Youth Justice and Other Legislation
Amendment Bill 2014
Submission 15

caxton
legal centre inc

SUBMISSION TO LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Youth Justice and Other Legislation Amendment Bill 2014

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1. INTRODUCTION

Youth justice in context

Young people occupy a vulnerable place in our society. They are still undergoing important brain development, and both behavioural psychology and neuroscience attest that adolescents are less able to control their impulses, plan ahead, and weigh the consequences of their decisions before acting.[1] This, in addition to their susceptibility to peer influence, means that young people are attracted to novel and risky activities and may become involved in criminal behaviour.[2] However, the impressionability of young people also means that they are receptive to positive interventions and can be guided to a better path. Diverting young people from formal court processes and from prison environments is most important.

It is for the above reasons that international law has promoted the establishment of separate juvenile justice systems which treat young offenders differently to adult offenders. The United Nations Committee on the Rights of the Child in its commentary on the *Convention on the Rights of the Child* has noted that "the protection of the best interests of the child means ... that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders."[3]

It is thus of great concern that the Queensland government is seeking to pass amendments which steer the law in the direction of punishment and deterrence rather than rehabilitation. Of equal concern is the fact that there is little evidence these measures will have the desired effect of preventing juvenile crime and protecting the community. Detention is often acknowledged as criminogenic and is associated with high levels of recidivism, while "naming and shaming" can further entrench criminal identities, exclude young people from their community and make them feel as though they have a criminal reputation to uphold.

Furthermore, these amendments have the potential to have a discriminatory effect when applied in the community. Many children who come into contact with the juvenile justice system lead difficult lives and come from disadvantaged backgrounds. Indigenous youth are grossly over represented in the juvenile justice system. It is not surprising then that an appeal, against these proposed laws, has already been made to the UN Special Rapporteur on the Rights of Indigenous Peoples. Queensland is clearly at risk of international reputational damage if it were to enact discriminatory laws in contravention of international law.

This submission seeks to adopt an evidence based approach to demonstrate that these new laws are unnecessary, inappropriate, potentially counter-productive and should not be passed.

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[1] Richard J Bonnie and Elizabeth S Scott, 'The Teenage Brain: Adolescent Brain Research and the Law.' 2013 (22) *Current Directions in Psychological Science* 158, 159

[2] Ibid; Kelly Richards. "What makes juvenile offenders different from adult offenders?" 2011 (409) Australian Institute of Criminology. *Trends and Issues in Crime and Criminal Justice*. 4.

[3] Committee on the Rights of the Child, "General Comment No 10: Children's rights in juvenile justice." Forty-fourth session, Geneva, 15 January-2February 2007, paragraph 10.

About Caxton Legal Centre

Caxton Legal Centre Inc. (the Centre) is Queensland's oldest non-profit, community-based, legal service and is staffed by 25 staff members and approximately 200 volunteer lawyers and law students. The Centre operates free legal advice and information services, 3 specialist legal casework services (including an advice programme for seniors experiencing domestic/family violence and other forms of abuse), 5 clinical legal education programmes in partnership with Griffith University, QUT and the University of Queensland, as well as general community education services and social work support services.

The Centre also undertakes law reform activities in areas of law relevant to the community we serve. Our goal is to promote 'access to justice' and we provide approximately 13,500 legal information and advice services each year to both individuals and other community organisations. We specialise in 'poverty law' and the majority of our clients are economically and/or socially disadvantaged in some way. At least a third receives Centrelink benefits.

2. KEY CONCERNS AND RECOMMENDATIONS

2.1 Detention should be a last resort for children

The proposed amendments

Currently, the *Youth Justice Act 1992* and the *Penalties and Sentences Act 1992* provide that detention should only be imposed as a last resort on young offenders.[4] The Youth Justice and Other Legislation Amendment Bill 2014 ("the Bill") proposes a number of amendments which displace this principle. It removes a number of provisions from these Acts[5] and inserts a new section into the *Youth Justice Act 1992* which reads:

> "This section overrides any other Act or law to the extent that, in sentencing a child for an offence, the court must not have regard to any principle that a detention order should be imposed only as a last resort."[6]

International law

These amendments are contrary to international law. The principle of detention as a last resort is a fundamental principle of juvenile justice and is contained in numerous instruments of international law. The *United Nations Convention on the Rights of the Child 1989* ("the CRC") states that "[t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time."[7] Similarly, the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice 1985* ("The Beijing

[4] *Youth Justice Act 1992*, ss150(2)(a), 208, Schedule 1, item 17; *Penalties and Sentences Act 1992*, s9(2).
[5] *Youth Justice and Other Legislation Amendment Bill 2014*, Cl 12; 25 and 34.
[6] *Youth Justice and Other Legislation Amendment Bill 2014*, Cl 9.
[7] Article 37(b).

