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### Raising the Age of Criminal Responsibility

Thank you for your invitation to provide a submission in relation to raising the age of criminal responsibility. I make this submission as the South Australian Commissioner for Children and Young People. In addition, I endorse submissions and statements made on behalf of the Australian and New Zealand Children's Commissioners and Guardians (ANZCCG).

In my role I advocate for all children and young people in South Australia. In this capacity I am asking the Council to consider the substantial amount of research evidence that supports raising the criminal age from the current age of 10 to at least 14.

We have over 50 years of neurological and criminogenic research about children and young people that clearly finds that 10 year olds may know what is "good" and "bad", but are unable to distinguish between what is "bad" and what is "criminal". Put simply, according to neurobiology, a young person is "unable to make any rational choice, let alone a rational choice to commit a criminal act."<sup>i</sup>

Any increase to the Minimum Age of Criminal Responsibility (MACR) must coincide with an increase in investment in diversionary programs and early intervention supports so children and young people are kept away from the criminal justice system at all points.

I am aware that some groups, including victim support groups, are worried that raising the criminal age will mean that there will be no "consequence" if any child 10-14 has offended.

It is therefore important that any legislative change to increase the MACR is undertaken with a campaign to inform the community that there are alternatives to criminalising children, which result in a safer society with better economic outcomes. Changes should be informed by a therapeutic public health response addressing the child's behaviour and restorative practices. It is critical that any response for these children should be designed to protect the child from stigmatisation or isolation.

We also need to ensure that the victims of personal or property damage offences, committed by children under the MACR can still be compensated. These situations are already considered under the Victims of Crime Act 2001. The Act currently gives the

Attorney-General the discretion to consider compensation for harm resulting from criminal conduct or conduct that would constitute an offence if not for the person's age, or mental impairment. If the age was to be raised there could easily be some form of statutory compensation for those victims where children have admitted to wrong-doing as the provisions are already in place.

Since I commenced as Commissioner, I have spoken to thousands of children and young people about their hopes and dreams, as well as the issues that they worry about today. Overall I find children are empathetic, kind and want to help others. However, they are also worried about their future. They are worried about getting a good education so they can get a good job, the pressures placed on them at school and sometimes by family, or having their family and friends taken from them, and the environment.

These views and the associated narratives are not often portrayed by mainstream media, or at times the decision makers, commentators and leaders of Australia. My research has found that most media articles about children are negative (66%).<sup>ii</sup> This narrative can make adult audiences susceptible to perceiving that all children and young people are inherently bad and not to be trusted. More concerning, it affects children's wellbeing. This is consistent with other Australian research where children and young people believed that news media organisations neglected them and are biased against them.<sup>iii</sup>

Today's young people are a generation frequently described by adults as apathetic, lazy, spoilt and selfish. This narrative can result in policy and legislative responses that are reactionary and punitive in nature and not necessarily based on evidence and research. Public commentary too often attributes adult intent and meaning to children's behaviour. The general community understanding of the ages and stages of development appears limited. Despite considerable neurodevelopmental and epigenetic evidence there appears little cut through by leaders, policy makers and the legal community in terms of a contemporary understanding of children and child development.

I know the children and young people of today as a generation that is kind, cares deeply about inequality, is interested in public issues like employment, environment and diversity, and concerned about the future of the planet. A generation condemned for taking civil action on issues they care about, yet not included in conversations or asked to share their views and solutions.

A generation that is criticised for "not engaging", yet faces legal and financial barriers, discrimination, lack of confidentiality and respect, abuse, stigma and judgmental attitudes when they access services. A generation seen too often as either vulnerable or dangerous, rather than contributors and reformers. This must change to build an effective system.

I have therefore chosen to begin this submission with an overview of what I have gleaned from my work with primary school aged children and in particular 10 year olds, to bring their perspectives into this policy debate. Their views have come from my Postcard Project where I have gathered the views of over 8,000 children aged between 8 and 12 about their lives. I have taken a sample of 200 postcards from 10 year olds to show you what their hopes, dreams, worries and wishes are. I hope that these give you further insight on how a 10 year old's mind works.

