



Law Council  
OF AUSTRALIA

# Australia's youth justice and incarceration system

Senate Legal and Constitutional Affairs References Committee

23 December 2025

*Telephone* +61 2 6246 3788  
*Email* [mail@lawcouncil.au](mailto:mail@lawcouncil.au)  
PO Box 5350, Braddon ACT 2612  
Level 1, MODE3, 24 Lonsdale Street,  
Braddon ACT 2612  
Law Council of Australia Limited ABN 85 005 260 622  
[www.lawcouncil.au](http://www.lawcouncil.au)

# Contents

Acknowledgements	1
Executive summary	2
Recommendations	4
Part I—Significant developments since previous inquiry	6
New South Wales	7
Overview	7
2024 bail changes	7
Minimum age of criminal responsibility and doli incapax review	8
Northern Territory	10
Legislative amendments	10
Detention conditions	11
Availability of Legal Aid	13
Queensland	13
Watchhouse conditions	14
Minimum age of criminal responsibility and First Nations overrepresentation	14
Victoria	15
Situation for children and young people in the Victorian system generally	15
Bail law changes	15
Conditions in Custody	17
Post and Boast amendments	17
Adult Time for Violent Crime	18
South Australia	19
Legal developments	19
Lived experience	20
Western Australia	21
Cleveland Dodd inquest	21
General approach to child detention	22
Tasmania	23
Federal and national perspective	23
Bail and remand reform	23
Federal options to uphold children’s human rights	24
Part II—Evidence of effective alternative approaches	27
General remarks	27
New South Wales	29
Northern Territory	29
Victoria	30
Violence Reduction Unit Announcement	30
Early Intervention Officers in schools	31
Australian Capital Territory	31
Preventive monitoring to improve detention conditions	31
Tasmania	32
Youth Justice Blueprint 2024–2034	32
About the Law Council of Australia	34

## Acknowledgements

The Law Council of Australia thanks:

- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Law Society of South Australia;
- the Queensland Law Society;
- the Victorian Bar;
- the Law Institute of Victoria;
- the Law Society Northern Territory;
- the Law Society of Western Australia;
- the Law Society of Tasmania, and
- the National Human Rights Committee

for their contribution to the preparation of this submission.

## Executive summary

1. The Law Council thanks the Senate Legal and Constitutional Affairs References **Committee** for the opportunity to comment further on Australia’s youth justice system and the incarceration of children and young people around the country.
2. This submission should be read in conjunction with our submission to the earlier instance of this inquiry in the 47th Parliament, submitted in October 2024 (**2024 submission**),<sup>1</sup> as well as our **supplementary submission** following our appearance before that inquiry in February 2025.<sup>2</sup> Those submissions addressed the first term of reference for the present inquiry.
3. As stated in our 2024 submission, it is important to acknowledge that children can and do engage in behaviour that can have significant and harmful effects on their victims—and that our society needs to develop effective policy responses to such behaviour and support victims. However, the Law Council also recognises that children are not adults and that approaches to criminal justice designed for adults are inappropriate to address alleged breaches of the law by children.
4. The Law Council observes in relation to youth justice and incarceration around the country that jurisdictions are turning to increasingly punitive measures to combat perceived<sup>3</sup> youth crime crises. These measures are inconsistent with the evidence about approaches that really work and are sustainable, and incur unacceptable costs both in terms of funding and impact on vulnerable children’s lives.
5. According to the Productivity Commission, the cost of detaining one child in Australia has reached \$3,320 per day. This adds up to more than \$1 million per child annually, for a collective total of more than \$1 billion per year.<sup>4</sup> If this funding were redirected to diversion and support services administered by specialists from across relevant sectors (including justice, health and welfare), it could make a transformative difference in these children’s lives. It could also result in a lasting improvement in community safety, which research shows will not be achieved by taking a punitive approach. By contrast, community-based supervision costs on average \$381 per child, per day.<sup>5</sup>
6. It is also important to note that the burden of these punitive approaches does not fall evenly across the population. According to the Australian Institute of Health and Welfare, First Nations children and young people made up three in five (60%) of all those in detention on an average night in the June quarter 2025, beginning at age

---

<sup>1</sup> Law Council of Australia, [Australia’s youth justice and incarceration system \(Submission 195\)](#), 22 October 2024).

<sup>2</sup> Law Council, [Supplementary Submission: Australia’s Youth Justice and Incarceration System](#) (14 February 2025).

