

Australia's youth justice and incarceration system

yourtown's advocacy submission October 2024



What is it about?

The Australian Senate has established an inquiry to examine Australia's youth justice and incarceration system with a focus on child rights, the impact of youth incarceration, the over representation of First Nations children and national minimum standards. The inquiry comes shortly after Anne Hollonds, the National Children's Commissioner tabled a report (Help Way Earlier!) in Parliament, focused on child justice and opportunities for reform across Australia based on evidence and protection of human rights.

Why is it important?

Over many decades Royal Commissions and inquiries at both a national and state and territory level have identified serious concerns with youth justice systems in Australia and made recommendations that have not been implemented. It is time for Australia to take action at a national level and ensure Australia's youth justice system is responsive to the needs and rights of all children and young people.

Some of yourtown's key messages:

1. Raise the age of criminal responsibility nationally to 14 years and implement national minimum standards

Criminalising children at an early age only entrenches disadvantage, reinforces trauma, and fails to address the underlying societal and environmental factors that lead to offending and re-offending. Raising the age of criminal responsibility will break the cycle of crime and deliver permanent and positive change to Australian communities. **yourtown** strongly advocates for a national age of criminal responsibility for all types of offences that is set to at least 14 years old. A national unified approach to youth justice will strengthen accountability and coordination of governments, reduce silos, and increase the likelihood of improved outcomes

2. Aboriginal and/or Torres Strait Islander led solutions

There needs to be increased funding for proven, strengths-based solutions led by Aboriginal and Torres Strait Islander communities that address the underlying social and economic issues and intergenerational trauma impacting Aboriginal and Torres Strait Islander young people. This is essential if Australia is to successfully address the overrepresentation of Aboriginal and Torres Strait Islander young people in contact with the criminal justice system. Successful examples include indigenous sentencing courts and community justice groups.

3. Upholding child rights through Early Intervention and Prevention

Children and young people at risk of contact with the youth justice system are well known to be a vulnerable cohort, often with complex and intersecting social needs. To prevent or address potential offending, the root causes of offending need to be addressed. The system should be shifted from a focus on punitive approaches to focus upon delivering therapeutic early intervention programs, including after school and diversion programs, safe accommodation options; alternative police responses; multi-disciplinary panels, and funding community organisations to deliver them.

4. Upholding child rights through including young people in reviewing and co-designing the system

It is critical to listen to and let the voices of young people inform any youth justice system's design. Specifically, there needs to be genuine listening to young people about their experiences and learnings, and what would work, what would not work, what would trigger them or scare them, and most importantly, what would help them.

6. Improve young people's transition back into the community following incarceration

The youth justice system must prioritise young people's transition back into and ongoing engagement with the community. This includes the provision of adequate support and services; wrap around support before and after release; case management; and assistance into employment, training or education pathways.

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