REPORT

RAISE THE AGE CAMPAIGN

SEM 2, 2020

WAJA

WA JUSTICE ASSOCIATION

SOCIAL REINVESTMENT

WESTERN AUSTRALIA

WA JUSTICE ASSOCIATION

ABOUT

The WA Justice Association (**WAJA**) is a not-for-profit organisation and a registered charity with the ACNC. WAJA's mission is to reduce incarceration rates and improve outcomes for people coming into contact with Western Australia's criminal justice system. We hope to achieve this by effecting law/policy reform and promoting student engagement with social justice organisations and the legal community.

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WAJA acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

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EXECUTIVE SUMMARY

Despite overwhelming evidence from legal and health experts, Indigenous leaders, human rights organisations and academics, children as young as 10 continue to be given criminal penalties under the Western Australian (WA) justice system.

Incarceration separates children from their existing support networks in their communities and restricts their access to education and often much-needed healthcare services. Particularly for Indigenous children and children with complex living situations and significant health issues, incarceration ignores the social determinants that render them disproportionately vulnerable to criminalisation. Research shows that early contact with the criminal justice system leads to poorer outcomes later in life, including by leading to entrenchment and recidivism.

This evidence paper illustrates that the minimum age of criminal responsibility (MACR) must urgently be raised to: accommodate the psychological needs of children and their development; leverage government funding more effectively to rehabilitate young offenders and at risk children and; protect the human rights and dignity of children in accordance with recognised international norms.

In addition to these arguments as to why the MACR should be raised, this paper identifies sentencing alternatives and diversion programs that could be deployed to achieve effective legal reform. Such reform requires significant legislative, procedural and systemic change. We can learn a lot from programs and legal structures in place both abroad and domestically. Internationally these alternatives include the Scottish Children's Hearing System and New Zealand's youth justice model. In WA, programs such as Deadly Diversion, Olabud Doogethu, Feed the Little Children and the Youth Partnership Project have engendered a decrease in crime within their local areas of implementation. These examples illustrate that any successful alternative to sentencing must fundamentally promote early intervention, be Indigenous-led and culturally relevant, and provide holistic support services for children by working with their families and involving place-based programs and funding.

This paper is not intended to be read in isolation – it should be read in conjunction with Social Reinvestment WA's Youth Justice Report. This paper is not the final word on this issue. We will continue to urge the WA government to protect the rights of all children by raising the MACR.

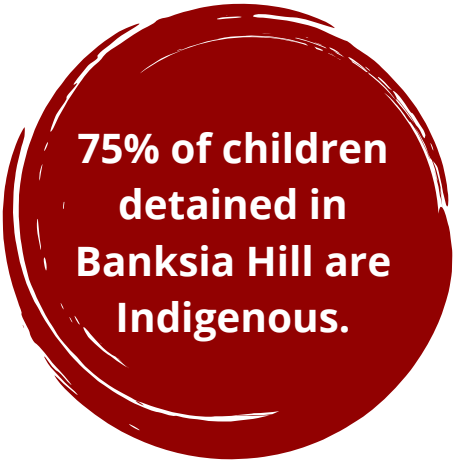
CONTEXT

Juvenile Detention in WA: A Snapshot

In WA, 116 children are currently detained in Banksia Hill Detention Centre ('Banksia Hill') according to recently publicised statistics.[1] of these children:

- 87 (75%) are Indigenous;
- 20 are aged between 13 and 14; and
- Two are aged under 13.

Most cases (54%) coming before the WA Children's Court are related to theft, burglary, property or traffic offences.Other common offences include drug and public order offences. The majority of juvenile detainees at Banksia Hill are therefore incarcerated for less serious crimes, and not crimes against persons.[2] Only 18% of crimes committed by children are intended to cause injury or constitute sexual offences; no children were charged with homicide or its related offences in WA between 2017-2019.[3]



Imprisonment: An Ineffective Method of Reducing Juvenile Crime

For children displaying offending behaviour, detention is not successful in achieving rehabilitation and reintegration. This is because it fails to address the underlying factors leading to the child's offending in the first place and thus does not prevent re-offending.

In relation to re-offending, a review by the Office of the Inspector of Custodial Services named "age, prior prison admissions and problematic substance abuse" as the three primary contributory factors to recidivism.[4] It follows that the use of prison sentences to punish children actually increases the risk of re-offending. The observation of one Banksia Hill detainee that "crims stick together" is significant in this regard.[5] It suggests that youth offenders are further exposed to and intertwined with criminal influences as a direct result of incarceration. Criminalising the behaviour of vulnerable children thus functions to perpetuate disadvantage and has a devastating impact upon their future.

The fact that imprisonment enhances recidivism is reflected in the statistics. Of the 42 children sentenced in Western Australia during Quarter 1 2020, 31 (74%) had been previously sentenced in the five years prior (and 57% had been previously sentenced two times or more).[6] These figures show that children who are dealt with in a harsh manner are more likely to reoffend into adulthood. These statistics show that sending children to prison does not make our community any safer. Thus, alternative methods are required to deal with children who display offending behaviours.

Systemic Racism: The Overrepresentation of Indigenous Children in DCP and Detention

Any analysis of the current youth sentencing framework in WA must acknowledge its foundation in racial bias toward Indigenous children. It is well known that Indigenous youth are grossly overrepresented in the Australian justice system. Amnesty International reports that the rate of overrepresentation is particularly bleak for children aged 10-13, who comprised 69% of all children aged 10-13 in detention in Australia during 2016-17.[7] The Aboriginal Legal Service of WA attributes this overrepresentation to a range of social factors, including socio-economic disadvantage, the continuing adverse impacts of colonisation and dispossession, trauma from the Stolen Generations, intergenerational trauma, substance abuse, homelessness, poor educational outcomes and serious physical and mental health issues.[8] Elements of racial bias also fundamentally contribute to the increased risk of Indigenous youth entering the criminal justice system.[9]

CONTEXT

Indigenous young people are 49 times more likely than their non-Indigenous peers to be in detention.

The situation is particularly acute in WA, where we have the highest rate of Indigenous overrepresentation of any Australian state or territory. Indigenous young people are currently 49 times more likely than their non-Indigenous peers to be in detention and the rate at which Indigenous young people are detained is almost twice the national rate. 57 Indigenous young people in every 10,000 are detained in WA, compared to 31 per 10,000 nationally).[10]

Indigenous children in WA experience a host of structural biases, which manifest in discriminatory practices dictating a young person's trajectory through the justice system. Over-policing, for instance, remains hugely problematic.[11] Indigenous children are consequently perceived as more threatening by virtue of their identity.