<sup>3</sup> Alex Simpson, “[Is Australia in a youth crime crisis? Here’s what the numbers say](#)”, *The Conversation*, 1 December 2025; also Susan Baidawi, “[Youth crime in Australia: Rhetoric vs reality](#)” (2025) 96(3) *Australian Quarterly* 31-39.

<sup>4</sup> Productivity Commission, [Report on Government Services 2025](#), Part F, Youth Justice, 17. See also Justice Reform Initiative, [Australia now spends \\$1 billion a year locking up children—it’s time for a smarter approach](#), (Media Release, 31 January 2025).

<sup>5</sup> Productivity Commission, [Report on Government Services 2025](#) (Report, 30 January 2025), Part F, table 17A.21.

10.<sup>6</sup> They were 21 times as likely to be in detention as their non-Indigenous peers.<sup>7</sup> Other groups of young people, such as those living with disability, are also significantly overrepresented, and have been for many years.<sup>8</sup> Addressing the causes of this overrepresentation should be among the highest priorities for all governments across the nation, including through the National Closing the Gap Agreement.

7. The legal profession is extremely concerned by these trends. That concern prompted the Law Council to publish a *Policy Statement on Child Justice Reform* in March 2025, which we commend to the Committee and all relevant policy- and decision-makers.<sup>9</sup>
8. As a nation, we must turn towards a preventive and protective approach to child justice in line with Australia's international human rights obligations and the best available research, for the sake not only of children who might break the law, but also potential victims, their families and the broader community.
9. The Law Council encourages national leadership by the Australian Government in this area, not only to promote evidence-based approaches to policy making and to fund services that address underlying issues behind youth offending, but also to defend the human rights and common law rights of children involved (or likely to become involved) with the criminal justice system. We make **nine recommendations** to this end, which should be considered complementary to those made in our 2024 submission and supplementary submission. They also complement recommendations made by a long list of previous inquiries relevant to child justice around the country.<sup>10</sup>
10. This submission is set out in two parts. Part I outlines developments relevant to the first term of reference since our appearance before the previous inquiry in February 2025. Part II addresses the second term of reference with respect to evidence of effective alternatives to detention of children.
11. Although the focus of this submission is on legal and policy developments from a federal and national perspective, the Law Council encourages the Committee to engage and seek input from young people with lived experience in the justice system in this inquiry. Their voices are an essential factor to understand the effect of various youth justice interventions and how the child justice system should be improved.<sup>11</sup>
12. First Nations readers should be aware that this submission discusses names and circumstances of people who have died. This submission also contains potentially distressing details of occurrences in detention, including incidents of self-harm.

---

<sup>6</sup> Australian Institute of Health and Welfare (AIHW), [Youth detention population in Australia 2025: First Nations](#) (Last updated 10 December 2025).

<sup>7</sup> Ibid.

<sup>8</sup> See eg Patrick McGee et al, [Report of the National Forum on Cruel, Inhuman and Degrading Treatment of People with Disability in Detention](#) (May 2024), 2-3.

<sup>9</sup> Law Council, [Policy Statement on Child Justice Reform](#) (March 2025).

<sup>10</sup> See Law Council, 2024 submission, Executive Summary (footnote 5).

<sup>11</sup> See further eg Lisa Ewenson, "Lived experiences of youth justice detention in Australia: reframing the institution in a decarcerated state" (2024) 30(1) *Australian Journal of Human Rights* 41.

## Recommendations

### **Recommendation 1:**

**The Australian Government should monitor and assess the impacts of justice reinvestment, including through the National Justice Reinvestment Program, to ensure funding is best enabling meaningful, community-led change for child justice.**

### **Recommendation 2:**

**The Australian Government should consider how it can invest in broader health, family, housing, disability and Indigenous services which address the underlying issues of children in the justice system,**

### **Recommendation 3:**

**A national evidence base or clearing house of effective child justice policies should be developed to guide policy making across the country.**

### **Recommendation 4:**

**The Australian Government should, informed by the outcomes of Recommendations 1–3 above, develop a strengths-based funding model for child justice so that Commonwealth funding can be best directed to projects with demonstrated positive policy outcomes.**

### **Recommendation 5:**

**The Australian Government should raise the minimum age of criminal responsibility at the federal level from 10 to 14 years, for all offences, without exception.**

### **Recommendation 6:**

**A review should be undertaken of the operation of section 20C of the *Crimes Act 1914* (Cth) to ensure prosecutions and sentencing of child offenders for Commonwealth crimes are consistent with Australia's international obligations.**