Rules") state that "[t]he placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period."[8]

The proposed amendments contained in the Bill are contrary to international law, and the government has acknowledged this in its Explanatory Notes to the Bill.[9] The Explanatory Notes openly acknowledge that removing the principle of detention as a last resort "will likely result in greater rates of actual imprisonment as the starting point will no longer be that a sentence that allows the offender to remain in the community is to be preferred."[10] Australia's commitment to international instruments and rights protections should not be viewed as empty promises.

The Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd and the Human Rights Law Centre have noted that the proposed amendments are likely to impact disproportionately on Indigenous children, and are therefore also in contravention of Article 2(1) of the CRC and Articles 2(1)(c) and 5(a) on the *Convention on the Elimination of Racial Discrimination* (CERD).[11] On 4 February 2014 an urgent appeal was made to the UN Special Rapporteur on the Rights of Indigenous Peoples requesting investigation and follow up action. If the government chooses to pass these new laws, it exposes them to international scrutiny and criticism. This is not something which should be lightly ignored.

If Australia were to ignore the recommendations of the United Nations Human Rights Committee or its international law obligations, its standing in the international community would suffer. Various authors including Hodgson suggest that persistent violators of the *Convention on the Rights of the Child* should be subject to greater international embarrassment and condemnation.[12] He suggests, a sort of shaming exercise in the UN General Assembly.[13] Suspension of voting rights in the UN is another possibility for persistent violators.

Comparison with other jurisdictions

The principle of detention as a last resort is protected in all other Australian jurisdictions. The Explanatory Notes admit that the Bill is specific to Queensland.[14] This is further concerning and without evidence of this proposal being effective, the Queensland parliament should not experiment with such reforms.

Discriminatory effect of laws

As noted above, the proposal to remove detention as a last resort will have a disproportionate and discriminatory impact on Indigenous youth. Although only about 6% of young people aged 10-17 in Queensland are Indigenous, The Australian Institute of Health and Welfare (AIHW) reported that Indigenous young people constituted 61% of those in youth justice detention in Queensland on an

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[8] Rule 19.
[9] *Youth Justice and Other Legislation Amendment Bill 2014: Explanatory Notes*, 12.
[10] *Youth Justice and Other Legislation Amendment Bill 2014: Explanatory Notes* , 13
[11] Aboriginal and Torres Strait Islander Legal Service (Qld) and Human Rights Law Centre, Letter to the UN Special Rapporteur on Indigenous Rights. 5 February 2014,4-6, Available at www.hrlc.org.au/wp-content/uploads/2014/02/Letter_Special_Rapporteur_Indigenous_Rights.pdf
[12] Hodgson D, "The Historical Development and 'Internationalisation' of the Children's Rights Movement" (1992) 6 *Australian Journal of Family Law* 252, 265.
[13] Ibid, 275.
[14] *Youth Justice and Other Legislation Amendment Bill 2014: Explanatory Notes*, 14

average day in 2011-12.[15] In other words, Indigenous young people are 26 times as likely as non-Indigenous young people to be in detention in Queensland.[16]

The *Anti-Discrimination Act 1991* (Qld) prohibits laws that demonstrate either indirect or direct discrimination on the basis of various qualities including race, disability and age.[17] Additionally, discrimination is prohibited in the administration of State laws and programs.[18] Therefore, the government's intention to remove imprisonment as a last resort and the consequential effect on indigenous young people is subject to section 101 of the Act. Because the Act prohibits both direct and indirect discrimination it does not matter whether this discrimination is the result of intentional over-policing of Indigenous peoples or whether it is the indirect effect of greater rates of Indigenous homelessness and disadvantage.

