**National Children’s Commissioner Anne Hollonds address to the National Press Club**

***Wednesday 2 October 2024***

Good afternoon everyone.

I’d like to start by acknowledging the traditional owners of the land we’re on here today, and pay my respects to elders past and present and emerging.

Thank you to the National Press Club for this opportunity.

I would like to acknowledge the presence of several MP’s, Children’s Commissioners and Human Rights Commissioners, and pay tribute to everyone here and watching the broadcast who has worked tirelessly to help children and their families and to keep everyone in our communities safe.

Something that each of us has in common is that **we were each once a child.**

So, I’d like you to think back to your own childhood years, about what made you happy, about what mattered most to you – maybe family and friends, playing sport or dance or music.

Perhaps you have positive memories of holidays or family pets.

Our most powerful experiences and memories of childhood are likely to involve our most important relationships, like family.

And if you were lucky enough, you had someone who was kind, who cared about you, someone who loved and protected you.

If you were lucky, you had a sense of belonging and safety with family, with community, with friends at school.

Each of you will have both positive and negative memories that were shaped by your circumstances: such as whether your family or carers were wealthy or poor, whether you lived in the city or the bush, whether you were born here or came here from somewhere else.

Those who were lucky enough to have positive childhood experiences, I’m sure you appreciate how immensely valuable that has been for your life, allowing you to move through the world with some confidence and optimism.

Childhood is important to all of us, because, as noted by former US President John F. Kennedy:

“Children are the world’s most valuable resource and its best hope for the future.”

But right now there are thousands of children across Australia who are not having a good childhood, and they need our help.

**BREAK**

Over the past 12 months my colleagues and I spoke to hundreds of experts, community stakeholders, families and importantly over 150 children for our report ‘***Help Way Earlier’****:* ***How Australia can transform child justice to improve safety and wellbeing***.

The report outlines how we as a country can do better to ensure more children get that better start in life, and avoid involvement in the criminal justice system.

And, therefore, how our communities can be safer.

The title ‘Help Way Earlier!’ comes from what one child in detention said to me with a tone of desperation: he said ‘We need help …. **way** earlier’, echoing what I heard from many other children and family members around Australia.

These are the children we are ‘leaving behind’ right now.

Our report finds that current approaches that focus on toughening up justice systems are not working to make communities safer, and that in Australia we have misunderstood the problems we are trying to solve.

**BREAK**

Childhood is a unique stage of life when the brain is developing and the physical, emotional, cognitive and social capabilities of children are under construction.

Childhood is when we learn to manage our impulses and our emotions, when we learn to self-regulate, delay gratification, and to plan ahead.

We learn how to make friends and manage disagreements.

We learn empathy and how to be kind to others.

Childhood is when we learn about our culture and language, and we develop our identity.

With positive experiences, children develop social-emotional skills that enable them to engage in learning, in training and employment, and in adult relationships later in life.

But as kids, we have no choice about the circumstances we are born into, and we have no power to influence those circumstances.

What this means is that far too many children and young people across Australia grapple daily with poverty, homelessness, health and mental health issues, disabilities and learning problems, and – especially for many First Nations families – systemic racism and intergenerational trauma.

Research also shows that more than 1 in 3 children are living in homes where there is domestic, family and sexual violence.

Many of these children end up involved with the **child protection systems** which are overwhelmed and unable to respond with the care that children need.

It seems that every week there is another media story about another horrific failure in child protection.

Not all children with poverty, disadvantage, violence, disabilities and trauma in their lives will end up offending.

But for young kids who get caught up in the criminal justice system, almost all of them have experienced multiple complex issues such as these.

After the child protection system, often the next station on the train line for them is the criminal justice system.

This journey is predictable, and it is preventable.

These children who are in both child protection and justice systems are sometimes called the ‘**cross-over kids’**.

They are dealt with in separate, disconnected but equally broken systems.

This disconnection fails to recognise that in fact they are **all** children in need of care.