#### What do 10 year olds like?

Playing is the number one things that 10 year olds enjoy. This includes playing with friends, playing sports (soccer, cricket, basketball, netball were the most mentioned) and video games. Play is so important for children's development and learning that it has been made a basic right under the Convention on the Rights of the Child: ***"Children have the right to relax, play and to join in a wide range of leisure activities"***<sup>iv</sup>.

Play is key to promoting healthy child development, confidence, wellbeing and learning. Unfortunately, 10 year olds that enter the youth justice system are not given the opportunity to play, which can affect their development, both mental and physical.<sup>v</sup>

*"Play games and play with friends and ride my bike."*

*"Plant plants, draw, play ipad."*

*"Play with animals, have eletronic time, Spend time with my family overseas & in australia!"*

#### What do 10 year olds want?

Again, play is the thing most 10 year olds want to do, along with helping other people and animals. Some also talk about what they want to do when they grow up. This includes such things as being a sports star, doctor, jockey, artist and writer, vet, zoologist, pastor, teacher and professional dancer.

*"Go home and play games."*

*"Play all day."*

*"Be a soccer player and I want to design machines that will help the world."*

#### What do 10 year olds worry about?

Most 10 year olds worry about their family and friends, including their family dying, having problems in the family and not being able to spend enough time with their family. With friends they worry about them leaving, having no friends, having fights with friends and getting bullied (either by their friends or their friends being bullied).

Children in the child justice system are inevitably taken away from family and friends and the impact of losing these things would be great for 10 year olds.

Children also worry about environmental issues, including climate change, fires, droughts, pollution and, animals (especially cruelty and animals being endangered). This is followed closely by a group of children not worrying about anything. But this is not a startling majority.

#### What would 10 year olds do if they were the boss of South Australia?

There were a number of different responses to this one, but ultimately they wanted to help the poor, help those in need and animals, stop crime, as well as address environmental issues, especially in relation to plastics.

*“Build more houses so the homeless people had somewhere to sleep at night. Make food cheaper so poor people won't starve.”*

*“Lower prices so homeless people can buy stuff. stop cancer stop smoking save our jetty from getting ruined.”*

*“Get all the people I can to Do a big beach clean up along all the coasts of South Australia to prevent pollution in our seas.”*

#### *How 10 year olds understand “crime”*

Ten year olds' understanding of how to stop crime is very simple. They just talk about “making” people stop doing naughty stuff simply by making it “illegal”. They do not have a concept of how this can be done and this reflects the research on neurological development and the law.<sup>vi</sup> The “simple” approach they have to life and what is wrong clearly shows that they cannot discern the difference between “naughty” and “criminal”.

*“Let everyone do what they want and be free but not do naughty stuff and rob people and places. Let people be in charge of their selfs and not let other people take over and don't litter so we can keep the animals alive and not let them go extinct, just let them live.”*

*“Make people stop kidnapping and stealing and take a few days of school only if they are sick and stay up late and sleep in all the time.”*

Some 10 year olds think that some naughty stuff is currently not “illegal”. This child below thinks that because people litter it is not illegal and there are no penalties. This shows that at times children do not even know what is or is not illegal:

*“Ban homework, make taxes lower, make it illegal to litter and make it so every weekend there is a big clean up.”*

The lives and minds of 10 year olds revolve around play, friends, family and animals. It is their immediate needs that concern them. They worry about things like being separated from family and friends, poor people having enough to eat, animals being treated cruelly, plastics and pollution. It is simply not realistic to expect these children to understand the consequences of criminal actions or to expect that punishment will make them “learn a lesson”.

Responding to children by making them “responsible” as if they were adults is effectively holding children to higher levels of accountability than adults, governments and institutions. These are the same adults who are mandated to support children to grow strong and lead happy and healthy lives as per the United Nations Conventions on the Rights of the Child and legislation including the Children and Young People (Child Safety) Act 2017.