This amendment will similarly have a disproportionate impact on those from marginalised backgrounds. In 2009, a health survey of young people in custody in New South Wales found that:

> "Young people in custody have significant health problems including high rates of mental illness, drug and alcohol abuse and other risk taking behaviours" and "many come from highly disadvantaged backgrounds with high rates of child abuse, trauma, neglect, and a significant proportion have parents with a history of incarceration, drug and alcohol dependence and low socio-economic status."[19]

Another report by the AIHW has drawn links between homelessness, child protection and juvenile justice.[20] It found there was strong evidence that children who suffered abuse or neglect were more likely to engage in criminal activity. Children who had been involved in the child protection system were more likely to have low levels of education and employment, were more likely to be homeless and were thus more likely to commit survival crimes such as theft.[21]

It is submitted that any increase in the use of youth detention is an inappropriate way of addressing the complex causes of juvenile crime, and will disproportionately impact on the most vulnerable and marginalised young people in the State.

Detention is criminogenic

Not only is detention inappropriate, it has also shown to be ineffective in reducing recidivism. In fact, it is more likely that detention entrenches young people in the criminal justice system. The AIHW has found that 71% of those in detention in 2010-11 had returned to sentenced supervision within one

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[15] Australian Institute of Health and Welfare, "Queensland: overview of youth justice supervision in 2011-12" (2013) Youth justice fact sheet no. 13 (JUV 25), 1-2.
[16] Ibid, 2
[17] *Anti-Discrimination Act 1991* (Qld), s7
[18] Ibid, s101
[19] Indig, D., Vecchiato, C., Haysom, L., Beilby, R., Carter, J., Champion, U., Gaskin, C., Heller, E., Kumar, S., Mamone, N., Muir, P., van den Dolder, P. & Whitton, G. "2009 NSW Young People in Custody Health Survey: Full Report." (2011) Justice Health and Juvenile Justice, 162
[20] Australian Institute of Health and Welfare. "Children and young people at risk of social exclusion: links between homelessness, child protection and juvenile justice." (2012) Data linkage series no. 13(CSI 13).
[21] Ibid, 5.

year, and 91% had returned within two years.[22] Young people are susceptible to being influenced by their peers, and detention is no exception. Indeed, a paper published by the Australian Institute of Criminology describes prisons as "'universities of crime' that enable offenders to learn more and better offending strategies and skills, and to create and maintain criminal networks."[23] If the government's goal in proposing this amendment is to deter and prevent offending and to protect the community from criminal behaviour, then detention is likely to be ineffective.

***Recommendation*:**

Caxton Legal Centre recommends that the amendments contained in Clauses 9, 12, 25 and 34 which remove the principle of detention as a last resort be removed from the Bill.

2.2 "Naming and shaming" is not appropriate for young offenders

The proposed amendments

Currently, the *Youth Justice Act 1992* protects the privacy of children by prohibiting the publication of a young offender's identifying information.[24] "Identifying information" encompasses any information that can lead to the identification of a child, including the child's name, address, school, employer or photograph.[25] A court may only allow such identifying information to be published if the child has been sentenced for a life offence involving violence against a person or for an otherwise "particularly heinous" offence.[26] Additionally, the *Children's Court Act 1992* provides that court proceedings involving children should be closed to the public.[27]

The government has indicated that it wishes to enable repeat offenders to be "named and shamed" for their offences. The Bill seeks to retain privacy protections for first time offenders only.[28] For children who are not first time offenders, there will no longer be a presumption in favour of privacy. It will be legal to publish identifying information about the child unless the court makes an order prohibiting publication.[29] Furthermore, proceedings in the Children's Court will be open to the public, unless the court orders them to be closed.[30]

International law

If passed, these new laws will be in violation of international law. The CRC enshrines the child's right to privacy, and provides that every child accused of infringing the law should "have his or her privacy fully respected at all stages of the proceedings."[31] The CRC insists that every child has the right to be

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[22] Australian Institute of Health and Welfare. "Using the Juvenile Justice National Minimum Data Set to measure youth recidivism." (2013) Juvenile Justice Series 14 (JUV 32).12. In comparison, only 41% of those with a community-based supervision returned within one year, and 61% within two years.
[23] Richards, above n2, 6.
[24] *Youth Justice Act 1992*, s 301
[25] *Youth Justice Act 1992*, Schedule 4,
[26] *Youth Justice Act 1992*, ss234 and s176(3)(b)
[27] *Children's Court Act 1992*, s20
[28] *Youth Justice and Other Legislation Amendment Bill 2014*, Cl 22
[29] *Youth Justice and Other Legislation Amendment Bill 2014*, Cl 21
[30] *Youth Justice and Other Legislation Amendment Bill 2014*, Cl 31
[31] Articles 16 and 40.2(b)(ii)

treated in a manner "which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society."[32]

The Beijing Rules provide further detail, stating that:

> "8.1 The juvenile's right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.
> 8.2 In principle, no information that may lead to the identification of a juvenile offender shall be published."

