, help families when they're struggling, but instead often harms them. We need to combine that with raising the age to make sure that we have that sort of hard protection in place for children under the age of 14.

Ebony Bennett [00:43:13] Yeah, Julie, coming to you next, raising the age. So he's just said it's just one of many things that we need to do. You work at the community level. What other things would you like to see change or do you think the community needs to help make that stop, make that shift?

Julie Williams [00:43:33] I just think for any sort of change peoples that need to listening to those people with lived experiences in the community because they're the ones we're all the ones who are struggling where I feel these voices need to be heard as well with my work with just reading this like we have. My daughter is one of the youth ambassadors for her and another youth ambassador where they've started talking with young people around, you know what their issues that they put up with and being in and out of that system. So just just the group, like, yarning one another, listening to one another's stories. They talking about what they would like to see change where I think this is a good starting point, because these are the young fellows who are going through all those issues and around that group who they mate with and stuff. Now, they they've also got a they started up and I tag team for young people out here in Mount Druitt where they've gone through a couple of cons now. But then doing that, a lot of these young fellows who are a part of that team, a lot of services out here are saying that they want to engage where these young kids this is their idea. This is what they're doing. And it's working like, you know, because it's locked. And now they they got into their third competition where this is going really good and it's what they wanted to create. And they're doing that for themselves.

Ebony Bennett [00:45:04] Yeah, that sounds amazing. Generated from the kids themselves. What about as a parent, what kind of support do people made? Is that help keeping kids at school? Is it? I'm just not I'm not kind of clear on what are some of the things that are missing that people would really like or need access to, that people will struggle to to access?

Julie Williams [00:45:29] It's a bit of everything because it's the same within the education system, like I went through with my own daughter, like she wasn't given a long enough chance at school to see change with her behaviour, whatever, like she was given a week and a half and I was told that that thing wasn't for her. She needs to be in another situation. I said, But you don't even know my daughter. She's been here like a week and a half. How can you say a school setting is not for her where they didn't want to keep her? They will give her that chance, do you know what I mean? Like, it's it's frustrating.

Ebony Bennett [00:46:05] Yeah, it would be incredibly frustrating. The next question I've got here is probably for you, Nick. That's from Steve Carlana. He says the evidence from W.A. shows that more than one in three young people detained in Banksia Hill had FISA. And other studies show young people with disabilities are vastly overrepresented in youth detention centres. And Sophies experience also demonstrates that there's awareness of this. So what needs to be done to divert young people with disabilities from the justice system and what role the police have to play in that? Maybe to do you first make

Nick Fancourt [00:46:42] sure it is effective for the wider audience. So we're talking about here is Foetal Alcohol Spectrum Disorder, which is a neurodevelopmental disorder and that's caused by the developing child and pregnancy being affected by alcohol and lots of mothers unaware that they are pregnant when they those children. And so it's a it's a common issue. It's not this is not a thing about flying or folks, this is something that happens across all walks of our society and lots of different groups and and that the outcome is a collection of children who have really severe neurodevelopmental disabilities. Talk about children with disabilities, at least three main areas with speech or language or cognition and intellect, executive function and attention, depression, anxiety, these kinds of things like magic functions that you lose at least three areas on the significant disability in it. And the study from Western Australia was references where they become a really seminal piece of work for us to understand what this true heavy burden is. The other thing about that study was that it was actually amongst those ninety nine children they looked at. Thirty six of them had studied, but 90 percent of them had a severe disability and at least one neurodevelopmental domain. So there was a huge component of disability within detention centres. What needs to happen? So let's go back a little bit to the royal commission. And the royal commission had a direct recommendation that every child should be screened for this. And that probably means actually screening for lots of neurodevelopmental issues. And that's not just children in detention, that's children. We had justice in many ways for with children who had child protective services as well. We need to be able to have a process of trying to identify early for these children that are got existing disabilities and what else needs to happen. Well, some of the extreme stuff that we've talked about, so being able to find children who are coming through other services, whether it's through education or health services or anywhere else, that we find them and see them at a young age as young as possible, and then it's even further upstream work. So there is support for families, for young mothers and re-engaging with community identifying healthy practises. And again, this stuff is gets well outside of a doctor or someone else providing any care. And this is about communities coming together and having the support of the society to lead on these issues. And that's where we're going to find those key intervention points.

