

**Submission to the Royal Commission into the Protection and
Detention of Children in the Northern Territory**

from

The Centre for Child Development and Education

Menzies School of Health Research

Professor Gary Robinson	Director, Centre for Child Health and Development
Professor Sven Silburn	Centre for Child Health and Development
Professor Richard Midford	Centre for Child Health and Development
Ms Teresa Cunningham	Centre for Child Health and Development

Introduction

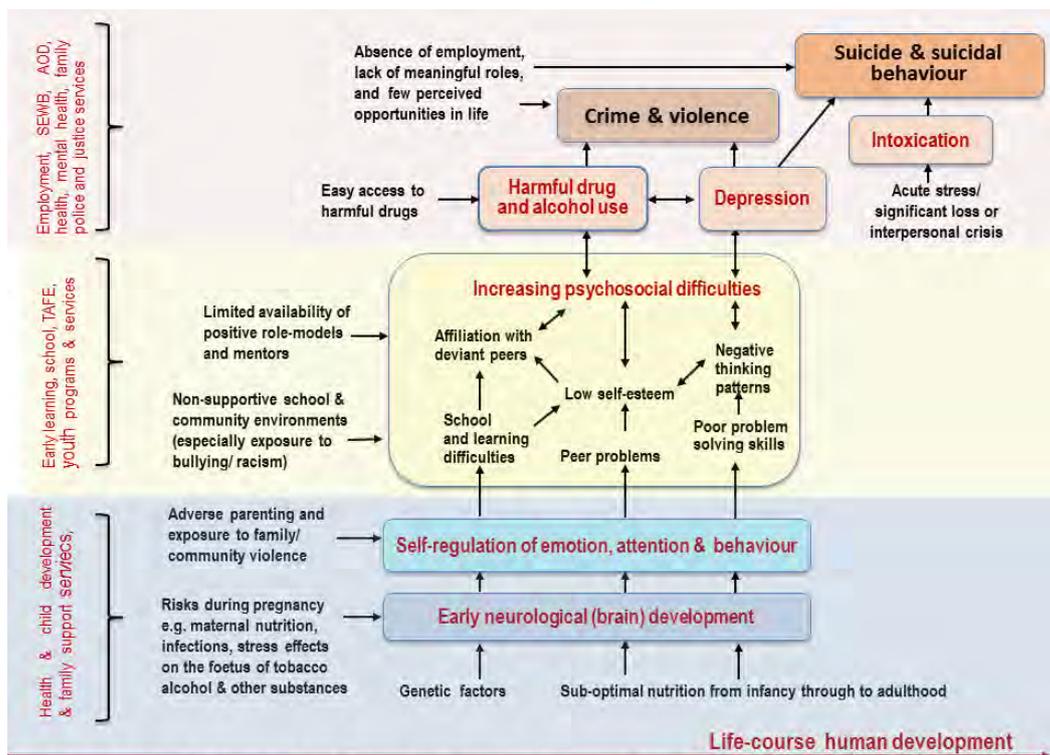
The reasons for the current high rates of Aboriginal children and young people having contact with the NT Child protection and Juvenile Justice Systems are multi-faceted, inter-related and complex. Reducing these rates will require a range of preventive strategies which address both the immediate and longer-term causative factors, and implementing and evaluating evidence-based policies and programs designed to be transformative within a decade.

The establishment of the Royal Commission serves as a timely reminder of the need to address deep seated, persistent and entrenched issues of life in both remote and urban NT communities that not only lead to risk of child maltreatment and juvenile offending but to Aboriginal people falling behind in all the 'Closing the Gap' indicators.

Tackling child maltreatment and juvenile offending requires a realistic focus on addressing preventable factors in early life which shape the development of the brain during pregnancy and early childhood. This is when the effects of extreme poverty have the most pronounced effects on the entire course of human development. They are the periods when more of a child's brain growth and learning occurs than at any other time in their life. This makes them times of greatest vulnerability (and opportunity) depending on the social and environmental circumstances of child rearing. The next major surge in brain development occurs during the period from early puberty through to early adult hood. This is another period of brain plasticity when different set of environmental and social factors shaping the emerging adult brain come into play. Again, this is a key period of vulnerability and opportunity.

The following schematic diagram (figure 1) developed for the National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (2014) aims to depict critical points of vulnerability in relation to known causal pathways of risk towards a number of adverse life outcomes of particular concern to Australian society and governments. This highlights how opportunities for prevention and early intervention vary through the life-course. It should be noted that these risk pathways are common to both Aboriginal and non-Aboriginal people. However, Aboriginal children and young people have very much greater cumulative exposure to these risk factors, primarily due the higher proportion being raised in conditions of extreme poverty and other forms of disadvantage.

Figure 1. Risk pathways and opportunities for prevention



Source: National Aboriginal and Torres Strait Islander Suicide Prevention Strategy (2013)

We ask that the Royal Commission consider the following in their deliberations and recommendations:

1. The need for a life course approach with intervention with both families and communities with sectors of government that provide services and policies to children and families in their early years.

This requires policies and programs which recognise the intergenerational consequences of trauma and disadvantage and to develop early intervention strategies targeting the developmental precursors of risk for violence and criminal behaviour. This should include:

- a. Building service capacity for early identification and treatment of children with developmental delays and trauma associated behavioural and emotional problems.

- b. Policy and services giving higher priority to addressing family and community circumstances that contribute to these problems to prevent the intergenerational transmission of trauma and disadvantage.
- c. Improving the availability of school-based life-skills resiliency programs; sport, recreation and arts programs providing opportunities for skill development, social participation and mentoring from responsible adults.

2. Re-thinking the juvenile incarceration model.

In the first instance there should be a much greater emphasis on diverting young people from court and incarceration. Much research has shown that juvenile institutions are not rehabilitative or cost effective: incarceration is traumatic and interferes with the normal developmental process of young people; incarceration can lead to an increase rather than a decrease in antagonism to authority; incarceration exposes younger offenders to the criminal practices of older offenders, so they learn how to be better at committing crimes and not getting caught; and juvenile institutions are expensive to operate.

In the situation where juveniles are incarcerated the nature of the institutional environment needs to be carefully considered. Research studies consistently show that juveniles housed in more custody-oriented institutions have greater incentives for deviant behaviour and are more resistant to change. Other studies have shown that rehabilitative settings i.e. those that deemphasize staff control, provide education or other meaningful activities, foster autonomy, reinforce socially approved values and norms, and mentor the juveniles are much more effective in achieving behavioural change. In addition to the custody-orientation of the institutions, the length of incarceration must be considered.

Research shows that the longer young people are incarcerated the more significant their personal transformation. The impact is more profound on those entering at an early age because they still in the process of developing their identity and more open to external influences. For young people, institutionalization (i.e., adopting the institutional culture as opposed to retaining community social norms) may last longer and occur more quickly. The nature of relationships in a custody oriented institution is another distorting developmental factor, as the emphasis is on dominance and submission. Incarceration also diminishes self-esteem as it serves as a consistent reminder of social position. Research has shown that individuals experiencing longer incarcerations have a harder time preserving their self-identity and their self-esteem, which has considerable implications for their social function when released.

In the long term the needs of juvenile offenders and the general community would be best served by a model that emphasises diversion, education and rehabilitation. Most young offenders grow out of their offending behaviour as they mature and develop conventional social values and responsibilities. Justice interventions should emphasise

and support this process and eschew practices that deny or stunt normal developmental opportunities.

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