Comparison with other jurisdictions

All Australian states, with the exception of the Northern Territory, have a general rule prohibiting the publication of identifying information.[33] In 2007, the New South Wales Standing Committee on Law and Justice was asked to conduct an inquiry into the prohibition of naming child offenders in New South Wales. In 2008, the Committee published a comprehensive report which unequivocally recommended that NSW retain its existing protections for children. The report recommended that these protections be extended to the investigation stage of criminal proceedings, and that uniform laws be introduced across the country.[34] This committee would benefit greatly from the extensive review conducted by New South Wales when determining that these reforms are not in the community's interests. We urge the Committee to read this report.

Stigmatisation and labelling

"Naming and shaming" carries a high risk of stigmatising young offenders. Stigma can cause a young person to suffer prejudicial treatment from their community and form a negative self-identity as a criminal. In *MCT v McKinney*, the Northern Territory Court of Appeal considered an application for a suppression order and demonstrated its concerns about the impact of identification:

> "... it is important to weigh in the balance the fact now almost universally acknowledged by international conventions, State legislatures and experts in child psychiatry, psychology and criminology, that the publication of a child offender's identity often serves no legitimate criminal justice objective, is usually psychologically harmful to the adolescents involved and acts negatively towards their rehabilitation."[35]

The Attorney General, when introducing the Bill, asserted that these reforms are 'to get these young people to turn their lives around, get them an education and a job and out of a life of crime.'[36] (*emphasis added*). These aspirations for youth are positive. However, as a statement asserting what these law reforms will do, it is contradictory to actual evidence and research.

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[32] Article 40
[33] *Young Offenders Act 1993* (SA), ss13 and 63C; *Young Offenders Act 1994* (WA), s40; *Children, Youth and Families Act 2005* (Vic), s534; *Youth Justice Act 1997* (Tas), ss22 and 31; *Criminal Code 2002 (ACT)*, s 712A.
[34] New South Wales Legislative Council, Standing Committee on Law and Justice, "The prohibition on the publication of names of children involved in criminal proceedings." (2008) Report 35.
[35] *MCT v McKinney & Ors* [2006] NTCA 10, [20].
[36] Bleijie, J. (LNP Member for Kawana, Attorney General and Minister for Justice), *Parliamentary Debates (Hansard)*, Second Reading Speech, *Youth Justice and Other Legislation Amendment Bill* (11 February 2014), 46

Media reports which identify a young offender as a criminal or delinquent can have significant effects for that person's rehabilitation and reintegration into the community. Research has shown that accommodation and employment are key factors in reducing most types of recidivism, and that employment in particular "brings income and structure, but also a connection to society, self-esteem, and a community of peers reinforcing 'legitimate' norms and values."[37] However, young offenders who are branded as criminals are likely to face difficulties accessing employment, educational opportunities, housing and membership in community groups.[38]

The prejudicial effect of "naming and shaming" is multiplied by the internet, where information and news reports are accessible by people around the world for years after their publication. The Human Rights and Equal Opportunity Commissioner has argued that these practical consequences can be far worse than the original sentence imposed by the court:

> "Publication of a child offender's name will effectively add to the sentence imposed by the court, doubly punishing child offenders with lifelong stigmatisation - a constant fear that one day a future employer, or neighbour, a friend or colleague will trawl the internet or newspaper archives and find out about the mistakes they made as a 15 year old. Their chances of rehabilitation will be substantially reduced as a result.[39]

Naming and shaming laws also have the potential to increase stigma and prejudice suffered by communities that are already marginalised. Indeed, research from the Northern Territory shows that naming and shaming laws are having a disproportionate effect on Indigenous youth. Already over-represented in the juvenile justice system, they have similarly been over-represented in being singled out for public identification.[40]