Ebony Bennett [00:49:36] Hmm. The next question I've got is from Sheridan Ward, and there's a couple of questions that touch on this as well. But Sheridan's question is, how does the minimum age of 10 years old compare to other countries? And there's a couple of questions here about other examples from here or overseas of successful programmes and responses to this. I'm not sure he wants to answer that one Maixner. Is that one for you? Maybe your Sophie.

Meena Singh [00:50:09] Yeah, I'm happy, happy to look into that. So the median age around the world is 14 years of age for the criminal responsibility. So in terms of that, Australia is out of step. And earlier this year, we had the Universal Periodic Review, which is a process as part of the United Nations where countries human rights records are examined by other countries. And at that Universal Periodic Review earlier this year, 30 other countries called out Australia for having such a low age of criminal responsibility. I saw someone posted in the comments that the United Nations has also said that the minimum age of criminal responsibility should be 14, keep taking

into account child developmental processes and such. So the Australian government has just kind of said, well, that's an issue for the states and territories. And so, as Sophie said, that's why lots of work is going into working with the states and territories to try and raise the age across each of those jurisdictions. Yeah, there's I mean, there's so many other countries that have criminal responsibility at 14 years of age. There's a number of European countries, South American countries, African countries, Asian countries. There's there's a lot of different countries and there's lots of countries that also have as high as 18, because I saw someone post in the chat as well that we should raise the age to 18. But absolutely, we need to look to overseas jurisdictions for those positive examples of what does work. But I think like Julie and Sophie and Nick, what we've all said, it's. It's really looking at where the gaps are in a child's development and thinking about what do they not have that puts them in a position that makes them more vulnerable to becoming engaged with the criminal legal system. So where are the gaps in in learning, in development, the gaps in connexion to culture and in terms of family? How are we addressing those things in a child's life? And we will be addressing them earlier rather than later. And, you know, there are so many there lots of different things that we wouldn't necessarily see as diversion programmes or early intervention programmes that actually are those things of like truly said, you know, the kids engaging in Ozturk, engaging in something that keeps them connected with the groups around other kids around them, that keeps them healthy, that keeps them active. Things like homework programmes and afterschool programmes that kids can go to, you know, cultural connexions. So many Aboriginal organisations have so many different programmes that connect kids with their culture and their identity. And we know, especially for Aboriginal and Torres Strait Islander kids, once we're strong in our identity and our culture, there's so much that we can achieve that's such a crucial element to it. So whenever we do, we think about what things need to be put in place specifically for Aboriginal kids and Torres Strait Islander kids. Culture needs to be front and centre because it is a source of strength for us.

Ebony Bennett [00:53:29] Yeah. Julie, can I come back to you on that one? You were just talking about successful programmes that your daughter has helped foster in your community. What are your observations of what works for communities?

Julie Williams [00:53:44] Well, just read my daughter, and these were the two youth ambassadors within Yarning with the young people out here, manjula it so they don't know it's easier for them to listen to one another, to say what they feel needs to change. So with a group that meets regularly, it's called Manion's. So they meet and have these conversations with young people in and out of that group. They were hoping that, you know, they create some sort of resource that that can be shared with other services. You know, giving them, you know, an idea like this is what type thing where, you know, this has been going for three counts and it's just been going so good. So it's it's just doing things differently. And these kids wanting changes will and want services to work differently because they know they're not getting that support. So that's a good thing that they're doing that.