To paint a picture of these children, here’s just a few statistics:

* On an average day, around 4500 children across Australia are under youth justice supervision, with about 800 in detention facilities.
* Research indicates that 2 in 3 will have a mental health issue or a drug or alcohol addiction, and that 1 in 2 will not be in school, training or employment.
* Recent NSW data also shows that the majority of 10 -13 year olds that came before the courts had been a victim of a violent offence, and that more than 60% had been the subject of 10 or more serious child at risk notifications.
* Around 60% of kids in detention are First Nations kids, and First Nations children are 28 times more likely to be in detention than non-First Nations children.

There’s a lot more statistics in the report, but what I also want to focus on today is what we heard from the children we met.

**BREAK**

At the **heart of the ‘Help Way Earlier!’** report are the voices of over 150 children who have been, or are at risk of being, caught up in the criminal justice systems.

These kids told us they need the bare minimum for what makes a good childhood: a safe home, food to eat, clothes to wear, health care, a school and community where they feel they belong, connection to culture and families who can support them.

These basics are what can give children the hope and confidence they need for their wellbeing and their development.

That’s what helps them stay out of trouble with the justice system.

Sadly, the reality is that the systems that are meant to help children and their families – such as health, education and social services –are fragmented, piecemeal and uncoordinated, described by some as ‘mid-last century’ in their design and ‘not fit for purpose’ for an ‘epidemic’ of unmet needs today.

These children are typically suspended or disengage from school very early, and they are lost to the education system.

Kids tell me they want to go to school but they don’t feel they belong there.

Why is it that we accept such health and education inequity in Australia, while we continue to spend extraordinary amounts on criminalising the children who have fallen in the gaps?

These are the problems we need to be solving.

The old approach, not based on evidence, is about toughening up the justice system, through more policing, longer sentences, tougher bail laws and more children’s prisons.

Instead, we need to look at the evidence showing that the real culprits of youth crime are disadvantage, despair and desperation.

**BREAK**

When a child becomes acculturated into the justice system from an early age like 10, that environment becomes normal to them.

The longer a child spends in a harsh prison environment, often a very long way from their family, home and country, the harder it is for them to fit back in.

It makes much more sense to try and prevent them from ending up there.

And to prevent reoffending, it makes sense to provide education, treatment and intensive support and to keep this going as part of the basic supports we should be providing when they leave detention.

Many of the children I met had been institutionalised into the criminal justice system, which only leads to more offending.

Some children I met in detention told me clearly that they were only learning how to do worse crimes while they were in there.

In some children’s prisons we are keeping children in dangerous and harmful conditions, including long periods of time locked down in their cells alone, without any rehabilitation, recreation or education.

Or in police watchhouses for many weeks, where there is no fresh air, no windows, no contact with family, no books or anything to do.

Police are not trained to care for **any** children, let alone children with disabilities, mental illness and other complex needs.

It seems like a kind of madness that we continue to do this, contrary to the evidence of what prevents offending.

These justice facilities are traumatising and harming children who all come with pre-existing health conditions, disabilities and learning problems.

It costs over a million dollars each year to lock up one child.

Currently we are building several new children’s prisons – last week we heard the new one in Perth will cost at least $100m.

This is wasting tax-payer funds because the evidence shows locking up young children does not make the community safer.

Australia is going in the wrong direction, while other countries such as in the UK, Canada and USA have been closing children’s prisons.

**BREAK**

Youth detention centres are the places where the most egregious breaches of the human rights of children are happening – that’s how this project began.

In June 2022, I spent a day at **Banksia Hill** youth detention centre.

There had been several official reports raising serious concerns by then.

What I saw shocked and distressed me deeply.

I was extremely concerned about the conditions there and what the staff and children told me about the continuous lockdowns keeping children isolated in their cells for around 22- 23 hours per day, no rehabilitation, recreation or education.

The staff told me about repeated suicide attempts and that when they find a child unconscious on the floor of the cell, they call an ambulance and the child is taken to Fiona Stanley Hospital for triage, and is then brought back to Banksia Hill.