Another, equally important kind of stigma is that which is internalised by the child. Labelling theory posits that young people who are labelled as criminals are likely to assume that identity and behave in a corresponding manner.[41] Child offenders who might ordinarily be reintegrated back into society become attached to their criminal identities and are entrenched further in the criminal justice system.[42] The NSW Committee heard considerable evidence in relation to labelling and stigmatisation, and reported that public naming of young offenders "would have a negative impact on the rehabilitation of juvenile offenders and could potentially lead to increased recidivism by

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[37] Naylor, B. 'Do Not Pass Go: The Impact of Criminal Record Checks on Employment in Australia' (2005) 30(4) *Alternative Law Journal* 174, p174.
[38] New South Wales Legislative Council, above n 34, paragraph 3.8, page 22.
[39] John von Doussa, HREOC, "An Update on the Work of the Human Rights and Equal Opportunities Commission" (2006), 2. Available at <http://www.hreoc.gov.au/about/media/speeches/speeches_president/2006/20061031_darwin.html>
[40] Robyn Lincoln, "Naming and shaming young offenders: reactionary politicians are missing the point" (2012) *The Conversation*. Available at <https://theconversation.com/naming-and-shaming-young-offenders-reactionary-politicians-are-missing-the-point-8690>
[41] Cunneen, C and White, R. *Juvenile Justice: Youth and Crime in Australia* (Oxford University Press, 4th ed, 2011), 39.
[42] Richards, above n 2, 6.

strengthening a juvenile's bonds with criminal subcultures and their self-identity as a 'criminal' or 'deviant', and undermining attempts to address the underlying causes of offending."[43]

The NSW Committee took note of the criminological distinction between 'disintegrative' and 're-integrative' shaming. Re-integrative shaming occurs within a relationship of respect rather than humiliation, and casts disapproval on offending behaviour rather than the offender themselves.[44] In other words, it is the disapproval of people that the offender respects, such as family members, which helps to develop their moral conscience and guide future decision making.[45] The Committee endorsed processes such as youth justice conferences, which require the offender to face their family and the victim of the crime in a controlled environment. The Committee argued that such processes "utilise shame constructively and supportively to help the offender reintegrate into the community."[46] Queensland's youth justice conferences have enjoyed great success in recent years. In 2011-12, the Children's Court of Queensland held 2,282 youth justice conferences, and 98% of all participants (including offenders and victims) reported satisfaction with the agreement made and indicated that they thought the conference was fair.[47]

***Recommendations*:**

Caxton Legal Centre recommends that the amendments contained in Clauses 21, 22 and 31 which enable the "naming and shaming" of young offenders be removed from the Bill.

2.3 Young offenders do not belong in adult prisons

Clause 20 of the Bill proposes to amend the *Youth Justice Act 1992* and provides that 17 year olds with at least six months of detention to serve shall be transferred to an adult correctional centre.[48]

Queensland is unique in treating 17 year olds as adults in the criminal justice system. In 2011, the Queensland Court of Appeal noted that:

> "Queensland is now the only Australian jurisdiction where 17 year old offenders are dealt with, contrary to the Convention, in the adult criminal justice system and so can be sent to adult correctional facilities. In all other Australian States and Territories, offenders under the age of 18 are sentenced within the youth justice system and are placed in youth detention centres. This Queensland anomaly has been criticised by commentators who argue that Queensland is in breach of its obligations under the Convention."[49]

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[43] New South Wales Legislative Council, above n 34, paragraph 3.108, page 41. The Beijing Rules are also informed by labelling theory. The Commentary to Rule 8 provides: "Criminological research into labelling processes has provided evidence of the detrimental effects (of different kinds) resulting from the permanent identification of young persons as "delinquent" or "criminal"."

[44] New South Wales Legislative Council, above n 34, paragraph 3.90, page 38, citing Australian National University criminologist John Braithwaite.

[45] Ibid, paragraph 3.92, page 38

[46] Ibid, page ix.

[47] Childrens Court of Queensland Annual Report 2011-12, 30.

[48] Clause 24 also outlines transitional provisions.