The negative stereotype of the Indigenous juvenile offender prevails, which results in harsher treatment of Indigenous young people throughout the youth justice system.[12] This discrimination includes reduced access to diversionary options and increased likelihood of being held in prison custody. For example, in the case of D v Edgar, a twelve- year-old Indigenous child who played a minor role in three home burglaries spent 108 days in custody, under harsh conditions, before he had even been sentenced. This occurred despite the fact that his offences were clearly the result of personal experiences with domestic violence, poverty and mental illness.[13]

The link between systemic racism and the overrepresentation of Indigenous people in detention has been described by former WA Supreme Court Chief Justice Wayne Martin:[14]

> ***The system itself must take part of the blame. Aboriginal people are much more likely to be questioned by police than non-Aboriginal people. When questioned they are more likely to be arrested rather than proceeded against by summons. If they are arrested, Aboriginal people are much more likely to be remanded in custody than given bail. Aboriginal people are much more likely to plead guilty than go to trial, and if they go to trial, they are much more likely to be convicted. If Aboriginal people are convicted, they are much more likely to be imprisoned than non-Aboriginal people, and at the end of their term of imprisonment they are much less likely to get parole than non-Aboriginal people. Aboriginal people are also significantly over-represented amongst those who are detained indefinitely under the Dangerous Sexual Offenders legislation. So at every single step in the criminal justice process, Aboriginal people fare worse than non-Aboriginal people.***

Further instances of bias extend to the lack of culturally appropriate programs in the community and in prison, insufficient resourcing of Indigenous-specific legal services, and the lack of Indigenous language interpreters in our justice system.[15] There is an urgent need to address the problem of why Indigenous children are more likely to end up in a courtroom than non-Indigenous children.

CONTEXT

The vulnerability of Indigenous children to criminalisation is compounded by the fact that a large portion are in the care of the Department for Child Protection and Family Support (DCPFS). More than half of children under youth justice supervision in 2018-19 had received a child protection service in the last five years.[16] Furthermore, Indigenous children are over 16 times more likely than non-Indigenous children to be represented in this statistic. In November 2014, Indigenous children comprised 87% (55) of the 63 children detained at Banksia Hill who were in the care of the CEO or an open case to the Department.[17] A direct correlation can thus be drawn between a child being in out of home care and an increased likelihood of them ending up in detention. A recent investigation into the use of force by WA police officers against a child, conducted in April 2020, illustrates this state of affairs.[18] The impetus behind this criminal investigation was an incident whereby an Indigenous child in DCPFS care was charged with criminal damage of the DCPFS office and for twice assaulting a police officer. The assault charges were dismissed when it was revealed by CCTV footage that the police officer had acted with aggression and violence towards the child. This occurrence highlights the confronting narrative that has been normalised in WA of criminalising at-risk Indigenous children instead of providing them with the specialised care and compassion their circumstances so urgently require.

The reality of systemic racism must be kept at the forefront of any discussion regarding youth justice in WA. Raising the age of criminal responsibility would function to help mitigate the rising rate of Indigenous youth in detention and shelter them from the detrimental consequences of early contact with the criminal justice system.

WA's Approach to Justice

International Comparison

In WA, children as young as 10 are arrested, kept in police custody and sent to prison – often far away from their communities. WA's criminal age of responsibility is among the lowest in the world. Globally, the current median MACR is 14 years old, and the average 13.5 years.[19] A study of 90 countries worldwide found that 68% had a MACR of 12 or higher - two years older than WA's current MACR.[20] Countries such as China, Russia and Sierra Leone have their MACR set at 14 years. The current age of criminal responsibility in other developed Western countries are summarised in Figure 1.

Countries	MACR
Scotland, Canada & the Netherlands	12
Austria, Germany, Italy, Japan & Spain	14
Denmark, Finland, Iceland, Norway & Sweden	15
Portugal & Belgium	16
Luxembourg	18

Figure 1

WA's MACR is 10, compared to the global median of 14.

Developed nations comparable to Australia have managed to raise the MACR without adversely affecting efforts to address youth crime. On the contrary, Germany and Norway have lowered their rates of youth offending, incarceration and recidivism following increases of their MACR and the implementation of methods of early intervention and diversion programs.[21]

CONTEXT

Interstate Comparison

WA has the second highest average rate of youth detention in Australia after the Northern Territory, incarcerating some 4.96 young people aged 10-17 per 10,000.[22] As previously noted, Indigenous youth are detained in WA at a rate almost double the national average. They are also currently 49 times more likely to be detained than non-Indigenous youth (ranging from 31-54 times more likely over the last four years), which is the highest rate-ratio in the country.

Indigenous youth are detained in WA at a rate almost double the national average.

Raise the Age: A National Movement for Change

Australian Capital Territory (ACT) Move to Raise the Age

Weeks before the 2020 ACT election, the ACT Labor Government endorsed raising the age from 10 to 14 years.[23] Following their re-election in October 2020, the ACT Labor-Greens Government confirmed its commitment to implementing these reforms in the next parliamentary term, regardless of whether a national consensus is reached.[24] The WA government should follow the ACT government's lead in endorsing a move towards reform ahead of the rest of the nation.

Council of Attorneys-General

Raising the age has received significant media and public attention over recent years. In response to significant public interest, this issue has been considered by the Council of Attorneys-General (CAG). In 2018 a CAG Working Group was established to review the issue and report its findings.[25] Progress has been slow as the CAG have failed to commit to raising the MACR, leaving Australia out of step with the rest of the world.

COVID Outbreak in Brisbane Corrections

A recent COVID outbreak at the Wacol Youth Detention Centre in Brisbane highlights the ever-growing risks that children face when placed in detention.[26]

Youth prisons are ill-equipped to handle an outbreak of this nature: "Inside you can't social distance. There's not enough sanitiser. They're like cruise ships and aged care facilities. But even worse because you're being locked into an isolated cell and an isolated unit."

Children cannot socially distance in an environment where they are necessarily kept in close confinement with one another. This clear illustration of the under-resourcing and inefficient management of youth detention centres in crisis situations highlights the urgent attention demanded by the issue of raising the MACR.

> ***"Inside you can't social distance. There's not enough sanitiser. They're like cruise ships and aged care facilities. But even worse because you're being locked into an isolated cell and an isolated unit.***

CONTEXT

Dijuan Taylor

> ***I know I was real cheeky, but no kid should be in jail.***

The issue of children in detention has been given increased media focus in recent years. A powerful example is the critically acclaimed 2019 Australian documentary film, 'In My Blood it Runs', which tells the story of Dijuan Turner. Dijuan is a 10-year-old Arrernte/Garrwa boy from Alice Springs who was nearly imprisoned after getting in trouble with the law. The documentary depicts the failings of Australia's Western education system in providing a culturally-appropriate curriculum to Indigenous children, and how resultant disengagement contributes to offending behaviour. In September 2019, at 12 years old, Dijuan became the youngest person to ever address the United Nations Human Rights Council. In a separate speech to the NT Parliament, he said "I know I was real cheeky, but no kid should be in jail."[27] The MACR in Australia has received global condemnation in light of our lack of action on this issue.