#### The characteristics of young people who are more likely to touch the child justice system

The impact of trauma, poverty and disadvantage is bringing highly vulnerable children into the criminal justice system and bypassing more appropriate therapeutic wrap-around responses. The Australian Institute of Health and Welfare statistics show that 38 per 100,000 children under supervision, on an average day, come from the lowest socio-economic areas, compared to only 5 per 100,000 from the highest.vii

These are the children that adults have failed to support and have allowed to fall through the gaps. They may have been abused or neglected in some way, removed from families, are mentally or physically impaired or have been disengaged or isolated from education and community. We now have a greater understanding of the impacts of disadvantage, trauma and complex challenges and experiences on brain development, cognitive and communication skills, and emotional regulation. As NSW President of the Youth Court Judge Johnstone has said: “As a judicial officer, I see children and young people on a daily basis, and recognise the impact that trauma can have on a young person’s ability to articulate themselves and their ability to regulate their behaviours.”viii

One study has found that a disproportionate amount of children in Australia currently in detention have some sort of severe neuro-disability. In Western Australia, a Telethon Kids Institute investigation on the prevalence of Foetal Alcohol Syndrome Disorder (FASD) found that of the 99 children assessed, 36 were diagnosed with FASD. More disturbing was that 89% of these children had some sort of severe neurodevelopmental disability.ix Since children are not properly diagnosed when they enter the justice system, it is concerning that these children are not being treated in a therapeutic way for their disorders. Instead they are effectively “locked up”. This is not a responsible approach.

Aboriginal and Torres Strait Islander children are also over-represented in the youth justice system. South Australia’s Guardian of Children and Young People found that in 2017–18,

Aboriginal children and young people comprised two-thirds (66%) of the daily average of 10 to 17 year olds in detention. This is considerably greater than the national average of 57%.<sup>x</sup>

Another group of children over-represented in the child justice system are those living in the residential care of the State, who can be arrested as a ‘behaviour management’ strategy for carer ‘respite’, or to ensure insurance claims can be made. Aboriginal and Torres Strait Islander children are over-represented in this group.

In Victoria, there is a recognition that the criminalisation of Children in State Care is just inflaming the traumas and behaviours that they have experienced. To address this, they are creating a pilot program where police and residential care workers are working together to improve relationships with the children in care. The program aims to “build a parenting community that recognises the trauma young people in care have experienced and seeks to manage behaviours as a parent would”.<sup>xi</sup> This program requires that all front-line police are trained to recognise trauma-informed behaviours and address these behaviours in children in a safe way. It also includes building relationships by police popping into residential care units to have a “cup of tea and chat”. This has allowed positive engagement between police, children and carers and is helping to build trust.

#### Why Increase the Criminal Age of Responsibility to 14?

The UN General Comment No. 24 recognises “that Children differ from adults in their physical and psychological development”. Such differences constitute the basis for the recognition of lesser culpability, and for a separate system with a differentiated, individualised approach. Exposure to the criminal justice system has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults.”<sup>xii</sup> As a result of this research, for the first time the Committee on the Rights of the Child has set a minimum age of criminal responsibility and they have set it at 14.

Criminalising the behaviour of young and vulnerable children creates a vicious cycle of disadvantage and forces children to become entrenched in the criminal justice system.<sup>xiii</sup> There is now global evidence that shows successful alternatives and intervention to support these children.<sup>xiv</sup> Detention should only be used as a last resort, for older children and for more serious offences.

If we raise the MACR to 14 years, we must ensure that children under this age are supported. It is our responsibility, as adults, that children at all ages are given appropriate intervention to both prevent them from touching the justice system and divert them away from the justice system. It is also a government responsibility to support any victims of crimes committed by children.

