

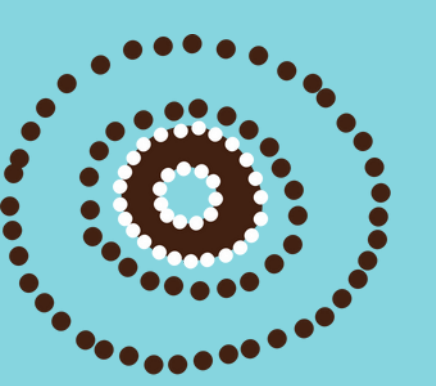
Pathways to Raise the Age

(alternatives to the criminal legal system)



#RaiseTheAge

Pathways to Raise the Age



Acknowledgements

The campaign to Raise the Age of criminal responsibility, and free children and young people from the harms of the criminal legal system, began many years before the 'Raise the Age Coalition,' as it is now known, came to be. We acknowledge the long fight of First Nations peoples and families to protect their children from damaging and discriminatory laws.

Many thanks to the pro-bono lawyers at Wotton Kearney who compiled the lists of community programs operating in each jurisdiction and cross referenced them against relevant criteria. Thank you to Leanne Ho who supervised this work.

We are indebted to the research, time and energy of Daniel Carlos Bennett-Spark and Conall Owen Batch without whom this project would not have been possible. Both Daniel and Con spent many weeks pulling together evidence and research, and compiling the most robust, evidence-driven and First Nations-led community solutions around the continent.

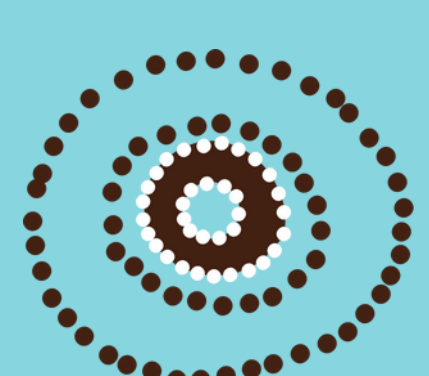
Many thanks too to Dr Amanda Porter who supervised the work of Daniel and Con through their studies at the Indigenous Legal Advocacy Clinic Pilot at the University of Melbourne, and who has contributed a wealth of important scholarship to breaking down the bars that inflict so much pain on First Nations people, children and families.

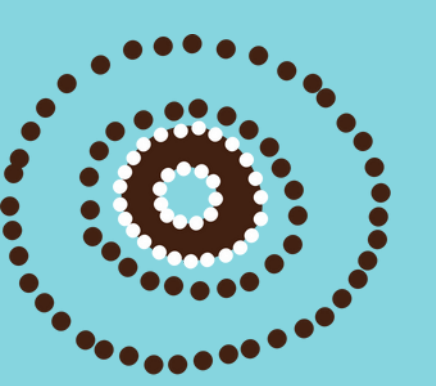
We are indebted to the Human Rights Law Centre and particularly Angela Laria who project managed getting the website built and online. And huge thank you to the talented Buffie Corunna whose beautiful designs have brought this work to life.

Thank you to the Australian Communities Foundation who generously funded this project and to the Human Rights Law Centre who contributed many hours of staff time to see the website come into being.

Finally, thank you to the families, community members, teachers, youth workers, doctors and lawyers nation-wide who are working tirelessly towards a world in which no child is locked away.

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Introduction

Right around the country, children as young as 10 years old are being removed from their families and locked up behind bars - exposing them to potentially life-long trauma and harm.