Connor's Story [28]

Connor grew up in Kwinana with drug-dealing and using parents. From a young age he thought drugs were "just where money came from".At least once a month, police would raid Connor's home, eventually landing his father in prison for five years.His mother continued to use, leaving Connor and his siblings to fend for themselves.

Connor began using drugs at age 12, and methamphetamine at age 14. He was soon committing crimes with his father and brother, "doing drugs together... breaking into cars, houses, stealing motorbikes, selling drugs".After growing up in a heavy drug-using household and having little to no support at home, it is no surprise that Connor eventually entered the criminal justice system.

Connor was first arrested when he was 12, and he says "from when I got that first order, I pretty much got stuck in the system, until only two years ago... I was locked up every year from 2013 to 2018... I could never finish the orders, couldn't do the conditions on it".

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Connor's inability to comply with orders coupled with further charges landed him back in prison many more times. Describing these experiences, Connor recalled that "sometimes I thought it ruined my life because I felt I was going to be stuck in that same cycle for ages... it was the worst time of my life, I was going crazy in my cell, I felt lonely, there was no one around, no one I knew. I was angry I put myself in there. It turned me into a depressive angry kid, I hated the world".

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Connor also talks about the ongoing effects that being in prison so young had on him, saying "I'd get out and be happy, but I would still have all that pain, anger and stress inside of me. Even when I was doing good stuff, I would have that thought in the back of my brain, that feeling would always stay there". The detrimental effects of being incarcerated at age 12 effectively ensured that he would be in and out of prison for the remainder of his adolescent years, without addressing any of the underlying issues. Connor unfortunately continues to grapple with these problems, and struggles to remain sober despite his best efforts.

WHY WE SHOULD RAISE THE AGE: THE CAUSES OF WA'S JUSTICE ISSUES

The current age of criminal responsibility is detrimental to children on both an individual and societal level. There are a diverse range of reasons why the MACR should be raised to 14 years of age which encompass scientific evidence, economic considerations and Australia's human rights obligations.

Science and Health: Empirical Testimonies Condemning Incarcerating Children

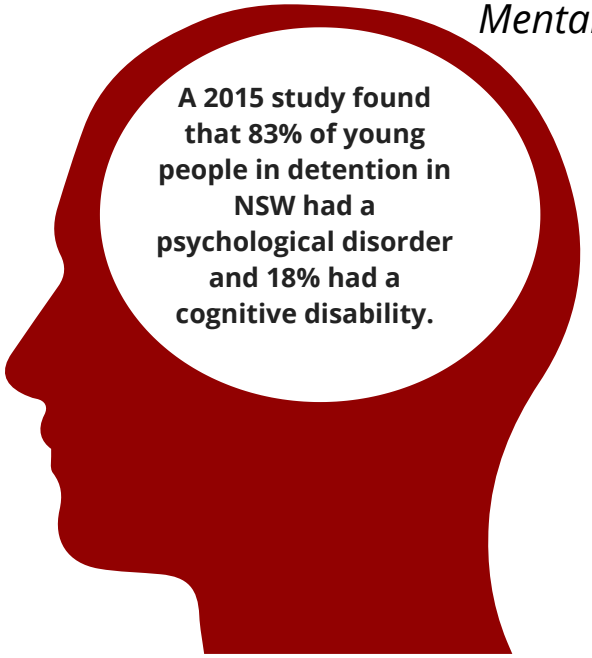
There is conclusive scientific evidence that a low age of criminal responsibility can be detrimental to the health of young people.

Neurological Immaturity

The neurological immaturity of children means that their impulsivity, reasoning and decision-making skills are underdeveloped.[29] An adolescent brain is not fully mature until its early twenties meaning the brain of a child between the ages of 10 – 14 can be around a decade away from its full development.[30] The average child under 14 is therefore likely to have limited impulse control and poor organisational and planning skills. This leaves them susceptible to peer pressure and risk-taking behaviours, which can lead to breaches of the criminal law.[31] This is the case for all children, let alone those who also face the additional burdens of socioeconomic disadvantage, entrenched trauma, mental health issues and cognitive disabilities. It is nonsensical to hold children of this age criminally responsible and subject them to the full weight of the legal system when they are so far off achieving neurological maturity.

While roughly a third of juveniles will be involved in some form of serious delinquent behaviour, many of them will simply grow out of this behaviour.[32] However, children and adolescents who are incarcerated will have this maturation interrupted. Their criminal behaviour is likely to continue due to their resentment towards the criminal justice system as a response to their lost childhood and future opportunities.[33] This demonstrates just one facet of the significant impact that imprisonment can have on a child's brain in the early stages of development.

Mental Health and Cognitive Difficulties



Young people involved in the criminal justice system experience much higher rates of mental health disorders and cognitive difficulties compared to the general population.[34] A 2015 study found that 83% of young people in detention in NSW had a psychological disorder and 18% in custody had a cognitive disability.[35] These conditions expose young people to criminalisation as they may experience difficulties with communication, susceptibility to peer pressure, inability to control anger or impulses, and displays of inappropriate sexual behaviour.[36] A low age of criminal responsibility criminalises children who are already vulnerable due to their mental state and involves them in the criminal justice system rather than treating their individual psychological needs. As a result of this early contact, young people enter a cycle of incarceration and re-incarceration.[37] Accordingly, mental illness amongst youth is a key contributing factor to both offending and recidivism.[38]

WHY WE SHOULD RAISE THE AGE: THE CAUSES OF WA'S JUSTICE ISSUES

Long-Term Psychological Effects of Incarceration

Imprisonment can also have detrimental psychological effects on offenders long-term, which significantly impacts the mental health of incarcerated youth. Detention is a criminogenic environment, especially for young and impressionable offenders, where contact with antisocial peers can lead to further reoffending upon release.[29] Incarceration also disrupts community contact, reducing the opportunity for children to observe positive social norms and expectations. Instead of practicing relationship skills such as conflict resolution and interpersonal interaction, incarcerated youth become detached from 'law-abiding' society. Imprisonment exacerbates underlying issues such as social isolation, mental health complications, educational deficiencies and health problems.

Detention facilities '...are not equipped to cope with pre-existing mental health problems, nor those that may worsen or develop during incarceration.

Therefore, long periods of time in detention are entirely detrimental for reducing recidivism relative to community-based orders. The fragility of adolescent and preadolescent self-esteem, self-worth and identity can be damaged by isolation, bullying and victimisation in prison. This can have long-term effects on any adult offender, let alone young children whose developing brains are not yet equipped to process these impacts. As such, a low age of criminal responsibility exposes children to these psychological strains. Therefore, detention facilities "...are not equipped to cope with pre-existing mental health problems, nor those that may worsen or develop during incarceration".[40] As such, prisons are not the best place for children with mental health difficulties to receive the support that they need to reach their full potential.