The staff were adamant they did not have the skills to deal with acute psychiatric disorders.

When I left, I reached out to relevant Commonwealth ministers and to the Western Australia premier to raise the alarm that this situation was high-risk.

As we know, since then there have been two tragic suicides of children in Perth prisons in less than a year.

I have been repeatedly told that ‘youth justice is a state and territory issue’, including about children being held for many weeks in Queensland watchhouses.

Of all the places I have witnessed, the conditions in police watchhouses are the worst, and no child should be in there.

**BREAK**

Among the heartbreaking conversations with children across Australia, I heard some rare positive stories from young people who had been able to get off the train heading to adult prison, because someone showed up to back them.

Often it was an extended family member like an auntie or uncle, or a teacher or a sports coach.

Amazing people who stepped up to take these young people under their wing.

But it’s just luck if this person shows up for you.

What was most chilling for me was to meet children who had no-one, who were completely alone, who spoke of feeling shut out and shunned by society – who said ‘they just want us to be locked up in here, out of sight, and out of mind.’

These children were unable to tell me about any hopes or dreams or plans for the future.

All they could see in their future was more of the same but in adult prison.

Barely literate, their lack of education or training gave them no prospects for a job.

And they had no-one to help them.

The light had gone out of their eyes.

**BREAK**

These children are the most vulnerable children in this country.

Most of them have:

* undiagnosed and untreated health and mental health issues
* neurodevelopmental and cognitive disabilities, and learning problems
* experience of domestic, family and sexual violence and other child maltreatment and trauma
* Substance addiction
* Housing and food insecurity
* Early disengagement or suspension from school
* Experience of poverty, disadvantage, and system racism

These are children whom we have left waiting for help that never came, and when they’re stealing food because they are hungry, or stealing cars because they’re bored and without any hope for the future, we criminalise them.

What we are doing is not making the community safer.

**BREAK**

The **Help Way Earlier report** shows that:

* As a country we have misunderstood the problem we are trying to solve
* Policy-makers have ignored the facts – including about childhood and child development
* Governments have continued to pursue failed strategies and have continued to ignore the evidence of what reduces offending by children and makes the community safer.
* And we thought this was a problem that states and territories could solve on their own, but we were wrong.

Toughening up the justice system cannot fix the problem of crime by children.

The evidence shows that the younger you lock up a child, the more likely it is that they will go on to commit more crime.

This evidence has been known by our leaders for many years.

The problem is not a lack of knowledge – it’s a lack of accountability and action on the evidence.

We need to put much more attention on **prevention**, and redirect resourcesto address the underlying causes, including by fixing our health and education systems so they are able to help children and their families, as early as possible and at every stage of childhood.

**BREAK**

In one of our stakeholder roundtables, I was directly challenged by a First Nations young person who said to me:

“Commissioner, you’re asking the wrong question: Instead of asking ‘why are First Nations kids over-represented in the youth justice systems, you should be asking ‘Why are First Nations kids **under-represented** in the other systems such as health and education?”

Of course he was right to challenge me.

And the answer is that these ‘early warning systems’ are often not fit-for-purpose for those who most need the help.

**BREAK**

So why are we persisting with approaches that don’t work?

Well it’s because of the **barriers** to reform that we rarely talk about.

What we heard from experts was quite confronting, including that we are letting politics get in the way of prevention.

The barriers to acting on the evidence include the way our governments operate in this federation, and a lack of political will and courage.

There is a lack of accountability for the mess that we’re in.

The federation itself is a barrier to properly addressing the underlying causes of offending by children.

Problems like mental illness and neurodevelopmental disabilities that are well-known to be a risk for contact with the criminal justice system.

Problems like poverty and disadvantage.

Instead we persist with criminalising these children because the reality is that the treatment and support services are fragmented and lack coordination.

It’s a postcode lottery as to what help is available and those who most need help are the ones who are the least likely to get it.

