



Community Support and Services Committee  
Email: [CSSC@parliament.qld.gov.au](mailto:CSSC@parliament.qld.gov.au)

Submission: **Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021**

Dear Chair

#### About Beyond Abuse

For twenty years Beyond Abuse has been providing direct support to survivors of child abuse to assist with access to: criminal justice (reporting to police and support through the court process); health care (accessing appropriate health services); and civil justice (reparations / redress).

Beyond Abuse works with governments, oppositions and independents to support legislation that enhances the protection of children and accountability of institutions or perpetrators. Beyond Abuse assisted with the “#LetHerSpeak” campaign and with rollout of recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse as well as other child protection reforms. Beyond Abuse has given evidence and submissions to government inquiries. CEO Steve Fisher frequently provides interviews to media. Beyond Abuse receives government and corporate funding.

CEO Steve Fisher has psychology qualifications and has worked with children in detention.

#### Age of criminal responsibility – detention of children

Beyond Abuse supports raising the age of criminal responsibility to 14 supported by a model of rehabilitation and culturally appropriate developmental support for children up to the age of 14.

Locking up children or young people – usually already vulnerable and traumatised – does nothing to resolve the complex issues that have led to the situation (and which remain after release from incarceration).

At 14, as at 12, children are still developing cognitively and emotionally. A child of 14 is not the finished person. They are not a fully functioning adult. If they are 'offending' then almost by definition they are a person who has been deprived of the basic human needs for healthy development up to that point. It is too early to 'write them off'. There is still great opportunity for healthy intervention.

If a child or young person has begun to engage in anti-social or criminal behaviour then that is very often the consequence of an early life absence of those aspects crucial for human development:

- Love
- Stability
- Close interpersonal connection
- Feelings of validation
- Safety – physical, emotional
- Freedom to try and fail and try again (the essence of a healthy childhood)

Additionally, there may be negative factors present such as:

- Parental instability, unreliable adults or care givers, or chaos of domestic situation
- Housing instability
- Domestic / family violence
- Mental health instability in the family home
- Exposure to inappropriate drugs, alcohol or other criminal activity
- Age-inappropriate or developmentally inappropriate exposures
- Intergenerational trauma

None of these are the child's fault. They predictably deprive the child of the ordinary stability, boundaries, guidance and structure that any person needs during early life development.

Any solution to a problem should reasonably fit the underlying problem. Incarceration does nothing to provide the emotional warmth, human connection, safety, healthy structure, etc that is needed. Incarceration is emotionally distant, threatening to safety (filled with numerous physical, emotional and sexual threats), is invalidating and marginalising. It should always be a last resort.

### Abuse in detention

Numerous youth detention facilities have been exposed as places in which the vulnerable children have been criminally subjected to further abuse, either perpetrated by other detainees or by staff.

This has included physical abuse in the category of authorised procedures which are inappropriate or have been taken too far by staff. It has included intentional criminal physical and sexual assault of detainee children by perpetrating staff. This has occurred wherever there are children in detention. Before any government places a child in detention it must first be able to *guarantee* that the incarceration will not cause more harm to that child.

### Healthy intervention

The undeveloped / developing nature of the child or young person's brain is an **opportunity**. The fact the young brain is still developing is the most powerful opportunity to break the cycle of trauma and deprivation for that young person. It is the opportunity to reach that child and help guide them away from their difficult childhood, through adolescence to become a healthy, functional adult. That is to everyone's benefit, the child's and the whole community's benefit.

Squandering that developmental opportunity by incarcerating the young person, so those crucial remaining developmental years are spent in detention, being further traumatised, further marginalised, further deprived of the necessities of life, further exposed to the criminal milieu is a tragic and insensible waste.

### Raise the age

Beyond Abuse supports raising the age of criminal responsibility to 14 and supports a dialogue based on evidence – not the politics of fear or 'get tough on crime' soundbites.

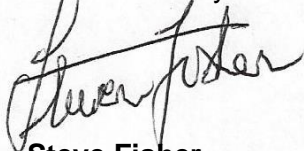
It is a compelling argument that the Queensland Atkinson Report recommended a standard consistent with the United Nations Committee on Rights of the Child – that standard is now 14.

Of course, any age cut off in legislation is to a degree arbitrary. Human development does not occur to a fixed milestone but occurs on a continuum with variety between individuals. At the same chronological age, some people may be more or less mature than others. Also different aspects of a person may mature at different rates – so a 14 year old may appear physically tall and intimidating but actually be emotionally underdeveloped.

Ordinary and healthy human development takes time and is marked by a series of try-fail-try again. That is normal human development in all children not just traumatised children who have come to the attention of the legal system. But sadly when it comes to discussion of child detention policies, our most traumatised children are expected to respond perfectly to the first intervention and any stumble is misused as evidence that rehabilitation or supportive models are soft and are a failure. This misunderstands the reality of the time scale for measuring success of such programs and the appropriate longitudinal investment required. Complex problems have complex solutions and having the policy courage to acknowledge complexity is not being 'soft on crime'. It is far more likely to lead to crime reduction than knee-jerk default incarceration of children.

Beyond Abuse supports policy development conversations that acknowledge the complexities of child development and that child 'offenders' are children who have been deprived of the healthy start to life they deserve. Children should never be fodder in a 'get tough on crime' narrative.

Yours sincerely



**Steve Fisher**  
CEO  
Beyond Abuse