### **Recommendation 7:**

**The Australian Government should expand legal assistance to address unmet legal need, in particular for First Nations children, informed by a National Legal Needs survey (as recommended by the Independent Review of the National Legal Assistance Partnership).**

### **Recommendation 8:**

**Australia should withdraw its reservation to article 37(c) of the CRC, which requires children to be separated from adults in prison unless it is in the child's best interests not to do so.**

**Recommendation 9:**

**The Australian Government should step up efforts to implement its commitments under the Optional Protocol to the Convention against Torture (OPCAT) in relation to a National Preventive Mechanism for detention monitoring, by fostering and contributing to an intergovernmental agreement on funding with States and Territories.**

## Part I—Significant developments since previous inquiry

13. Recent developments in child justice law and policy continue to reflect an alarming trend towards tougher detention-focused policies, in ways that impact significantly on children’s rights both at international law and at common law.
14. Examples include the removal of distinctions between children and adults in sentencing provisions for a range of offences, the weakening of *doli incapax* presumption, and the expanded presumption against bail contrary to the principle that children only be detained as a last resort.
15. The minimum age of criminal responsibility (**MACR**) also remains 10 years in most Australian jurisdictions (other than the ACT and Victoria), and those jurisdictions reportedly have no plans to raise to at least 14<sup>12</sup> in line with international human rights standards<sup>13</sup> and the Law Council’s strong policy position.<sup>14</sup>
16. According to the Australian Institute of Health and Welfare, 80% of young people aged 10 and over in detention on an average day in 2023–24 were unsentenced.<sup>15</sup> This is approximately twice the overall remand rate of 42%. Following its visit in November–December 2025, the UN Working Group on Arbitrary Detention observed of people on remand around the country that “many are kept in detention due to disadvantage from discriminatory practices, homelessness and social conditions rather than risk to the community.”<sup>16</sup> This presents a risk of arbitrary detention contrary to Australia’s international obligations.<sup>17</sup>
17. The inconsistency between these policies and Australia’s international human rights obligations have also been raised with the United Nations. In April 2025, leading scholars and human rights law experts Associate Professor Hannah McGlade and Professor Megan Davis authored a complaint with the UN Committee on the Elimination of All Forms of Racial Discrimination in relation to the unacceptable treatment of First Nations children in justice systems around Australia.<sup>18</sup> In July 2025, Australia’s child justice system and First Nations overincarceration were among the most pertinent current human rights and rule of law issues highlighted in the Law Council’s submission to the Office of the High Commissioner for Human Rights for Australia’s Fourth Cycle Universal Periodic Review.<sup>19</sup> Similar concerns were raised in the Joint NGO Report to the Review.<sup>20</sup>

---

<sup>12</sup> See Australian Institute of Family Studies, [The minimum age of criminal responsibility in Australia](#) (Resource sheet, July 2025).

<sup>13</sup> See Committee on the Rights of the Child, [General comment No. 24 \(2019\) on children’s rights in the child justice system](#), UN Doc CRC/C/GC/24 (18 September 2019), [21]–[22].

<sup>14</sup> Law Council, [Policy Statement – Minimum Age of Criminal Responsibility](#) (17 December 2019).

<sup>15</sup> AIHW, [Youth justice](#) (Web page, 2025).

<sup>16</sup> UN WGAD, [Australia: UN Working Group raises major concerns about detention of Indigenous people, children and migrants](#) (Media release, 12 December 2025).

<sup>17</sup> Arbitrary detention is prohibited under article 9(1) of the International Covenant on Civil and Political Rights (**ICCPR**, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976)).

<sup>18</sup> Hannah McGlade/Megan Davis, [ICERD – Early Warning and Urgent Action Submission](#) (May 2025).

<sup>19</sup> Law Council, [Submission to the Fourth Cycle Universal Periodic Review of Australia](#) (16 July 2025).

<sup>20</sup> Australian NGO Coalition, [Joint NGO Report on behalf of the Australian NGO Coalition](#) (17 July 2025).

18. This Part outlines relevant developments across Australian jurisdictions and recommends options for the Australian Government to demonstrate leadership to improve children’s rights in the justice system against the worsening national picture.