Foetal Alcohol Spectrum Disorder (FASD)

There are high rates of Foetal Alcohol Spectrum Disorder (FASD) amongst young offenders. Young people with FASD may struggle to understand cause and effect, have difficulty learning from past encounters and experience impaired decision making.[41] These deficiencies can result in social isolation, poor mental health, problems at school, unemployment, substance abuse and criminal behaviour.[42]

A 2016 study of Banksia Hill Youth Detention Centre diagnosed 36% of the 99 imprisoned juveniles with FASD.[43] This rate was even higher for imprisoned Indigenous children at 47%. The prevalence of FASD amongst these incarcerated children was significantly higher than even the most generous estimates of non-incarcerated individuals, which reach at most 19%.[44]

Not only does FASD contribute to offending, but can also be problematic for already vulnerable young people progressing through the criminal justice system. People with FASD may be prone to suggestibility, making them more inclined to accept and perpetuate facts presented by others, including false information. This disadvantages young offenders when giving evidence, being interviewed by police, and when explaining their behaviour.[45] In WA, FASD-affected children may be considered unfit to stand trial under the Criminal Law (Mentally Impaired Accused) Act 1996, which may result in indefinite detention.[46] Young people may therefore be encouraged to plead guilty rather than raise unfitness, so as to avoid this outcome.[47]

A 2016 study of Banksia Hill diagnosed 36% of imprisoned juveniles with FASD.

The criminal justice system is evidently not equipped to support young people suffering from FASD whose offending is contributed to by cognitive difficulties. Children with these neurodevelopmental impairments require early diagnosis to identify strengths and weaknesses, as well as access to rehabilitation and therapeutic interventions that will facilitate their personal growth.[48] Proactive assessment of young people with FASD can prevent their involvement in the criminal justice system entirely, or guide their rehabilitation more effectively than incarceration.[49]

Economic Costs of Imprisonment: Short-Term Solutions, Long-Term Expenses

There are significant direct and indirect costs of imprisoning young people that provide an economic incentive to raise the MACR.

Direct Costs

As of 2017, each juvenile detainee in WA costs the taxpayer $991 per day, meaning it costs around $360,000 to detain one young person for a year. This has resulted in a juvenile detention system that costs the state over $48 million per year.[50] Economic modelling has estimated that it costs around three times as much to imprison a child as opposed to imposing a community-based order.[51] This research found that over a five-year period, significant savings could be achieved by diverting offenders from short periods of incarceration to community corrections orders.[52] These direct costs of imprisonment are significant, and demonstrate massive expenditure which could be diverted to alternatives that are more effective than incarceration.

Each juvenile detainee in WA costs the taxpayer $991 per day, at a total cost of $360,000 to detain one young person for a year.

Indirect Costs

There are also indirect economic and social costs which result from imprisonment. Lost productivity and earnings are a significant cost for a child who is imprisoned as their incarceration creates barriers to future earning potential as adult. The loss of employment and skills is particularly relevant for juvenile detainees as imprisonment interrupts schooling and prevents them from developing valuable skills which help them obtain future employment.[53] The resulting financial insecurity places pressure on social services that provide support for housing, health and welfare.[54] Incarceration can also be detrimental to personal wellbeing and social relationships, leading to isolation and recidivism.[55] By encouraging further criminal behaviour, these social harms place an additional economic burden on the state to account for crime and reimprisonment.[56] Higher crime costs due to recidivism are also bolstered by the criminogenic effect of prison on many offenders.[57] This broad array of costs is not only shouldered by the individual, but also their family, the government and the broader community.

The potential to alleviate this economic cost has been demonstrated by the Fairbridge Bindjareb Project. This initiative provides mining industry training to Indigenous people in custody in WA, supporting them to secure employment and promoting reconnection with Indigenous culture. An analysis of the program demonstrates the potential for economic resources to be redirected towards alternatives to imprisonment that are more cost-effective and have more positive outcomes for offenders. The program has demonstrated a low rate of recidivism, with only 18% of participants returning to prison as opposed to 40% in the general prison population.[58] By supporting people to find employment, the program overcomes many of the indirect social and economic costs which stem from financial insecurity. The government is estimated to have saved approximately $2.9 million in its first five intakes of the project.[59] This success illustrates that the model could be mirrored for non-detention based alternatives for young people, focused on overcoming the barriers to education, skills and employment. PWC consulting reports suggest that reducing disproportionate rates of Indigenous incarceration alone has the potential to save almost $19 billion dollars in Australia over 20 years.[60]

Human Rights Obligations

Imprisonment: A Punishment in the Best Interests of the Child?

Having a MACR lower than 14 years of age is overtly out of step with The United Nations Convention on the Rights of the Child (the Convention), under which Australia has binding obligations. The United Nations Committee on the Rights of the Child (the Committee) has specified that in light of scientific findings, parties to the convention are to raise their minimum age to at least 14 years of age.[61] This recommendation reflects the reality that children do not belong in prisons, but deserve to experience the world and learn formative lessons through the rosy lens of innocence that only childhood can provide.

The fact that a 10 year old child can receive a criminal record is at odds with section 37 of the Convention, which provides that imprisonment should only be used "as a measurement of last resort for the shortest appropriate time." The exposed abuse and mistreatment of children in detention[62] is also blatantly discordant with section 3(3) of the Convention, which requires that the best interests and rehabilitation of the child are the paramount consideration.

The international framework of norms for children's contact with the justice system embodied within the Convention is directly informed by evidence of the "neurobiological impacts of early childhood trauma" and knowledge from "developmental psychology of childhood wellbeing."[63] A low age of criminal responsibility thus flies in the face of established standards of appropriate behaviour regarding the treatment of children – as depicted by its stark contrast with the rest of the international community, which has a median MACR of 14.[64]

For these reasons, Australia has repeatedly been criticised by the United Nations and advised by the Committee to raise the MACR 'to an internationally acceptable level' on three occasions, the last being in 2019.[65]

International Human Rights Norms and Indigenous Youth: A Confronting Reality

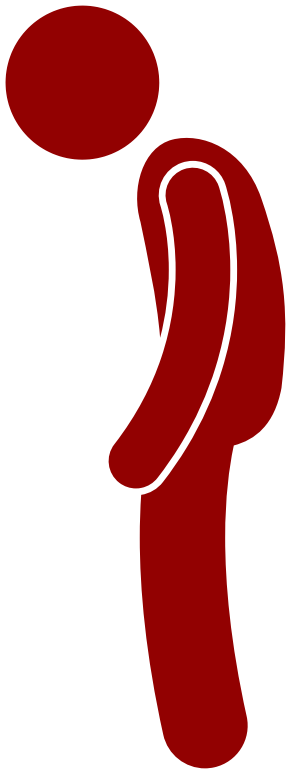
The impact of the current MACR disproportionately impacts Indigenous children. As previously discussed, the grossly disproportionate representation of Indigenous youth in detention is attributable to a myriad of complex social and structural factors.

