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(SOUTH AUSTRALIA) INC.

ABN 91 028 693 268

13 September 2017

The Hon. John Rau MP

Attorney General

Level 11, 45 Pirie Street

Adelaide SA 5000

Dear Attorney

**Statutes Amendment (Youths Sentenced as Adults) Bill 2017**

The Australian Medical Association (South Australia) (AMASA)) notes with alarm the Statutes Amendment (Youths Sentenced as Adults) Bill 2017 which prioritises community safety over all other considerations in sentencing youths tried as adults.

We support the views presented by the Law Society of South Australia and the Guardian of Children and Young People that this approach to dealing with young people is not an appropriate strategy in dealing with offending. We note in particular their observations that the approach:

1. breaches the United Nations Convention on the Rights of the Child and the United Nations Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), particularly Article 3.1 which which states*: in all actions concerning children … the best interests of the child shall be a primary consideration* and *the well-being of the juvenile shall be the guiding factor in the consideration of her or his case* (Rule 17.1d).
2. overlooks evidence which shows longer sentences are not a deterrent for future offending.
3. overlooks the need for rehabilitation
4. overlooks the causal contributors to juvenile crime and the young person’s lack of cognitive development.

Our members strongly believe that “rationality and humaneness” should prevail especially in our dealings with children. There is clear evidence that that brain development is not complete until 25 years of age and beyond. In particular, frontal lobe development is incomplete, impacting higher mental processing skills such as impulse control. Thus, the offending of young people needs to be considered in the context of their stage of cognitive development and their home environment. A paramount principle of community safety seems unbalanced given that many of these young people have experienced neglect and abuse and are not able to exercise judgement effectively as a result.

The AMA(SA) supports the strong focus on rehabilitation and early intervention advocated in the Cappo Report ([*Stepping Up – A Social Inclusion Action Plan for Mental Health Reform 2007-2012*)](http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/resources/stepping+up+a+social+inclusion+action+plan+for+mental+health+reform+2007-2012)because promoting the child’s sense of dignity and worth, reinforcing their respect for others, is the best way of promoting their wellbeing and reintegrating them into the community. Appropriate systems and a genuine experience of care are essential to engendering personal competence and are the foundations of developing law-abiding children and adults. Without this, given the high rate of recidivism proportionate to the severity of the penalty, it is clear that the Bill is likely to fail in its objective of improving community safety. Our best hope of rescuing these young offenders — and our community —from a trajectory of destruction is to offer rehabilitation and early intervention.

The AMA(SA) strongly urges the Government to reconsider this punitive approach to sentencing in favour of one that is nuanced and proactive in rehabilitating our lost young people.

Yours sincerely



**Mr Joe Hooper**

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CHIEF EXECUTIVE