

MEDIA RELEASE

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Tasmania Legal Aid's *Children First* report welcomed

Tasmania's Commissioner for Children and Young People Leanne McLean today welcomed a new report into children in the child safety and youth justice systems, released by Tasmania Legal Aid.

"Tasmania Legal Aid's [*Children First: Children in the Child Safety and Youth Justice System report*](#) is a powerful and important piece of work. I thank Vincenzo Caltabiano and Tasmania Legal Aid for not only undertaking this analysis, but also for prioritising children in their work," Ms McLean said.

"I am very pleased to receive the report, which will become an important contributor to my advice to the State Government on raising the age of criminal responsibility in Tasmania. TLA's analysis demonstrates that it is the most vulnerable who are coming into contact with the law over and over again.

"In Tasmania, children as young as 10 can be arrested – they can even be incarcerated," Ms McLean said.

"The Children First Report shows that for some children their contact with the youth justice is amplified if they are also involved in the child safety system.

"What this says to me is that these children have already struggled for much of their lives and what they need is care, protection and compassion. Setting them on a pathway through our criminal justice system so early in their lives is almost certainly not going to help them improve their lives."

Ms McLean said the figures for children under 14 are of particular interest:

"The research shows children under 14 who are involved in both the child safety and youth justice systems make up a large proportion of legal aid work for that age group – and that Aboriginal children and girls are overrepresented.

"It is important to remember that most children never come to the attention of police and those who do are usually diverted out of the justice system. However, evidence clearly shows that the younger a child is when they come into contact with the law, the more likely they are to again



become involved in the criminal justice system as they grow up. We also know that the cost to society, both in the impacts on victims and their families and in the financial cost of imprisoning children, is far greater than the cost of preventative intervention.”

“We must challenge ourselves and our system to support children differently. Children should not be set on a pathway through the criminal justice system.

“Our children need care and support first and this can happen outside of that system.”

Ms McLean said Tasmania Legal Aid’s calls for reforms to the youth justice system and early preventative interventions mirror those she has long been making.

“Reducing the harmful contact children and young people have with the youth justice system can only be addressed with a more nuanced and coordinated response from all the services involved in supporting children and young people.

“One part of this is addressing the social determinants that lead children and young people into the youth justice system, such as trauma, poverty, family violence, disability and mental health.

“While some positive steps have been taken, much more is needed.

“We need more coordinated initiatives, particularly early on, to identify and meet the needs of our most vulnerable to avoid them becoming engaged with the justice system and divert them into alternative programs which offer the support they need.

“I fully endorse Legal Aid’s proposals to rethink our approach, including:

- Raising the age of criminal responsibility to at least 14 years of age
- Increasing the use of diversion
- Only calling police as a last resort for children in out-of-home care
- Giving legislative recognition to a trauma-informed approach that reduces children and young people’s involvement in the criminal justice system
- Providing bail support to children and young people
- Introducing Lawyer in School programs into Tasmanian schools

“The evidence is clear that when children are diverted away from the youth justice system, young people, their families, and the community are so much stronger.

“We must do better by our most vulnerable children and young people if they, and indeed Tasmania, are to achieve their full potential.”



Children First: Children in the Child Safety and Youth Justice System, by the Tasmania Legal Aid can be downloaded here: https://www.legalaid.tas.gov.au/wp-content/uploads/2021/07/Children_First_Final.pdf

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