The medical evidence is clear, prisons only harm and never help children. No child under the age of 14 years old should ever be pushed into the criminal legal system. Young children are not cognitively mature enough to reason, control their impulses, and understand the consequences of their actions.^[i]

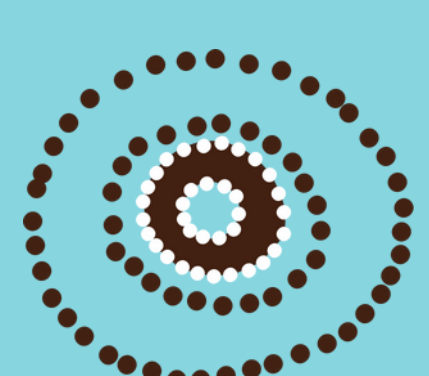
Children, communities, and society all benefit when young people do not come into contact with the justice system. Children enjoy better long-term outcomes and communities are made safer by diversion programs and detention alternatives, which lower long-term offending rates.^[ii] On the other hand, the evidence is clear that criminalisation and contact with the justice system - including community supervision - has counter-productive long-term impacts even where children are not detained.^[iii]

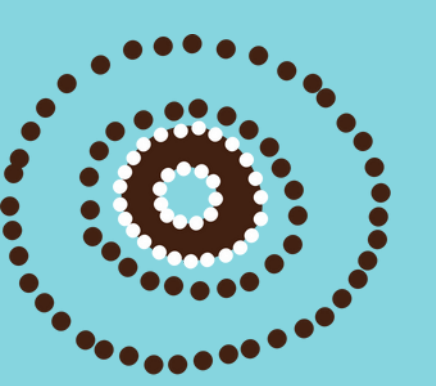
Effective alternatives to detaining children already operate right around the country. These programs improve outcomes for young children, make communities safer, and are cheaper than the harmful criminal legal system.

i) Australian Medical Association and Law Council of Australia, Minimum Age of Criminal Responsibility (Policy Statement, 2019) 2

ii) Human Rights Law Centre, Submission to the Council of Attorneys-General, Age of Criminal Responsibility(2020) 1-2

iii) Felicity Stewart, Zsombor Bathy and Geoff Fisher, Reoffending by Children and Young People in Victoria, Sentencing Advisory Council of Victoria (Report, December 2016), cited in 'Investing in Communities Not Prisons: Exploring the Application of Justice Reinvestment in the Victoria Context' Youthlaw (Report, September 2017) 11; Sophie Trevitt and Bill Browne, Raising the Age of Criminal Responsibility (Discussion Paper, Change the Record and the Australia Institute, July 2020) 1





Public support for alternatives

Everyone wants to live in safe and healthy communities, and no one wants to see children suffering in police and prison cells. For too long governments have been selling communities a lie that community safety can be found in knee-jerk 'tough on crime' policies. The lived experience of communities from Queensland to the NT, Western Australia to Victoria all show that this is simply not true.

It is time for governments to come clean: archaic, 'tough on crime' policies are letting children and the whole community down. We are calling on governments to abandon these failing policies, and instead invest in the community-driven, evidence-based, age-appropriate alternatives that already exist – they just need the political backing!

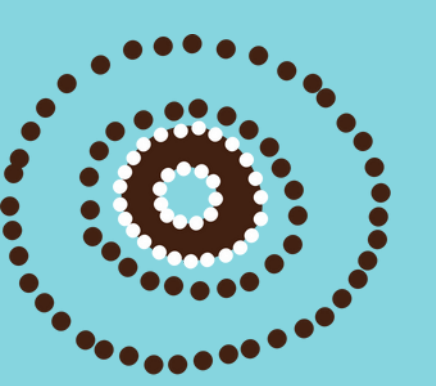
In 2020, Change the Record commissioned polling with The Australia Institute which showed that the majority of Australians wanted governments to listen to the medical experts and raise the age.^[iv]

In 2021, Amnesty International research found that 81% of respondents supported alternatives to detention for children.^[v]

The public support is there. The solutions exist. So what's the hold up?

iv) Sophie Trevitt and Bill Browne, Raising the Age of Criminal Responsibility (Discussion Paper, Change the Record and the Australia Institute, July 2020, p21

v) Amnesty International Australia, Human Rights Barometer, September 2022 <<https://www.amnesty.org.au/report-amnesty-international-australia-human-rights-barometer-2022/>>



Community Solutions

Criminalising children makes communities and society less safe, and can cause irreversible harm to children in the long term. In fact, the younger a child is at their first sentence, the more likely it is they will reoffend, reoffend violently, and reoffend into the adult jurisdiction.^[vi]

Young people in trouble need support and age-appropriate, therapeutic interventions to protect them and the community. Children who come into contact with the criminal legal system are likely to have experienced poverty, homelessness, family violence, substance addiction, trauma, child protection involvement, and disability.^[vii] These are the underlying factors that appropriate community-based solutions can, and should, to improve outcomes for both the child and the whole community in the long term.