But we seem to accept this situation because youth justice is considered – quote - ‘a state and territory issue’.

**BREAK**

Numerous Royal Commission’s and inquiries over decades have provided evidence of common factors in the lives of children who are offending.

This was clear from an analysis of 12 years’ worth of inquiries into child protection and justice systems that the Australian Institute of Family Studies did for us, showing that many of the more than 3,000 recommendations were continually repeated, again and again, demonstrating a lack of accountability for action.

Child and family policy is widely scattered across portfolios and jurisdictions.

Our most vulnerable children are victims of federation failure.

They sit awkwardly at the intersections of the jurisdictions and they are falling in the gaps.

This was devastatingly clear in Central Australia where the borders of Western Australia, South Australia and the Northern Territory connect.

When families travel across borders, vulnerable children become invisible and their families miss out on the support systems that should be helping them.

Information is not shared, and the jurisdictions are not working together on child wellbeing.

This story is repeated across Australia, despite the fact that we are one country.

We see large differences in child protection laws, policies and practices, but no one is asked to explain how these differences could be in the best interests of Australia’s children.

Despite all the inquiries and Royal Commissions, we still don’t have consistent reportable conduct and Working With Children Check schemes and other child safeguarding measures.

Why does this matter? Because it gets in the way of keeping children safe.

This is an outcome of child safety and wellbeing NOT being a national priority.

It’s the same with the child justice systems – there are significant differences in laws and policies, and no consistent standards in detention centres.

Instead of looking for reasons not to act on the evidence, we should be addressing the barriers to action and we should make this federation work for **us** – for all our citizens, including these vulnerable children.

**BREAK**

The truth is that while we might all be shocked ‘in the moment’ when there is a tragedy reported in the media, these serious failures and systemic neglect of children do not seem to affect a party’s political fortunes at elections.

Despite the economic costs, and the questionable morality of strategies contrary to the evidence, when I ask about the lack of progress on reform, I am told by some MP’s: ‘there’s no votes in children’.

In the meantime, we all know that ‘crime sells’.

Our media channels are groaning under the weight of ‘youth crime’ stories, helped along by seemingly no end of footage from CCTV, dashcam, police bodycam and smartphones.

Daily headlines describe children as ‘teenage dirtbags’, ‘bad boys’ and ‘kindergarten crims’.

But we rarely see questions asked about: ‘Why are these children offending, and what can be done to prevent this?’

I have been surprised by the lack of interest in solutions, from both the media and from our governments.

The outcome of a lack of media reporting on solutions is that the public doesn’t know the truth about the evidence that shows the younger you lock up a child, the more likely they are to commit more serious and violent crimes.

The public doesn’t know that Australia is living in the dark ages when it comes to child justice.

Compared with other rich countries, we are stuck criminalising our most vulnerable children and failing to address the underlying causes.

Instead of competing to be world class, at election times we see a race to the bottom for who can sound the toughest on crime committed by children.

Victims of crime have themselves told me that they are frustrated with government’s lack of action to prevent crime before it starts.

We all want safe communities, and I acknowledge the frustration of those who are fearful and feel that the government is not doing enough.

No one should be living in fear and I want to say to you that you have a right to ask your elected representatives and those seeking to be in government: ‘What is the **evidence** that your ideas will make our community safer?’

Unless we begin to pay serious attention to the evidence and the solutions, we will still be having this same conversation in 10 years’ time, with a lot more tragedies along the way.

**BREAK**

So what are the solutions?

Well, amongst the solutions in the Help Way Earlier report, we say that child safety and wellbeing should be made a national priority.

In other critical and complex areas of policy, we have sought to overcome the barriers by making the issue a national priority for the whole federation, such as with ending gender-based violence.

While ‘women and women’s safety’ is listed as a key priority for National Cabinet, ‘child safety and wellbeing’ is not.

That means there’s no pathway for coordinated reform based on evidence and no accountability, despite the ongoing tragedies and widespread systems failure.