The evidence is now overwhelming that early intervention responses work for children and their families. These responses ensure that children and young people are more likely to



remain out of the criminal justice system. It is also more cost effective to keep a child out of the justice system, both economically and socially. The cost per head in South Australia of keeping a child in community based supervision is \$124.79 per day. The cost of keeping a child in detention in South Australia is \$2,084.45 per day.<sup>xv</sup>

The best response for children who enter into the child justice system are approaches that not only give young people an opportunity for better lives, but that also make communities safer through rehabilitation and reintegration support.

#### A Public Health Approach

To appropriately support children and their families and community, there needs to be a multifaceted response that addresses service responses at the primary, secondary and tertiary levels.

The primary response by government should be to prevent children from committing criminal acts in the first place and appropriately treating those children under 14 displaying behaviours that constitute an offence, through a public health approach. The secondary response should concentrate on diverting children who have committed offences out of the justice system. Tertiary responses for children under supervision should be therapeutic responses and designed so that children are rehabilitated and can easily reintegrate back into society.

#### Primary Prevention

At the core, primary responses should provide a flexible approach to promote prosocial behaviour through timely and proportionate interventions. At the same time, any concerning behaviour should alert other agencies to concerns about the child or young person's well-being.

Those agencies, including police, social work, health, education and others, should in turn have a structured approach to sharing information in relation to their own contact with the young person, and jointly decide on the best response to support the person and their family to address any needs or risks. By working together, it is possible to provide support that is tailored to the child's needs and designed to help them to turn their lives around quickly.

In doing this, the principles contained in the UN Convention on the Rights of the Child and its supporting instruments should be applied. This includes the UN Standard Minimum Rules for the Administration of Juvenile Justice 1985, Guidelines for the Prevention of Juvenile Delinquency and the Rules for the Protection of Juveniles Deprived of their Liberty.

South Australia has a number of strategies and policies designed to keep children safe and well and out of the child justice and child protection systems. These include:

- The National Framework for Protecting Australia's Children 2009–2020

- The Getting it Right Early – SA Government’s Prevention and Early Intervention Strategy for Child Abuse and Neglect, 2018–2019
- The draft of the Youth Justice’s ‘Young People Connected. Communities Protected.’ State Plan

In addition to these frameworks, consideration has previously been given to the introduction of the Prevention and Early Intervention for the Development Wellbeing of Children and Young People Bill 2017, to ensure “targeted assistance is made available to vulnerable children and young people and their families”.xvi

To support the increased MACR, this Bill should be reintroduced with a resourcing clause and made into law. With resourcing, the proposed bill could underpin a state-wide public health approach to children whose behaviours constitute an offence. This state-wide strategy of prevention and early intervention for children and young people and their families would satisfy their fundamental rights to health, safety and inclusion. A minimum set of standards that governments are responsible for upholding and protecting.

This will also ensure a measured and protective response for children and young people who are known to the “system” in some way, or who are currently falling through the gaps. It is well known, for example, that there is a shortage of services in the areas of mental health, homelessness and family violence for children and young people, especially those aged between 8 and 12.

#### Secondary Prevention

Opportunities to divert children away from formal prosecution can change the behaviour of young people. Effective diversion involves working at a systems level to identify young people reported for low level offences and divert them into programmes that provide support which addresses their behaviour.

If a child is displaying behaviours that constitutes offending, there should be an age-appropriate response that provides support for the child and is restorative in nature. There should be services for children and their families that are timely in nature and address the issues the child is displaying. When a young person is kept in their community, it is important that appropriate risk assessment and management procedures are in place, alongside intensive support and supervision including, in some cases, electronic monitoring to ensure community safety.

The South Australian Young Offenders Act 1993 already provides police with a number of powers to divert and increase opportunities for more diversion. SAPOL may need more tools to interact with children and to know what they can do to help these children.



In New Zealand, police have powers through the Alternative Action program to divert children away from youth justice when they are caught offending. Developed in 2011, Alternative Action allows police to work with the child and their family to decide on a plan to deal with the offending. Most of the responses are restorative in nature and include:

- paying for the damage caused
- doing community work
- going to counselling;
- writing an apology letter
- agreeing to attend school every day
- doing an assignment about the effects of the offending.