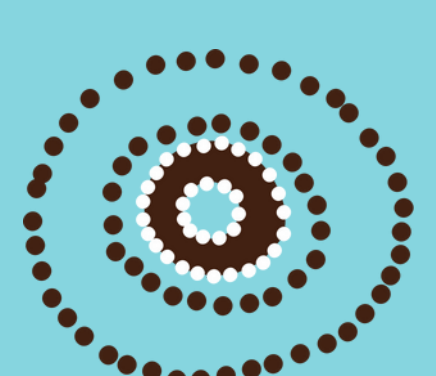
Tried and tested, new and emerging

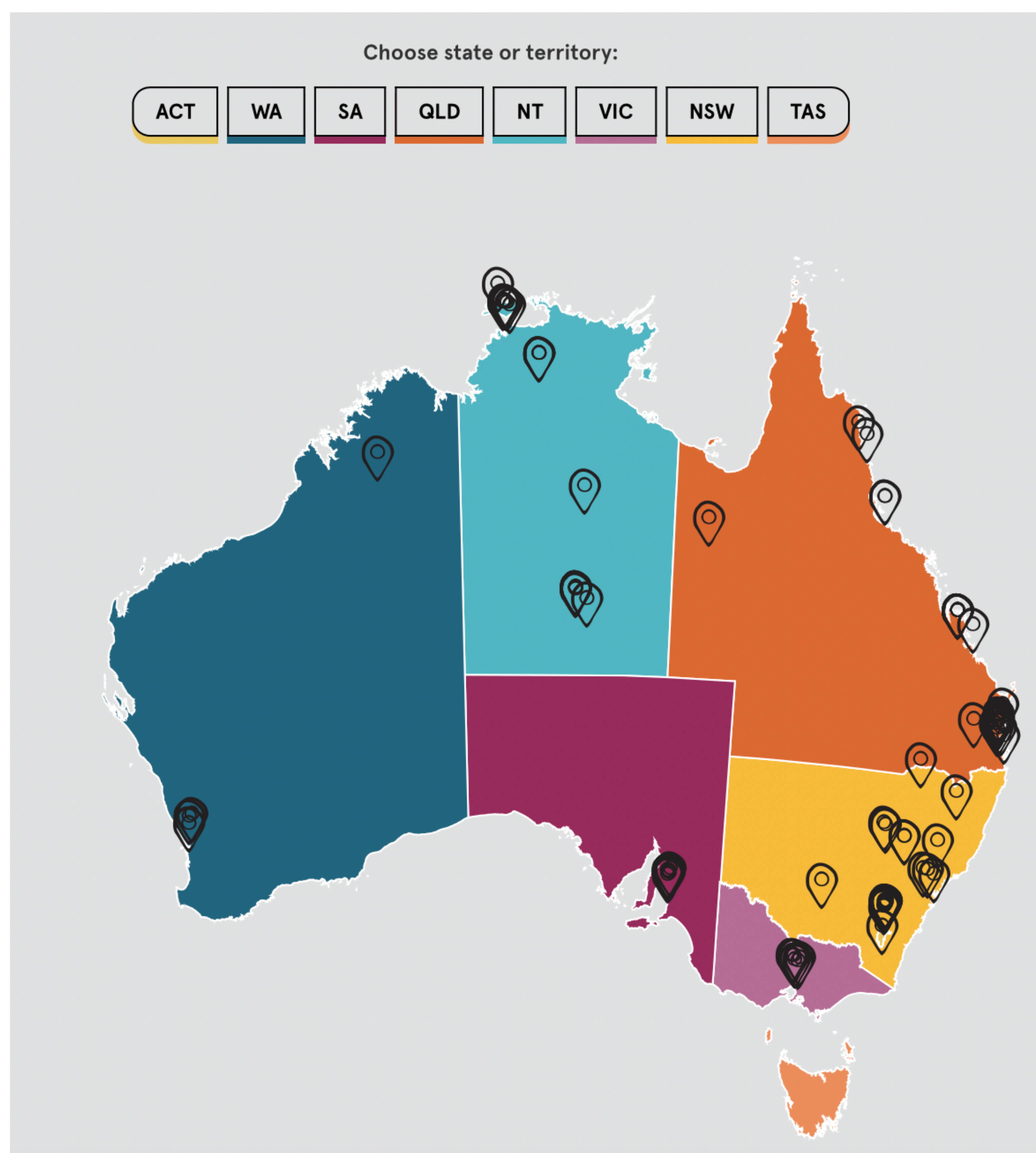
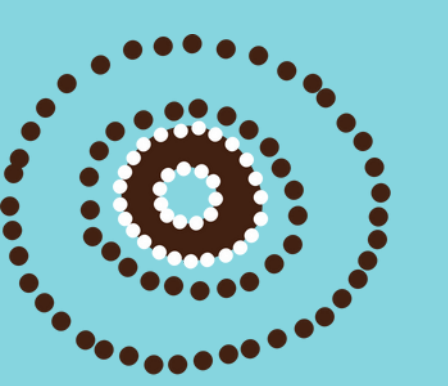
There are both tried and tested community programs that are backed up with years of evidence and evaluations; and new and emerging solutions that need government funding to get up and running and have a chance at success. We need governments to invest in both if we are going to give children the best chance at success.