We say governments should work together across the federation as they are doing for other critical issues.

We recommend establishing a National Taskforce for reform of Australia’s child justice systems and develop a 10-year cross-portfolio National Roadmap for reform based on the evidence.

We want the Australian Government to appoint a Cabinet Minister for Children and to establish a Ministerial Council for Child Wellbeing reporting to National Cabinet.

**BREAK**

As part of the solutions, Australia needs to enact legislation that would hold governments accountable for the human rights of children.

In 1990 Australia ratified the Convention on the Rights of the Child but unlike many other countries, we have no legislation to underpin the responsibilities we have signed up to.

There is currently no one held responsible, for example, when the conditions in detention are breaching international human rights conventions.

This was made clear at the recent inquest into the death by suicide of young Cleveland Dodd.

If we had the Convention on the Rights of the Child in legislation, there would be obligations to ensure that conditions in detention are consistent with human rights, and it would stop these terrible tragedies.

It would stop other horrific situations such as the young girl with the intellectual age of 5 being dragged screaming into a small isolation cell at Cairns watchhouse by several police officers who had no training to care for children.

The fact that children have human rights is not well-understood.

You never hear children’s rights talked about in Question Time or on the news, but you often hear about worker’s rights, women’s rights, or consumer rights, for example. The term ‘children’s rights’ doesn’t exactly roll off the tongue in Australia.

That helps to explain why we continue to see breaches of human rights in the child justice system, and it’s getting worse, not better.

We argue that putting Australia’s obligations under the Convention on the Rights of the Child into domestic legislation is an important mechanism for accountability that currently does not exist.

Protecting the human rights of children, who are themselves members of our community – this is what will help to prevent offending and help make communities safer.

**BREAK**

Our other recommendations for all jurisdictions include raising the age of criminal responsibility, banning the use of solitary confinement and implementing nationally consistent monitoring of child detention facilities.

We urge improved support for children and families with more affordable housing, and integration of health, education and social services in local communities, and more local community control of how services are designed and delivered.

We recommend widely available and culturally safe prevention, early intervention and diversion programs, and free and accessible sport, music, social and cultural programs for children. And public transport and school buses.

And we call for investment in restorative justice, child-specialist courts and information sharing especially when children are in both the child protection and justice systems. We need better training and support for people working on the frontline, and sustained investment in services led by Aboriginal Community Controlled Organisations.

**BREAK**

It’s true that we already have some national frameworks that are bringing jurisdictions together across the federation.

These include the Closing The Gap National Agreement, the National Plan For Ending Violence Against Women And Children, and the National Framework for Protecting Australia’s Children.

These provide a good starting off point and if strengthened and coordinated, these can provide a platform for more reform.

But business as usual is not enough.

We urge governments to recognise that a new approach is needed based on the evidence of the underlying causes of crime by children.

There **is** a choice to be made here.

We can choose to ignore the evidence and keep criminalising disadvantaged children.

Or we can act on the evidence and provide these children, and our communities, with a pathway to a much better future.

That’s what governments are actually supposed to do – to act on the evidence to keep ALL citizens safe, including our youngest citizens, whatever their circumstances in life.

And to help our governments make the right choice, I’m calling today on the media, to be part of the solution, by doing their important job and holding our leaders accountable for solutions based on the evidence, not opinions and short-term fixes.

Offending by children is a symptom of underlying causes that we are failing to address.

Surely, we have had enough of talk, and just tinkering with the symptoms.

We need to pivot towards the solutions, to transform our approach and work together across the federation on the underlying causes of crime by children.

These children are themselves victims of crime and maltreatment, but their story is rarely heard, making it easy to demonize them and dehumanise them.

Childhood matters, for children here and now, and for all the opportunities we can unlock for them in the future.

Australia can be ‘smart on crime’ by acting on the evidence, dealing with the barriers to reform, and building safe communities where children can get the best start in life.

**ENDS | 4300 words**