In South Australia, police are able to instigate a family conference for young people who have admitted an offence under the Young Offenders Act 1991. Family conferencing in South Australia is based on a restorative approach and works with other services to support children and young people. However, it is not currently used as the default option.

An effective strategy to increase the diversion of children would be for government and non-government agencies working with children and families to be trained in:

- Identifying and understanding challenging behaviour in children and how to appropriately respond so a child gets the help they need;
- Communicating with children in a non-threatening way and de-escalating situations;
- Adverse Childhood Experiences (ACEs) and links to behaviour and appropriate responses;
- Unconscious bias so that entrenched discrimination is acknowledged;
- Cultural Awareness Training to ensure responses are culturally aware and appropriate, particularly for Aboriginal and Torres Strait Islander children.

Research in Wales shows that for every 100 adults, 47 have suffered at least one Adverse Childhood Experience (ACE) during their childhood and 14 have suffered 4 or more. A person in Wales who has experienced 4 or more ACEs is 65% more likely to be incarcerated. In response to this research, police are now working with public health, education, housing, social care and charities so they have an appropriate response for a child and their families. All frontline police, prison and probation services have undertaken Adverse Childhood Experiences (ACEs) awareness training to help them identify vulnerable children and intervene before behaviour escalates.

Although this project was only launched in 2019, there have already been some positive stories. In an estate in Maestag, where there has been problems of anti-social behaviour, police have been running weekly football and rugby sessions. These have helped the children and families experience a more positive relationship with the police and behaviour on the estate has improved as a result.

This training is also very important in education settings as one of the main drivers of children entering the justice system is disengagement from school, often called the ‘school-to-prison’ pipeline. There is evidence that school suspension has a range of negative behavioural outcomes, including academic failure, the marginalisation of children and an increased risk of youth and adult incarceration.<sup>xvii</sup> Education settings should be doing everything they can to ensure that all children are remaining at school and that behaviour management approaches do not include absence from school or isolation from avenues of support.

### Tertiary Response

While the intention is to keep as many young people out of the formal court process, for those young people who do go through the court process, we hope to improve the young person’s experience and engagement with the courts and the support they receive. This includes improving the information for courts dealing with young people to ensure that they have a greater understanding of the needs of young people. This also includes focusing on the range of disposals available as an alternative to custody and options around bail and remand.

If a child must go to Court, there are ways to make the court more child friendly and child focussed. This includes changing the court room layout and procedures to make it more child centred and friendly. Some examples include:

- Allowing young people to have a say – Children should be allowed to have a more of a say. Children in the justice system that I have talked to say they want more opportunities to comment, respond and express their views.
- Setting supportive bail conditions – Using bail conditions as a way of supporting young people not to re-offend. They said that ‘one-size fits all’ does not work and that they should have individualised bails conditions, which are discussed with the magistrate and informed by the young person and their situation.
- Making minimal use of fines – Children say that being fined just adds unnecessary financial pressure, which can mean they cannot afford to eat or buy credit for a mobile phone.

It is important to identify effective ways of working with high risk young people involved in behaviours that are dangerous and harmful, and to acknowledge that a small number of young people will require placement in secure care. The secure care providers should work with the young person to improve their outcomes by encouraging behavioural changes and increasing their engagement with learning, education and health care.

Supporting reintegration from secure care back into society is vitally important to reduce reoffending. Children and young people leaving secure care and custody should have a package of support detailed in their Child’s Plan (the plan a child has whilst in the justice system) to help them re-integrate successfully.<sup>xviii</sup>

A Churchill Trust Fellowship paper explored therapeutic models of youth justice and found “strong evidence to suggest that using a more therapeutic and trauma-informed model of youth justice will improve the life trajectories for young people in custody and reduce the likelihood of repeat offending, violent incidents, restraints and isolations of young people in custody”.xix