We have compiled some of these community-based programs that are operating (or were operating, in the case of those which have been recently lost government funding) around the continent to showcase the breadth of solutions that already exist as an alternative to police and prison cells.

i) Felicity Stewart, Zsombor Bathy and Geoff Fisher, Reoffending by Children and Young People in Victoria, Sentencing Advisory Council of Victoria (Report, December 2016), cited in 'Investing in Communities Not Prisons: Exploring the Application of Justice Reinvestment in the Victoria Context' Youthlaw (Report, September 2017) 11

vii) Michael Vita, Review of the Northern Territory Youth Detention System Report, (Report, Department of the Attorney-General and Justice Northern Territory, 2015) 2, 11, 13, 18; Royal Commission into the Protection and Detention of Children in the Northern Territory – Findings and Recommendations (2017) 9; Harry Blagg, Tamara Tulich and Zoe Bush, 'Diversionary Pathways for Indigenous Youth with FASD in Western Australia' (2015) 40(4) Alternative Law Journal 257, 257; AIHW, Young People under Youth Justice Supervision and in Child Protection Children Protection (Catalogue No CSI 28, 15 October 2020) Supplementary Table S9





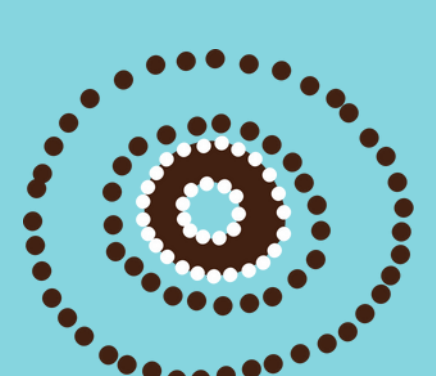
Methodology and criteria

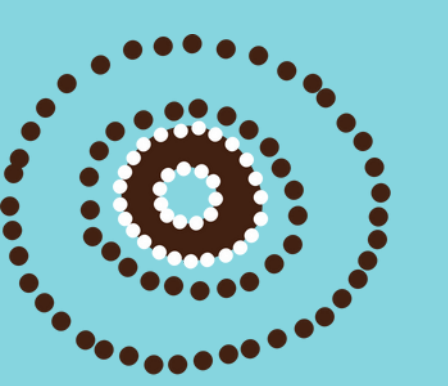
This map does not represent a comprehensive stocktake of all the community programs operating around the continent. As a baseline requirement, all programs included should provide an alternative to incarceration for young people aged 10–13 years and provide services for children who are at risk of contact with the criminal legal system.

