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Transcript: AMA Vice President, Dr Chris Zappala, 2SER, *The Wire*, Thursday 27 July 2019

Subject: Age of Criminal Responsibility

SARAH MARTIN: The Law Council of Australia has unanimously voiced its support in advocating for Australian State, Federal, and Territorial governments and legal jurisdictions to lift the minimum age of criminal responsibility from age 10 to 14 to improve justice outcomes for children. Council President, Dr Arthur Moses SC, described the mass incarceration of young children, including those of Aboriginal and Torres Strait Islander descent, as a national tragedy. But is it plausible for the laws to be changed and to provide better alternatives for young offenders instead of imprisonment? *The Wire's* Jarad McLoughlin spoke to Dr Chris Zappala from the Australian Medical Association to find out why they too support this radical proposal.

[Excerpt]

CHRIS ZAPPALA: We felt that there was a need to lift the criminal age from 10 - which just seems ludicrously low - to 14. These young kids many times come from disadvantaged backgrounds, low socioeconomic areas, they might have violence or whatever and we're just perpetuating that cycle. So, it's terrible to think that we might be contributing to that by having such low age of criminal culpability, and there really is no reason that we can't fall in line with the United Nations' recommendation to lift the age.

The other thing is it disadvantages groups within the community. So, for example, Aboriginal and Torres Strait Islander children are significantly overrepresented amongst those children that are incarcerated in that 10 to 14 age group, and that really does just seem blatantly unfair.

JARAD MCLOUGHLIN: And that was actually referenced by the Law Council of Australia because the number of First Nations Australians being incarcerated in prisons and detention centres is astronomically high, and it's quite disproportionate compared to those who are non-Indigenous. Do you agree with that?

CHRIS ZAPPALA: Look, it's not good at all, it's a national shame. I mean we talk about closing the gap – well, here's a gap. It makes no sense whatsoever, and with this very sensible recommendation - that other countries around the world have already done, mind you - we can actually make a difference. However, it's not just about young people who have lost their way in life get off scot-free. Clearly we need appropriate rehabilitation programs, education, housing, basic sustenance, because it all comes into it, of course.

So, absolutely, we need to make sure that we're taking good care of these young people and that they've got good environments to grow up in, that's clearly part of it as well. But just throwing them all in the clink is clearly not a good way of dealing with what actually amounts to hundreds of kids that are in incarceration that have fallen afoul of this low age of criminal culpability.

JARAD MCLOUGHLIN: What does the AMA think that State, Federal, and Territorial governments should be doing?

CHRIS ZAPPALA: We've got vulnerable young individuals who are not able to fully understand the consequences of their actions, who haven't fully developed yet, maybe haven't had good life exposures at that point to help them sort out right from wrong, and clearly need a more supportive and positive and structured environment to move forward and get out of that negative cycle, that vicious cycle.

So, I think there's a realisation that there is that vulnerability and immaturity in young Australians, and that's not a criticism, that's just a way it is. And lifting the age of criminal responsibility there from age 10 to age 14 hopefully recognises that it's not appropriate to be incarcerating people who are in that 10 to 14 age group and that there are better ways to do it, better ways to, you know, rehabilitate and support those individuals. So, we also need programs that are going to do that, to achieve that for these young Australians, and make sure that they are appropriately educated, for example, that they are not victims of violence or any sort of abuse and so on.

So, the systems need to be wrapped around these vulnerable people to make sure that they don't go around in that vicious, negative cycle and that we're not just throwing them in prisons.

[End of excerpt]

SARAH MARTIN: Dr Chris Zappala from the Australian Medical Association ending that story by *The Wire's* Jarad McLoughlin.

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