

## **ADDITIONAL COMMENTS BY THE AUSTRALIAN GREENS**

1.1 The Australian Greens particularly welcome the provisions of this Bill (the proposed amendments to section 3ZQA of the Crimes Act) which finally remove wrist x-rays as a prescribed procedure for age determination under the Crimes Act. This is a longstanding issue which has been the subject of recommendations of both the Senate's Legal and Constitutional Affairs Legislation, and References, Committees, due to inquiries initiated by the Australian Greens.

1.2 In 2011, after serious concerns had been raised by medical and human rights organizations, Australian Greens Senator Sarah Hanson-Young introduced the Crimes Amendment (Fairness for Minors) Bill 2011 into the Senate, which included provisions to remove the taking and use of discredited wrist (or other skeletal) x-rays in age determination processes. During the subsequent inquiry into the bill, submitters and witnesses, including the Royal Australian and New Zealand College of Radiologists, the Royal Australian College of Physicians, Professor Tim Cole and Professor Sir Al Aynsley-Green Kt, criticised the reliability of wrist x-rays to determine the age of alleged people smugglers and opposed their use.

1.3 The majority of the committee declined to recommend the removal of wrist x-rays as a prescribed procedure at the time but Senator Hanson-Young's Dissenting Report stated:

The Australian Greens strongly support abolishing the use of bone x-rays due to the risks and uncertainty expressed by medical experts, in favour of a complete, holistic and expedient age determination process starting with the initial interview with the Department of Immigration.<sup>1</sup>

1.4 In May 2012, the Australian Greens initiated a further inquiry by the Senate Legal and Constitutional Affairs References Committee into the Detention of Indonesian minors in Australia. Again, serious concerns were raised about the accuracy and reliability of wrist x-rays as an age assessment tool, their suitability for individuals of Indonesian ethnicity and the ethical issues surrounding their use for non-medical purposes.

1.5 In October 2012, as a result of the inquiry, the References Committee recommended that the Australian Government consider removing wrist x-rays as a prescribed procedure for the determination of age under the Crimes Act and in the Crimes Regulations, subject to the advice of the Office of the Chief Scientist regarding their utility as an age assessment tool.

1.6 The provisions in this Bill are a result of the Government's response to the References Inquiry report of October 2012 – a long overdue reform to remove

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1 Senate Legal and Constitutional Affairs Legislation Committee, *Crimes Amendment (Fairness for Minors) Bill 2011*, April 2012, p. 43.

discredited wrist x-rays as a way of determining age, and the Australian Greens welcome them.

1.7 The Australian Greens also acknowledge the persistent and expert advocacy for these reforms from a number of peak medical and legal organisations, community groups and legal representatives across Australia.

**Senator Penny Wright**

**Senator Sarah Hanson-Young**