Governments need to scale up and fully-fund services that help children get their lives on track rather than sending them to prison. When considering what programs to invest in, we recommend that governments consider:

- Community ownership and participation: genuine input, design and involvement of the affected community, families and young people
- Self determination: for programs targeted at Aboriginal and Torres Strait Islander children, we looked for evidence of First Nations control, leadership or governance;
- Cultural safety
- Trauma-informed practices
- Point of access (particularly ensuring young people can access the program without a requirement that they first enter the criminal legal system or the child protection system).

This map is intended to be a living, community resource that will be updated over time.





Solution Snapshots

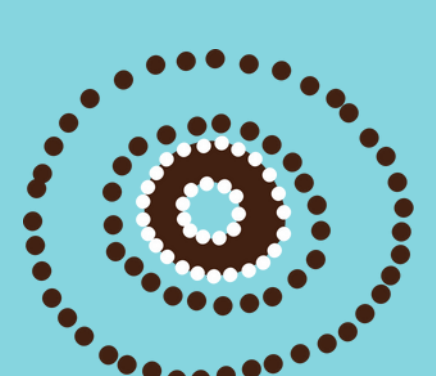
Youth Empowered Towards Independence (YETI) is a youth support agency based in Cairns. They run many programs supporting children in Far North Queensland, including in general youth support, drugs and alcohol, mental health and strengths-based and trauma-informed crime prevention program - Strong Together.

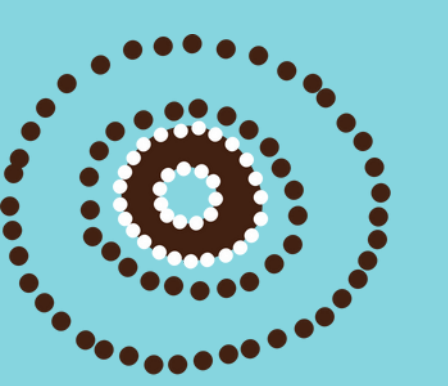
Strong Together is a therapeutic program aimed at young people aged 10–15 which supports families to support the child and strengthen existing skills in self-management. The program involves intensive and tailored family case management, individual supports, highly accessible phone contact and culturally responsive community resources and initiatives.

Crucially, Strong Together supports children over an extended period — typically 18 months — and focuses on empowering agency for clients, including around legal decisions.

Olabud Doogethu operates in Halls Creek Shire in the Kimberley. It focuses on Indigenous governance and operates a range of programs to support and empower young people. These include employing remote youth workers and engagement officers to support young people and their parents throughout the day and night, and using intensive case management to support children referred by agencies including the Department of Child Protection and Family Support.

Olabud Doogethu engages young people in pro-social activities, including on-country cultural learning such as bush skills, art, dance, traditions and camping, sporting programs in collaboration with other community groups, and youth traineeships through TAFE and training organisations to provide skills, work experience, and qualifications.