[49] *R v Loveridge* [2011] QCA 32, [6]

The proposed amendment may be in breach of Article 37(c) of the CRC, which provides that "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so". It would be difficult to argue that it would be in a child's best interest to be transferred to an adult prison. Indeed, the Committee on the Rights of the Child has stated that "there is abundant evidence that the placement of children in adult prisons or jails compromises their basic safety, well-being, and their future ability to remain free of crime and to reintegrate."[50]

The Queensland Court of Appeal in *R v Hamilton* confirmed this view, stating that a term of imprisonment in an adult prison "... would be most unlikely to have any rehabilitative effect. On the other hand it is potentially harmful; it may introduce him to hardened criminals whom he might not otherwise meet and to hard drugs and it may subject him to the risk of injury or degrading conduct."[51] It is concerning enough that imprisonment as a last resort for children may be removed. It is alarming that not only will juveniles be imprisoned at greater rates but in addition, they will more regularly be housed with adult criminals.

***Recommendation*:**

Caxton Legal Centre recommends that the amendments contained in Clauses 20 and 24 which enable the transfer of 17 year olds to adult correctional centres be removed from the Bill.

2.4 The Bill's focus on punishment and deterrence is misplaced

The CRC and Beijing Rules clearly establish that the primary focus of juvenile justice systems should be rehabilitation. However, the Bill and Explanatory Notes make it clear that the government is instead privileging punishment and deterrence. For example, the Explanatory Notes claim that removing the principle of detention as a last resort "will give the courts greater scope to impose sentences which properly reflect the severity of the offending for which the sentences are being imposed, deter future offending and protect the community from the impact of youth offending."[52] They also acknowledge that the amendments are intended to result in young offenders "being more readily sentenced to periods of detention rather than being placed on a community based order."[53]

This approach is not only inconsistent with international law, but also conflicts with psychological and criminological research into the nature of youth offending. While adolescents' brains are still in development, they lack the judgment to exercise self control and weigh up the future consequences of their actions.[54] As a result, most offending by juveniles tends to be impulsive, unplanned and opportunistic.[55] This means that harsh measures such as detention or "naming and shaming" are unlikely to have the intended deterrent effect. Rather, they are more likely to cement offending behaviour and lead to a cycle of contact with the criminal justice system. It is submitted that rehabilitation is more likely to achieve the goals of deterrence and does not carry the associated risks.

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[50] Committee on the Rights of the Child, above n 3, paragraph 85.
[51] *R v Hamilton* [2000] QCA 286, [19]
[52] *Youth Justice and Other Legislation Amendment Bill 2014: Explanatory Notes*, 5-6.
[53] *Youth Justice and Other Legislation Amendment Bill 2014: Explanatory Notes*, 8.
[54] Bonnie and Scott, above n 1, 159.
[55] Richards, above n 2, 3.

If juvenile crime is partly a consequence of underdevelopment, then harsh punishments are also inappropriate. There have been a number of cases recently decided by the United States Supreme Court which have found harsh adult sentences for juveniles to be unconstitutional as they amount to 'cruel and unusual punishment.'[56] In these decisions, the court has found that adolescents cannot be held as culpable as adults for their offending because of their diminished decision-making capacity, their vulnerability to peer pressure and their unformed characters.[57] Psychological research finds that many young people 'grow out' of crime as they mature into adults, and go on to lead law-abiding lifestyles.[58] Young people should be supported in their development rather than being harshly punished and stigmatised through detention and "naming and shaming".

3. CONCLUDING REMARKS

Thank you for the opportunity to make submissions on this Bill. Children occupy a very vulnerable space in our society. They are often voiceless, and even invisible, when arguments are fought over them. This Bill will greatly affect how the courts sentence young people and how the community treats children upon conviction.

Jails are terrible places for adults. For children, they are even worse. The idea of going direct to jail is narrow minded and contrary to clear evidence as to its effectiveness in reducing crime. Naming and shaming children is similarly a poor response to a perceived problem with youth crime.

This submission was prepared by Ms Alice Husband and Mr Dan Rogers. Given the importance of these issues to children in Queensland, we would welcome an opportunity to appear before the committee to make further submissions and/or answers any questions or concerns the Committee may have.

Yours faithfully,

Caxton Legal Centre Inc

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[56] Bonnie and Scott, above n 1, 160. Referring to *Roper v Simmons* (2005), *Graham v Florida* (2010) and *Miller v Alabama* (2012).
[57] Ibid.
[58] Richards, above n 2,