Ebony Bennett [00:54:43] Definitely. And we've certainly seen through the pandemic that, for example, Aboriginal community controlled health organisations have been, in often cases, more successful than Australia's general medical system at protecting Mobb and communities, keeping the pandemic at. Unfortunately, that's broken down recently. But, yeah, it's definitely you can say those success stories not just in systems that just reinvest, but elsewhere where they're led by Aboriginal communities. I did want to just ask to kind of finish up. We've got a couple of people here commenting on it must be very costly to imprison children and that you've talked a lot about. And it gets them in a in a vicious cycle. There's a lot of recidivism and that type of thing. A question

here from Rosemary Rowe says, Does it cost half a million dollars to imprison our kids? And is Australia in breach of international law? Sophie, I might come to you on that one. How expensive is it?

Sophie Trevitt [00:55:48] Yeah, extremely expensive. So about the lack, the cheapest that you can have a child is about half a million dollars. But it goes up to, you know, in some places it's well over eight hundred thousand dollars for to lock up a child in prison. How many do you think about that? It is a fraction of that cost to invest in community driven programmes to support young people. So we're not just talking about that's the big Deloitte study. You can post it in the charts, but you can just Google it, which basically looks at what would it what would it cost if we took all of these kids out of the punitive criminal legal system and instead we invested that money in our community sector. Family supports increasing Centrelink above the poverty line in a community controlled health services. What would the difference be? It's a fraction of the cost. So they found and they looked at that in the Northern Territory implementing all of the royal commission recommendations. And it turns out to be far cheaper to implement this far set of reforms than to continue business as usual, locking up kids, even if it's a relatively small number of children in the Northern Territory, it's sort of around 50 children at any given time. Locking up those kids costs more, then instead reforming the criminal justice system, keeping those kids out in the health and community services. We also know when it comes to the long term impacts, a child who was put in prison is so much more likely to be unable to work, finish their education, end up unemployed, have mental and physical health issues and disabilities in the future, even suffer premature death when in fact, all of that in and hopefully we can we can do this for reasons beyond just a cost benefit analysis. But if you just want to look at that in terms of a cost benefit analysis, it is obviously so much more expensive to deny all of these young people the possibility of their futures being in gainful employment or owning a home, finishing education, contributing to the economy. You take all that away when you lock a child up and deny them the ability to pursue their hopes and dreams and their own ambitions. So in short, it's much cheaper, much, much cheaper to keep kids out of the criminal legal system and to instead invest in the type of services that keep kids healthy and keep families and communities together.

Ebony Bennett [00:58:14] Yeah, Julie, I might come to you to finish up in an ideal world, you know, what kind of future do you want just even in your own community in Mount Druitt for kids like your daughter, what are we aiming for?

Julie Williams [00:58:31] Creating change around policing, around services, it's around a bit of everything, but creating changing, you know, for those who are struggling and just doing things differently, like as an example, like my daughter was willing to over one hundred days and it's like over for eight hundred dollars per day. Like when you think about how much money is wasted, where we should be looking at doing things differently or government should be listening to people in the community, how how things should work.

Ebony Bennett [00:59:09] Excuse me. And if people want to know how they can support the campaign, so be where should they go?

Sophie Trevitt [00:59:17] I just posted some links in the chat, but if you want to sign up to the campaign, if you haven't signed the petition yet, you can go to raise the age to all do that, you would change the record. Or if you want to take some more direct action and contact your MP. We have some easy tools set up already on change the record to authorise you forward slash raise the age. Thank you so

Ebony Bennett [00:59:38] much. I want to thank Julie Meina, Sophie and Nick for their time today. Thank you so much. We'll have to wrap it up there. We had about six hundred people on the line with us today. Thank you all so much for tuning in for this important webinar. We've got more webinars coming up. So head on over to Australia Institute dot org. Are you to find those? And don't forget to listen to our podcast, follow the money where we take big economic issues and explain them in plain English. And this week's episode is on. I can't think of a non rude word for the situation with fracking and gas in the Northern Territory. It's basically bad for the environment, bad for climate change. It's costing taxpayers a bomb and we're not getting much out of it. So it's a good episode to lean into that, if you like. And thanks so much for tuning in today. Take care. Get vaccinated as soon as you can and hopefully we'll see you soon. Thanks very much, everyone.