Sentencing or detaining Indigenous children from the age of 10 overlooks their primary needs. By sending Indigenous children long distances from their community, the current MACR is contrary to their best interests. It overlooks viable sentencing alternatives which are better tailored to individual circumstances and the overriding social problems often facing Indigenous children.[66] Sentencing alternatives are particularly relevant to Indigenous children as they may have already faced punishment under their traditional legal system. Separation from their community may also have significant cultural repercussions as traditional customs and law are passed on orally to the next generation.[67] Rather than reintegrating juvenile offenders into society the practical effect of a low MACR therefore places Indigenous youth in greater jeopardy; with many already categorised as being at risk. It is therefore time that we reform our state justice system so as to protect the dignity of all WA children consistent with our international human rights obligations.

WHY WE SHOULD RAISE THE AGE: THE CAUSES OF WA'S JUSTICE ISSUES

Robert's Story [68]

At 12 years old, Robert was breaking into houses, stealing cars and drinking alcohol given to him by his parents and uncle. By the age of 13, Robert was doing drugs with his parents. Growing up, Robert never had a long-term house that he could call home. Living with his parents, uncles, aunts and cousins, Robert would have to move around Perth every time the police would locate his parents, who were alcoholics and selling drugs.



Robert never had a good relationship with his mother and was subjected to physical abuse by his mother's boyfriends. His mother would ignore Robert when he would tell her about the beatings. Yet he would continue to visit his Mother's house to see his sister.
In primary school, Robert was frequently sent to the principal's office and suspended. By high school, he would simply wag his classes. Yet his high school put him up a grade to hurry him through his schooling so they would not have to deal with his troublesome behaviour.

After being kicked out of home by his father at 14, Robert entered a cycle of being evicted from cheap rentals and living on the streets. He was doing drugs every day. He began burgling strangers' houses with his friends and uncle to get items to sell.He would spend this money on food and drugs.

Robert has been imprisoned multiple times for crimes against persons and property. Robert says the Children's Court process is extremely poor. He says the Court workers look at him as if he was 'scum' and a 'street rat'. He calls out the police for being physically violent, aggressive and unempathetic to children who were not taught right from wrong. Robert also warned about the harsh and inconsistent discretion of judges. He knows of another Noongar boy who received a 9-month sentence for his first crime, whilst the teenager who committed the crime with him avoided a prison sentence.

Robert described that in juvenile prison, Banksia, the children coming in and out of the prison become familiar with each other. The bond that is made within the prison walls extends to the outside world, where Robert would continue to commit crimes with those who already have been incarcerated. Robert describes the flaws of such a system wherein you are released craving drugs and without a job. As a result, you resort to the very crimes you were incarcerated for in order to earn money to buy what you need, all to be charged again.

Upon being released from Banksia, Robert completed rehabilitation to try to break this vicious cycle. Robert wants to be kept busy, to work and to make honest money. He wants to stay out of jail and start living his life. Robert has insight into both the prison system and the children who resort to crime. He appreciates the fact that he was not born into money or into a fortunate family. He understands that money was the main motivator of his crimes.

Robert is aware that his offending behaviours were heavily influenced by a combination of factors: socio-economic disadvantage, an unstable upbringing, domestic violence, peer influence and drug dependence.
Robert takes responsibility for his reality and his actions, but believes the system does not truly appreciate how different living conditions can predispose children to crime or criminal mentalities.

What laws need to be changed?

Raising the age of criminal responsibility to at least 14 years of age necessitates legislative change at the federal and state levels:

Sections 4M and 4N *Crimes Act 1914* (Cth)
Section 29 *Criminal Code Act Compilation Act 1913* (WA)

Doli incapax: An Ineffective Protection of Children Under 14

Doli incapax is a rebuttable legal presumption that children between the ages of 10 and 13 are not capable of forming criminal intent, or to do 'wrong' in the moral sense.[69] This rebuttable presumption is based on the notion that children have an impaired ability to discern right from wrong and should therefore be treated differently from adults.[70] If children are presumed to be unable to possess the requisite mental element of an offence, then in practice it should be practically impossible to find them guilty of an offence. This presumption can be rebutted, however, if a child's awareness of the criminal or seriously wrong nature of their actions can be proven beyond reasonable doubt.[71]

While this presumption has a theoretical value in preserving a child's innocence, its performance in practice has attracted ample criticism.[72] Inconsistencies in the presumption's substantive and procedural application limit the extent to which it can sufficiently safeguard children from the weight of the criminal justice system. The presumption often operates more as a defence in practice owing to the fact that it is not engaged as a matter of course for all children aged 10-13.[73]

Damage to the Child Has Already Been Done

Even if the *doli incapax* presumption is raised in court and appropriately used to prevent a child from being incarcerated, it cannot shield children from the damage caused by undergoing criminal proceedings.[74] The court's determination on whether the presumption of *doli incapax* has been rebutted can take months of deliberation. Moreover, if a psychological assessment is pursued to determine if the child knew whether their actions were seriously wrong, they will be held in remand.[75] This practice, in conjunction with the reality of court proceedings, can mean that a child's contact with the criminal justice system is prolonged – a circumstance that can have long-term negative consequences on a child's education and development, as well as potentially increasing their chances of offending in the future.[76]

Impact on the Courts and Judicial Process

The *doli incapax* presumption attracts expenses for legal service providers as it requires expert psychological assessments. Owing to the fact that public defence funds are limited, finding quality child psychologists can be difficult.[77] These deficits in the system detrimentally impact the effectiveness of *doli incapax* and can ultimately mean that children are denied its protection.[78] The Australian Law Reform Commission has also revealed that as a result of the difficulty in determining a child's knowledge of an act's wrongful nature, the prosecution has been permitted to lead prejudicial evidence that would be inadmissible under ordinary legal processes.[79] Under these circumstances, the presumption operates to the disadvantage of the child rather than upholding their protection.

Increasing the MACR will effectively eradicate these issues with *doli incapax* by making the principle of *doli incapax* effectively redundant.

Procedural Change: A Holistic Endeavour

Any comprehensive analysis of the current justice system leads to the conclusion that alternatives to sentencing are urgently needed for juvenile offenders. Effective alternatives to imprisonment require system-wide procedural changes. Fundamentally, our youth justice system must treat children who display offending behaviours in the same manner as children in need of care and protection. We must stop treating children who offend as criminals. Any effective method of dealing with young offenders must consider the child's needs holistically and offending behaviours are but one of many considerations to address. These children need to be dealt with in a therapeutic setting, not a criminal justice setting. The existing Children's Court system is inappropriate for dealing with very young offenders because it combines the characteristics and powers of a criminal court with the necessary functions of a rehabilitative agency. Systemic reform is also required to promote engagement from various departments and support services to effectively prevent children from reoffending.