The paper found that to increase rehabilitation and reintegration into community, places of detention should contain certain elements. These include:

- Well trained, supervised and supported staff who have the skills and capacity to self-regulate and perform their role. This includes trauma informed training and knowledge in social pedagogical models. It is recommended that staff be graduate qualified with “high levels of emotional intelligence and self-awareness, and skills in music, sports, trades and art.”xx
- Making the operation of units more open through better relations between workers and children. This means moving away from punitive approaches to responding to behaviour towards creating environments characterised by mutual respect, autonomy and sound structure and operations. This can be helped through children giving feedback on their sense of security.
- Providing all children with a dedicated clinician in the unit and an individual treatment plan. Evidence points to the fact that most children in detention are more likely to have a mental or physical impairment and require some sort of treatment.
- Access to good education that is predictable and structured. It also should be mainstream so they are able to achieve real qualifications.xxi
- Finally, there needs to be supported transition. To do this facilities need to be preparing children to exit as soon as they enter. This means that facilities should have more of a homely feel and be built more like university campuses rather than prisons.

In addition, children and young people who have been charged should be provided with a full health screening, both physical and mental, for any evidence of ACEs. Testing all children within the system is important. As has been discussed, there is ample evidence that these children are mentally impaired in some way. Before a child goes to court they should be assessed, so the court can understand their actual emotional age and they can be treated accordingly.

Preventing children from entering the child justice system before age 14 is achievable in South Australia. On an average day, there are 286 children under youth justice supervision. Of those, 64 are aged between 10 and 14. Sixty four children is a small group, making it easier for the government to invest in inter-agency, early intervention and diversionary programs to provide some wrap-around supports for these children (and their families) to divert them away from the system and reconnect them with school, family and community.

Our response to these children should be expressly:

- Focussed on the needs of the child;
- Adopt a preventative and educational approach to their problems;
- Emphasise the importance of family in tackling behaviour;
- Separate the response to a crime from decisions on treatment;
- Use trauma-informed responses;
- Address poverty, social exclusion and financial disadvantage.

In taking a public health approach to children's behaviour we can shape a new, transformative model that will protect children from harm and ensure that they become well-connected adults.

Yours sincerely



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<sup>i</sup> Judge Peter Johnstone, President of the children's court of NSW, *Early Intervention, diversion and rehabilitation from the perspective of the children's court of NSW*, 6<sup>th</sup> Annual Juvenile Justice Summit at para 67.

<sup>ii</sup> This was internal research where the office analysed 147 articles in the media to determine how children and young people are represented in the media.

<sup>iii</sup> Notley T et al., *News and Australian Children: How Young People Access, Perceive and are Affected by the News*, The Institute of Culture and Society (Western Sydney University), Digital Media Research Centre and Crinkling News, 20 November 2017 accessed at [https://www.westernsydney.edu.au/\\_data/assets/pdf\\_file/0009/1331847/EMBARGOED\\_to\\_Monday\\_November\\_20\\_2017\\_News\\_and\\_Australian\\_Children\\_How\\_Young\\_People\\_Access\\_Perceive\\_and\\_are\\_Affected\\_by\\_the\\_News-small1.pdf](https://www.westernsydney.edu.au/_data/assets/pdf_file/0009/1331847/EMBARGOED_to_Monday_November_20_2017_News_and_Australian_Children_How_Young_People_Access_Perceive_and_are_Affected_by_the_News-small1.pdf) on 8 January 2020

<sup>iv</sup> Article 31 of the Convention on the Rights of the Child and United Nations General Comment No.17. For discussion see [http://ipaworld.org/wp-content/uploads/2013/11/IPA-Summary-of-UN-GC-article-31\\_FINAL1.pdf](http://ipaworld.org/wp-content/uploads/2013/11/IPA-Summary-of-UN-GC-article-31_FINAL1.pdf)

<sup>v</sup> See, for example, [Raisingchildren.net.au](http://raisingchildren.net.au) and <https://www.verywellfamily.com/types-of-play-2764587>

<sup>vi</sup> White M., *Youth Justice and the Age of Criminal Responsibility: Some Reflections*, (2019) 40 Adelaide Law Review at 257.

