

12 June 2023

Ms Margery Nicoll
Law Council of Australia

By email: margery.nicoll@lawcouncil.asn.au
cc: claire.paton@lawcouncil.asn.au

Dear Margery

YOUTH JUSTICE AND CHILD WELLBEING REFORM ACROSS AUSTRALIA

Thank you for your letter dated 12 May 2023 inviting the Law Society of Western Australia (the Society) to make a submission to the above inquiry.

The Society appreciates the opportunity to make submissions for this inquiry.

It is clear that a large percentage of children and adolescents who enter the justice system have:

- 1) been subjected to early childhood trauma;
- 2) undiagnosed intellectual impairments;
- 3) undiagnosed physical impairments which may affect their ability to learn or gain proficiency in literacy and numeracy skills; and
- 4) developmental treatment needs which have been unmet or significantly delayed causing detriment.

The Banksia Hill Project carried out by the Telethon Kids Institute highlighted the large number of detainees who have diagnosed intellectual disabilities.

The main area where reform must be considered is in early childhood and primary education. Children who have been exposed to negative home life experiences or environments, may still achieve or develop protective strategies, if they have strong learning platforms through specialist supports in place through education.

By the time children and adolescents become entrenched in the justice system in their teens, they have missed the crucial time frames for successful intervention.

The government needs to start funding disciplines in all early childhood and primary education facilities to ensure that children who present with any 'developmental red flags' can be immediately assessed and given access to early intervention services.

The professionals who must be accessible to all children in early childhood are:

- 1) Paediatricians;
- 2) Audiologists;
- 3) Speech Pathologists;
- 4) Occupational Therapists;
- 5) Optometrists; and
- 6) Child Clinical Psychologists and Neuropsychologists.

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A failure to identify, diagnose and treat developmental issues will inevitably lead to educational and social disadvantage. Early interventions for sensory problems such as hearing, eyesight, speech and physical strength and dexterity will result in significant improvements in educational and later vocational outcomes.

Community infant and child nursing programmes and assessments, along with Department of Communities family support programmes, should also be expanded to provide a frontline monitoring programme prior to formal compulsory education.

For results to be achieved in the later years and to close the education gap, the government must fund children and families, and encourage incentives for tertiary students to enrol in the disciplines needed and discussed above.

Education reports in the Children's Court jurisdiction are important starting points for effective youth representation. They provide a full overview of educational attendance, in-school behaviours, and developmental assessments which have been previously conducted. Education officers should be embedded in all Children's Courts and be immediately accessible to lawyers and allied agencies.

It is also suggested that the government undertake a study to identify any correlation between children starting high school at year 7, and an increase in children under 14 entering the justice system or committing more serious offences.

If you have any queries please contact Mary Woodford, General Manager Advocacy and Professional Development on (08) 9324 8646 or mwoodford@lawsocietywa.asn.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ante Golem', with a stylized flourish at the end.

Ante Golem
President