WA does not have to start from scratch to decide how to deal with children who display offending behaviours. There are well-established alternatives to the current Children's Court system in WA. These alternatives are in place in comparable Western nations. Critically, however, we should not merely 'cherry pick' and transplant mechanisms which are effective in other jurisdictions without considering the cultural and social contexts which are unique to WA;[80] particularly those of Indigenous communities.

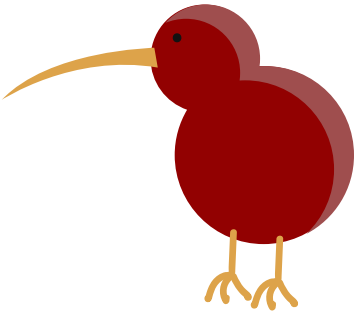
Scottish Model

The Scottish Children's Hearing System (CHS) has been in place since 1971.[81] The CHS is a system of multi-disciplinary lay-panels comprising various panel members including a social worker, a psychologist and/or medical professional, an education professional, a police representative, the child's parent(s) where appropriate, and the child themselves. A child can be referred to the CHS on offence or non-offence grounds. Importantly, once a child is referred, they are dealt with through an identical process regardless of the grounds of referral. Children can be referred to the CHS by social workers, community members, family members and others for non-offence grounds.

This system both promotes and inherently necessitates inter-departmental cooperation to address the holistic needs of a child coming before the panel. If adapted to be implemented in WA, the panel would necessarily include a local Indigenous representative when dealing with an Indigenous child.

New Zealand Model

New Zealand's model for youth justice is based on restorative justice, decarceration, diversion and family and community involvement.[82] This model has been in place since 1989 and is notable for its high rate of diversion (80% of apprehensions are disposed of without resulting in prosecution), low rates of detention and short duration of orders.[83]



Similarly to WA, New Zealand struggles with disproportionate rates of Indigenous incarceration. It is important to note that, while New Zealand's model is effective overall, the rate of Indigenous incarceration remains a major concern.[84] This highlights the necessity of Indigenous-led and Indigenous-focused programs to effectively reduce the overrepresentation of Indigenous youth in the criminal justice system.

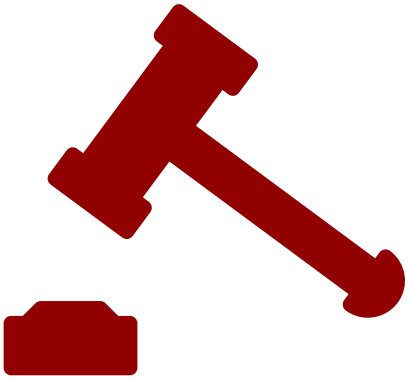
Two notable features of the New Zealand model are court conferencing and multisystemic therapy.

Court Conferencing

An integral feature of New Zealand's youth justice system is the family group conference (FGC). FGC is an informal statutory forum where a child who is accused of committing a crime gathers with their family, victim(s) and state officials to discuss the child's offending behaviour and determine the most appropriate outcome. A FGC is compulsory for every criminal offence (with few exceptions) and offers a method of dealing with a child's offending behaviours without resorting to prosecution. The discussion focuses on producing a plan for the child to minimise the likelihood of future offending, and/or to remedy the effects of the child's offending behaviour. True participation of victims in this process promotes reconciliation and reintegration. While this system does not necessarily provide full closure or healing to victims, it offers true participation to victims, and produces better outcomes for children and the community when compared to WA's system.[85]

FGC (known in WA as 'court conferencing') has seen minimal application in WA. Court conferencing in our state is non-statutory and largely ad hoc, and applies only to children who appear to have offended on a one-off basis. A 2016 green paper from the Department of Corrective Services recommended that court conferencing should become a statutory mechanism, and its use be expanded in WA.[86] This paper noted that children who commit more serious offences (and therefore are currently barred from engaging in court conferencing) would benefit most from this process.

Despite the positive impacts of FGC, conferences often fail to be culturally appropriate for Maori and Pacifika families, which may limit the engagement and outcomes when dealing with families from these cultural groups.[87] Concern has also been raised as to whether the underlying principles of restorative justice embodied by FGC disproportionately benefit non-Indigenous children.[88] While the former could be remedied by incorporating culturally appropriate features like the Victorian Koori Court (see below), the latter raises valid concerns as to the effectiveness of such measures when dealing with Indigenous children. While this issue remains unclear and requires further research, Indigneous children may still benefit from FGC when used in conjunction with broader support services and a focus on rehabilitation



Multisystemic Therapy

In New Zealand's model, a child's underlying offending behaviours are often addressed in part through multisystemic therapy (MST). MST is an intensive, home-based family intervention for addressing significant behavioural and emotional problems in older children and young adolescents.[89] MST involves identifying the child's individual treatment needs and acknowledging the importance of the social systems in which the child is embedded. Evidence-based treatments are then used to address these needs and alter the relevant systems as required. The effectiveness of MST in addressing the underlying causal factors of youth offending has been demonstrated by numerous studies[90] and the benefits of MST have been shown to last well into adulthood.[91]

In WA, MST intervention was adopted on a small-scale in 2005 by the Child and Adolescent Mental Health Services (CAMHS), part of the WA Department of Health. Promisingly, a 2016 evaluation of the CAMHS's use of MST interventions with WA families reported findings that were consistent with international studies.[92] The findings showed that in the majority of cases, the gains made during MST intervention were maintained. Furthermore, asignificant proportion of the families involved in the program were Indigenous families. These empirical findings indicate that MST is an effective method of addressing the underlying causal factors relating to offending in Indigenous children.[93]

There are few limitations to the use of MST in addressing offending behaviours in children. Firstly, to be effective, the underlying principles of MST must be strictly adhered to by clinicians, necessitating high-quality clinical training. Furthermore, due to the intensive nature of MST, clinicians can only feasibly take on four to six families at any given time. This means a large volume of clinicians is required to ensure all children in need of MST have access to treatment without compromising its quality. While there would be a relatively high initial cost of appropriately training the required number of clinicians, long-term potential cost-savings for taxpayers and potential victims are 'substantial' (arising from long-term decreases in criminal outcomes).[94]

Wandoo Rehabilitation Prison

Since 2018, Wandoo Prison in WA has operated as a unique women's prison that engages female prisoners in a six-month Therapeutic Community (TC) program. Women at Wandoo undertake intensive trauma-informed treatment within a therapeutic community, and are supported by multi-disciplinary case-management to reduce addiction, improve mental and physical health, and reduce recidivism.[95] The prison is administered by the WA Department of Justice, but the intensive TC program is facilitated by Cyrenian House (a private addiction treatment centre).