<sup>vii</sup> AIHW, *Young People in Child Protection and Under the Youth Justice Supervision: 1 July 2013 to 30 June 2017*, 16 October 2018 at 13.

<sup>viii</sup> Ibid at para 71.

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- <sup>ix</sup> Telethon Kids Institute, *Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia*, 1 April 2018 accessed at <https://bmjopen.bmj.com/content/8/2/e019605>.
- <sup>x</sup> GCYP, *Aboriginal children and young people in care and juvenile detention 2017-18*, accessed at <http://www.gcyp.sa.gov.au/publication/statistics/>.
- <sup>xi</sup> Victoria Legal Aid, *Care not Custody – a shared vision for young people in care*, 29 August 2019, accessed at <https://www.legalaid.vic.gov.au/about-us/news/care-not-custody-shared-vision-for-young-people-in-care>.
- <sup>xii</sup> Committee on the Rights of the Child, *General comment No.24 (2019) on children's rights in the child justice system*, 18 September 2019 at paragraph 2.
- <sup>xiii</sup> Australian Institute of Health and Welfare 2016. *Young people returning to sentenced youth justice supervision 2014–15*. Juvenile justice series no. 20. Cat. no. JUV 84. Canberra: AIHW: The younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision.
- <sup>xiv</sup> See Royal Commission and Board of Inquiry into the Prevention and Detention of Children in the Northern Territory (Final Report, November 2017) vol 2B: see especially 358–405.
- <sup>xv</sup> Commonwealth Government, *Report on Government Services 2019 – Youth Justice Services*, accessed at <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/community-services/youth-justice>.
- <sup>xvi</sup> Prevention and Early Intervention for the Development and Wellbeing of Children and Young People Bill 2017, accessed at [https://www.legislation.sa.gov.au/LZ/B/ARCHIVE/PREVENTION%20AND%20EARLY%20INTERVENTION%20FOR%20THE%20DEVELOPMENT%20AND%20WELLBEING%20OF%20CHILDREN%20AND%20YOUNG%20PEOPLE%20BILL%202017/B\\_AS%20INTRODUCED%20IN%20LC/PREVENTION%20YOUNG%20PEOPLE%20BILL%202017.UN.PDF](https://www.legislation.sa.gov.au/LZ/B/ARCHIVE/PREVENTION%20AND%20EARLY%20INTERVENTION%20FOR%20THE%20DEVELOPMENT%20AND%20WELLBEING%20OF%20CHILDREN%20AND%20YOUNG%20PEOPLE%20BILL%202017/B_AS%20INTRODUCED%20IN%20LC/PREVENTION%20YOUNG%20PEOPLE%20BILL%202017.UN.PDF).
- <sup>xvii</sup> Hempill S et al., *Positive associations between school suspension and student problem behaviour: recent Australian findings*, Australian Institute of Criminology, accessed at [https://aic.gov.au/file/6368/download?token=\\_Jy2o1AA](https://aic.gov.au/file/6368/download?token=_Jy2o1AA).
- <sup>xviii</sup> Scottish Government, *Whole System Approach for young people who offend*, accessed at <https://www2.gov.scot/wsa>.
- <sup>xix</sup> Robinson M., *To examine trauma-informed models of youth models of youth detention and bring back findings*, 2015, accessed at [https://www.churchilltrust.com.au/media/fellows/Robinson\\_M\\_2015\\_To\\_examine\\_trauma-informed\\_models\\_of\\_youth\\_detention\\_.pdf](https://www.churchilltrust.com.au/media/fellows/Robinson_M_2015_To_examine_trauma-informed_models_of_youth_detention_.pdf).
- <sup>xx</sup> Ibid at 6.
- <sup>xxi</sup> Parkville College, Home, accessed at <http://parkvillecollege.vic.edu.au/>.