

REPORT

PILOT RESEARCH PROJECT

SEM 2 2020



THE PROJECT

Raise the Age - Social Reinvestment WA



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CONTEXT

In university Semester 2 2020 WAJA undertook its first research project ('the pilot project') with Social Reinvestment WA ('SRWA'). The pilot project team was comprised of four Juris Doctor students who were chosen through a rigorous application and interview process according to such criteria as passion for social justice, research experience and academic merit. Under the close instruction of SRWA's Campaign Coordinator, Sophie Stewart, the team worked to produce an evidence-based paper along SRWA's guidelines. Namely; a comprehensive piece of research with the purpose of informing, educating and convincing the public of not only **why** WA should raise the minimum age of criminal responsibility (MACR) but **how** this objective may be realised. This involved a thorough analysis of what alternatives to sentencing exist regionally, nationally and abroad. These issues are particularly pertinent in light of the fact that in July 2020, the Council of Attorneys-General decided that the MACR will remain unchanged until alternative ways to deal with juvenile offenders are identified. This was a core focus of the pilot project.

OVERVIEW

The structure of the pilot project revolved around three primary avenues of inquiry: the current iteration of WA's juvenile justice system and its underlying issues; the reasons why

the MACR should be raised in WA (including scientific arguments); the economic cost of imprisonment and human rights considerations, and; new approaches to enacting justice that could replace WA's current regime. The project identified numerous non-custodial alternatives, existing both abroad and locally in WA, which could be tailored and implemented state-wide in lieu of the current punitive approach, which does not produce safe communities or low recidivism rates.

SIGNIFICANCE

The report is significant for being the **first known WA-focussed paper** on the issue of raising the MACR. While the arguments in favour of raising the MACR have already been extensively covered in existing research, the pilot project paper illustrates how such change is **possible** by tabling sentencing alternatives that both improve the lives of children and reduce crime. The overarching message of this research is that reform is no longer a choice, but a necessity demanding urgent attention. It shows that a reformed youth justice system could serve to curb recidivism whilst generating significant cost savings. Most significantly however, reform manifested in an increased MACR would ensure that the individual needs of children in WA are the paramount policy consideration.



PROJECT SIGNIFICANCE AND ENGAGEMENT

PROJECT IMPLEMENTATION BY SRWA

As the debate surrounding raising the MACR continues, WAJA's research will underpin SRWA's official policy paper on the issue and inform their future campaigning strategies. SRWA's paper will stand alongside the organisation's broader Youth Justice Report. The comprehensive report examines the complex ways by which WA's legal system negatively impacts young people and proposes an approach of justice reinvestment to address the causes of youth offending and reduce crime rates.

"The Raise The Age paper will become part of the foundation for our 2021 campaigning efforts to raise the age of criminal responsibility in WA. "- Reginald Ramos, SRWA.

PROJECT TRAINING SESSIONS

Over the course of the pilot project, the team received guidance in workshop sessions conducted by several professionals including:

- Sophie Stewart - Campaign Coordinator of Social Reinvestment WA;
- Dominique Hansen - CEO & Company Secretary of Law Access; and
- Jane Sanders - Principal Lawyer at The Shopfront Youth Legal Centre

Workshop sessions were highly informative, giving our team members a foundational understanding of the current problems facing WA's legal system, as well as teaching them research and writing skills. These included how to construct arguments specifically for those opposing legal reform by framing language according to relevant values, motivations and social concerns, and how to produce an evidence-based policy paper.

"WAJA is a high-performing student-led organisation. Its Team is highly committed and has access to WA's top performing and most passionate students. That is a powerful combination for delivering effective social justice initiatives" - Samantha Nadilo, Fourth Floor Chambers.