Wandoo Prison was converted from a male reintegration prison into a female drug rehabilitation prison between 2017-2018. Due to the recency of the program, and until there is a longitudinal study measuring the effects on recidivism among women completing the TC program, there is no available empirical evidence to support this initiative.[96] However, anecdotal evidence from prison officers and prisoners, as well as a 2020 report from the Inspector of Custodial Services, suggests that this initiative is very promising.[97]

Despite the potential benefits of Wandoo for female prisoners, it is still a correctional facility. What may be an effective alternative to traditional imprisonment for adult women is not by extension an effective or appropriate alternative for children. As discussed in this paper, incarceration has long-lasting detrimental effects on children. Furthermore, the financial cost of implementing a Wandoo-style youth detention centre would be higher than other non-custodial alternatives presented in this paper.

Opportunity for Reform in WA

Opportunity for Reform in WA

There is an opportunity to draw from these well-established and successful alternatives in developing a new model for youth justice and rehabilitation in WA.

At a minimum, any new model for youth justice and rehabilitation should not discriminate between children who have committed crimes and those simply at risk. Children should be dealt with through the same process regardless. This non-discriminatory treatment eliminates over-criminalising children who have committed an offence. Children aged 10-13 who commit crimes are not criminals – they are victims of circumstance and should all be treated as such. As discussed previously, such criminalisation of children increases the likelihood of future offending behaviours.

Early Intervention

The international alternatives outlined above show a common focus on rehabilitation and early intervention as the basis for effective youth justice. An increased focus on early intervention measures in Scotland in 2011 contributed to a 63% decrease in children aged 8-12 being referred to the CHS on offence grounds within just five years.[98]

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Over-policing of Indigenous Children

Systemic reform of WA's youth justice system must address the WA Police Force's current over-policing and under-cautioning of Indigenous children. WA Police are more likely to give cautions and other diversionary options to non-Indigenous youth offenders than Indigenous children, whilst Indigenous children are more likely to end up in court for the same offences.[99] To this effect, WA Police Commissioner Chris Dawson commented in June 2019 that the 'vast volume' of Indigenous children charged with a criminal offence in this State could be dealt with through community justice arrangements, without requiring imprisonment.

Over-policing has been noted as a key cause for the overrepresentation of Indigenous people in the criminal justice system.[100] In recent years, a more zealous internal policing policy adopted by WA Police has had a disproportionate impact on Indigenous people. Increased use of 'move on' notices, bail compliance checks and personal searches have contributed to increased contact of Indigenous people, including children, with WA's criminal justice system. Resultant over-policing also serves to reinforce the often poor relationships between Indigenous people and police officers in Indigenous communities.

WA Police are an essential institution that must be considered when reviewing alternative models to youth justice. Involving WA Police in discussions and encouraging changes to internal policies and culture is fundamental to preventing the continuation of the over-policing and under-cautioning of Indigenous children.

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Aboriginal Family Led Decision Making

A new WA model for dealing with at-risk Indigenous children could also draw from the Aboriginal Family Led Decision Making (AFLDM) model. Under the AFLDM model, the DCPFS makes decisions regarding child protection placements for Indigenous children in conjunction with the child's extended family, as well as an independent Indigenous facilitator. A two year pilot of the AFLDM model has recently been announced by the WA Government.[101] AFLDM reduces the number of Indigenous children taken into protective custody (especially when identified at an early stage), and keeps children who are in out of home care connected to their culture and families.[102]

A new WA model could act in a broader scope than the existing AFLDM model, encompassing considerations such as education and health, in addition to those of family and accommodation. The need for such a holistic approach has been noted in a report on Queensland's AFLDM model. This report found that integrating the AFLDM model with culturally appropriate community-wide support networks (such as schools, housing and health services and Indigenous Elders) is "critical to the success of future models of practice".[103]

Alternative Court Model for Indigenous Youth Offenders

If Indigenous children must be dealt with by way of the courts, this should be done so in an effective and culturally appropriate manner. The Victorian Koori Court model includes Indigenous elders or respected persons in the sentencing process of Indigenous offenders.[104] Elders and respected persons inform the judge of relevant cultural issues and background relating to the accused. They also participate in the sentencing conversation, which is significantly less formal and more participatory than standard court procedure. This model offers a more culturally appropriate judicial method and importantly includes an Indigenous voice throughout the court process.

The NSW Government established a pilot Youth Koori Court in Parramatta, based on the Victorian Koori Court model. The Youth Koori Court delayed sentencing for an extended period to consider the relevant factors contributing to the child's offending behaviour. An 'Action and Support' plan was created for each child, providing a comprehensive list of their needs in areas such as accommodation, health, education, employment and cultural connection. This plan was produced at an initial hearing and used at the ultimate sentencing date to measure the progress made over the course of each child's journey. A comprehensive review of the Youth Koori Court showed this model effectively reduced re-offending, especially more serious offending behaviours that result in detention.[105] The focus on the underlying causal factors contributing to the child's offending behaviour was a key factor in these outcomes.

KOORI COURT

Community Co-Design

Particular areas across WA demonstrate a higher risk of children committing criminal offences. At-risk communities can be identified using poverty and crime indicators. Areas with high poverty and crime create an environment where children are exposed to and influenced to commit crimes in the future. In identifying these communities, co-design can create solutions to community issues. Leaders within communities can help identify the causes of issues and help build solutions to address these issues.

A community-led model resulted in a 38% fall in main juvenile offence categories in 2017 compared to 2016, a 23% drop in police-recorded domestic violence and a 31% rise in year 12 student retention rates.

The Maranguka Justice Reinvestment Project in Bourke, NSW engaged community co-design to address community issues. Bourke is a rural town 8,000km northwest of Sydney which forms part of a traditional boundary area for the Ngemba, Murrawarri, Budgiti and Barkinji Tribal Groups. Bourke faced twin issues of high crime rates and rising levels of social disadvantage for the Indigenous community. The Maranguka Project, a partnership between Bourke's Indigenous community and Justice Reinvestment NSW, emerged as a solution to these issues.

In 2011, a community hub, Maranguka, was established where Indigenous officers and police met to discuss any issues and to workshop solutions. This partnership, community-led model resulted in a 38% fall in main juvenile offence categories in 2017 compared to 2016.[106] There was also a 23% drop in police-recorded domestic violence over the same period, and a 31% rise in Year 12 student retention rates. Additionally, the impacts of this initiative are up to five times greater than its operational costs.[107] The Maranguka Project is a case study which supports community-led and developed programs, highlighting the sustainability and success that comes with engaging local communities.