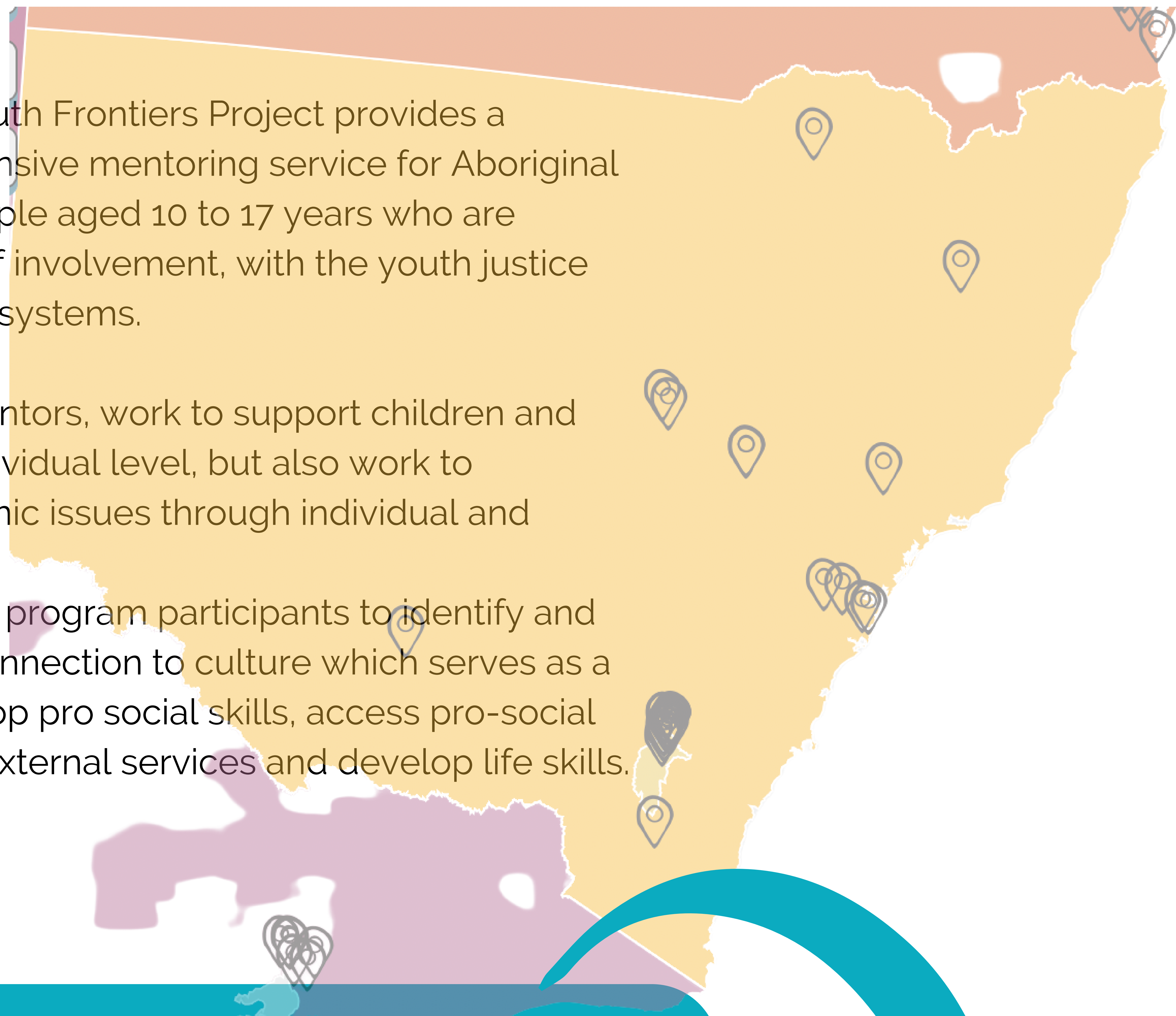


Solution Snapshots

Deadly Connections Youth Frontiers Project provides a holistic, culturally responsive mentoring service for Aboriginal children and young people aged 10 to 17 years who are involved, or are at risk of involvement, with the youth justice and/or child protection systems.

Deadly Connections mentors, work to support children and young people on an individual level, but also work to positively disrupt systemic issues through individual and systemic advocacy.

YF mentors will support program participants to identify and set goals, strengthen connection to culture which serves as a protective factor, develop pro social skills, access pro-social activities, engage with external services and develop life skills.



visit raisetheage.org.au for more

Alternatives to prison

Prisons only cause harm to children; they never help. The criminal legal system takes children away from their families, communities and other support, and pushes them down a path that often leads to adult prison.

But there are hundreds of community-led alternatives to prison around Australia that are already in place, and working. View the Map of prison alternatives around Australia.





About Change the Record

Change the Record is Australia's only national First Nations-led justice coalition. We are a coalition of legal, health, human rights and First Nations organisations including the National Aboriginal and Torres Strait Islander Legal Services (NATSILS) and the National Forum for Family Violence Prevention Legal Services (the Forum).

Change the Record has two key objectives - to end the mass incarceration of Aboriginal and Torres Strait Islander peoples and the disproportionate rates of family violence experienced by Aboriginal and Torres Strait Islander women and children.