Diversion Programs

Diversion programs are alternatives to imprisonment that focus on rehabilitating the individual rather than punishing them. An analysis of existing diversion programs has identified five themes for supporting successful reintegration of youth offenders, namely:

1. **Indigenous-led solutions;**
2. **Cultural relevance;**
3. **Holistic support services for the child;**
4. **Working with families; and**
5. **Place-based programs and funding.**

HOW DO WE CHANGE THE AGE? CONSIDERING A NEW APPROACH TO JUSTICE

Indigenous Led Solutions

For children (especially Indigenous children), speaking to strangers outside of close family and friends is intimidating, rather than encouraging. Therefore, any programs attempting to divert children away from incarceration must be led by Indigenous people to support the Indigenous community. Children need the support and guidance of their families and friends. Engaging in Indigenous-led solutions ensures that programs are culturally relevant and will provide a supportive environment to improve behaviours.[108]

Culturally Relevant

Any programs administered for children must be culturally relevant. If Indigenous-led solutions are not available, service providers must engage with local Indigenous communities to consult on the cultural appropriateness of programs. For example, solutions which remove children from their families and country are not culturally appropriate given the history of the Stolen Generation and intergenerational trauma experienced by Indigenous families.[109]

Holistic Support Services for the Child

Often when children present as at-risk of committing crime, there are a multitude of factors causing the behaviours which are out of the child's control. It is therefore important that children and their families are provided holistic services to support the child. For example, treatment of inner ear infection in children improves their school performance leading to long term behavioural improvement and decreased chances of engagement with crime.[110]

Working With Families

Parents are the guardians of children. In most cases, parents wish to do what is best for their children and should be given the tools and resources to do so. Identifying any improvements that can be made by parents to support their children ensures that children remain in the care of their parents or carers for as long as they need. In cases where this is not possible, other services may be required. However, the goal of diversionary programs should be to prioritise keeping children at home and supporting families to achieve this.

Place-based Programs and Funding

Many factors that affect children who are at-risk of offending are specific to their local communities. Diversionary solutions must be place-based to ensure they are effective for addressing issues present in the community. Funding should also be place-based to ensure that these programs can access funding.[111]

Programs can be divided into post-offence programs and general programs. Case studies into both categories below show the benefits of utilising the above themes when working with children in this space.

Post-offence Programs

Deadly Diversion

Deadly Diversion operates in Mirrabooka, WA in conjunction with the Mirrabooka Police District. The program aims to address the underlying causes of high-volume offending and support young people to develop sustainable life pathways.[112] The Mirrabooka Police refer at-risk young people whose complex needs contribute to reoffending behaviours and significant police contact.

Benefits

The program identifies at-risk children at the crucial time of engagement with police. A partnered approach can strengthen relationships between police and the local community, and improve support for young people.

Considerations

Partnerships must be established by each Indigenous community and police station.

General Programs

Olabud Doogethu

Olabud Doogethu is a place-based intervention program supported by Social Reinvestment WA in Halls Creek. The program is a collaboration between the Shire of Halls Creek, the communities of Balgo (Wirrimanu), Billiluna (Mindibungu), Mulan, Ringer Soal (Kundat Djaru), Warmun (Turkey Creek) and Yiyili Mardiwah Loop, Yardgee and Nicholson Town Camp. The program engages a range of solutions to reduce crime in the local community. Solutions include employing Youth Engagement Night Officers to work with children on the streets at night, a paid traineeship program for every high school graduate, employment of 'Learning on Country' coordinators to lead youth rehabilitation, and an alternative education model that is culturally secure. This program has seen significant reduction of crime in the Halls Creek community, with total burglaries dropping 58% and incidents of stolen motor vehicles dropping 35% over the 2019-2020 financial year.[113]

Olabud Doogethu led to significant reduction of crime in the Halls Creek community, with total burglaries dropping 58% and incidents of stolen motor vehicles dropping 35% over the 2019-2020 financial year.

Benefits

The program engages leadership and staffing from local communities which ensures it is culturally sound and effective. The program also engages with youth to provide them holistic support to succeed, such as through its paid traineeship and alternative education model.

Considerations

The program costs $50,000 per year to run as well as requiring administration by the local community. Leaders in the community must be available and willing to run the program for it to operate effectively.

Feed the Little Children

Feed the Little Children operates in Broome and aims to tackle food insecurity to improve the lives of children. Feed the Little Children provides meals every week over two nights, and has collectively provided over 32 600 meals over the last year.[114] The impact of this program has been significant. The number of young people aged 1-19 charged with property offences in Broome reduced by 47% on nights it operates.[115] The number of hospitalisations for middle ear and mastoid has decreased, as affected children were referred to medical professionals via engagement with the program.

Benefits

The program has a small service offering meals for local communities, making it simple to run. There is a large community engagement aspect of the program with volunteers helping to provide the meals. The program has seen significant success despite low input cost.

Considerations

Feed the Little Children is not Indigenous-led, and may not be as culturally secure relative to alternatives where such security is necessary. The project also requires local community organisation and leadership to operate.

Youth Partnership Project

The Youth Partnership Project works with young people in the South-East corridor of Perth, with a pilot run in Armadale in 2018-2019. The project works by identifying at-risk young people through a specialised framework and providing holistic services according to the needs of the child. Around 60% of all participants are Indigenous children.

Benefits

The identification of at-risk individuals allows for targeted service provision, and may be applied to all of WA. The project assesses children holistically and allows for more effective provision of government services to at-risk youth.

Considerations

The program requires a significant capital injection to set up offices and engage staff to manage cases. The program also requires long-term case management of individuals and families. Whilst this is resource intensive, it also has the potential to address the systemic issues that cause youth offending. Furthermore, the significant long-term financial savings from effective diversion of children from the justice system are likely to offset the costs of running this program.

Key Themes and Programs

Themes	Reconnect (Save the Children)	Youth Partnership Program	Mobile Youth Service (White Lion)	Deadly Diversion (White Lion)	Ballajura Youth Drop in Centre (White Lion)	Deadly Hearts (Youth Involvement Council)
Indigenous-led solutions	-					
Culturally relevant	-			■		■
Holistic support services for the child	■	■	■	■	■	■
Working with families	-	■	■	■	■	■
Place-based programs and funding	-	■	■	■	■	■

Note: Shaded cells indicate element included in program

CONCLUSION

The evidence is clear that raising the age of criminal responsibility is beneficial not only for WA children, but for our wider community. An analysis of the social and structural issues currently plaguing our current justice system reveals that it is inherently flawed in its role of rehabilitating child offenders and reducing juvenile crime. As children are neurologically underdeveloped, improved care is needed in place of detention. This is especially the case for Indigenous children, who are already particularly vulnerable to criminalisation and subject to numerous factors that compound their likelihood of entering the justice system. These factors, alongside mounting pressure from both the local and international community, indicate that raising the MACR is no longer a choice, but a critical necessity demanding urgent attention.

A wealth of non-custodial alternatives, existing both abroad and locally in WA, have worked to improve the lives of children as well as reduce crime. These can be tailored and implemented on a larger scale in WA to serve as preferred alternatives to the current punitive approach, which fails to reduce recidivism or produce positive outcomes for community safety. A reformed youth justice system could serve to reduce crime whilst generating significant cost savings. Most fundamentally, reform would ensure that the individual needs of the child remain paramount.

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