## New South Wales

### Overview

19. According to the NSW Bureau of Crime Statistics and Research (**BOCSAR**), the number of young people in custody in New South Wales increased by 34% between June 2023 and June 2025.<sup>21</sup> This rise reflects primarily an increase in the number of people on remand, which has grown by 28% over the last two years.<sup>22</sup> Out of the 234 young people in custody as of June 2025, over 70% were on remand. As in other jurisdictions, First Nations children are significantly overrepresented,<sup>23</sup> comprising 60% of the total youth detention population.<sup>24</sup> New South Wales recorded “no change” from 2018–19 to 2023–24 with regards to Target 11 of the National Agreement on Closing the Gap, which is to reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30 per cent by 2031.<sup>25</sup>

### 2024 bail changes

20. Our 2024 submission noted recent amendments to the *Bail Act 2013* (NSW). In May 2024, section 22C was introduced into that Act to mandate the refusal of bail for young people accused of certain serious offences committed while on bail unless there is a “high degree of confidence the young person will not commit a [further] serious indictable offence”. This is a novel test that departs from the principle of detention as a last resort in article 37(b) of the Convention on the Rights of the Child (**CRC**),<sup>26</sup> and applies a more stringent standard to young people than that applied to adults in the same circumstances.<sup>27</sup> As noted in our 2024 submission, associated changes to the Bail Act also created new offences and higher penalties for young people that have particularly affected children in remote, rural and regional areas.<sup>28</sup>
21. Those bail changes were framed as a temporary, 12-month “circuit breaker” designed to interrupt cycles of youth offending behaviours.<sup>29</sup> In May 2025, the NSW Government extended the sunset date to 1 October 2026. Particular concern has been expressed about the extension of section 22C in circumstances where recent statistics demonstrate that youth crime in New South Wales has been stable over the

<sup>21</sup> NSW Bureau of Crime Statistics and Research (**BOCSAR**), [NSW youth detention numbers up 34% since 2023](#), Media Release, 14 August 2025.

<sup>22</sup> BOCSAR, [Custody statistics – Quarterly update, June 2025](#) (regularly updated web resource).

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Productivity Commission, [Closing the Gap: Annual Data Compilation Report](#) (July 2025), pp. 30, 108–110.

<sup>26</sup> Opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990). NB art 40 also requires states to use non-judicial means wherever possible to deal with children’s offending behaviours.

<sup>27</sup> Section 22 of the *Bail Act 2013* (NSW) contains a general limitation on bail that applies to most others charged with “show cause offences”. Section 19 provides the general “unacceptable risk” test, but section 22C applies to child offenders in addition.

<sup>28</sup> Law Council, 2024 submission, [16]; see further Law Society of NSW, [Open letter to Members of the Legislative Council](#), 20 March 2024.

<sup>29</sup> NSW, [Parliamentary Debates](#), Legislative Assembly, 12 March 2024 (Michael Daley, Attorney General).

past two, and ten, years to June 2025 and that, in the two years to June 2025, the number of young people proceeded against declined by 12.3% in regional New South Wales.<sup>30</sup> Section 22C has also been the subject of significant and sustained criticism in New South Wales courts, including for its inconsistency with the principle that children should not face greater penalties than adults under the *Children (Criminal Proceedings) Act 1987* (NSW).<sup>31</sup>

### *Minimum age of criminal responsibility and doli incapax review*

22. On 8 May 2025, the NSW Government announced a review into the operation of the *doli incapax* presumption in that state. The announcement followed the publication of a BOCSAR report which found that convictions of 10–13-year-olds had declined since the 2016 High Court decision in *RP v The Queen*.<sup>32</sup>
23. Briefly stated, the *RP* judgment held that the presumption that children—particularly younger children—are not capable of appreciating the moral wrongness of their otherwise criminal conduct should not be rebutted merely by considering the criminal act and its circumstances. The prosecution should be required to adduce evidence, including interview transcripts, psychologists’ reports and teachers’ reports to demonstrate the child’s level of understanding.<sup>33</sup>
24. In the context of jurisdictions such as New South Wales that maintain a MACR of 10, common law fair trial safeguards such as *doli incapax* are critically important.<sup>34</sup> The Final Report of the NSW *doli incapax* review affirmed as much in August 2025, calling it an “important safeguard against the possibility of inappropriate findings of criminal responsibility when a child lacks [the requisite] knowledge.”<sup>35</sup> The authors of the review, the Honourable Geoffrey Bellew SC and Mr Jeffrey Loy APM, went on to state that *doli incapax* “recognises the considerable vulnerability of children aged 10–13 years and the significant impact upon such children of a criminal conviction.”<sup>36</sup> The Final Report made a number of recommendations, including to legislate the common law test for rebutting *doli incapax*.
25. Nevertheless, the eventual amendments made by the NSW Government to the *Children (Criminal Proceedings) Act 1987* (NSW) appear to undermine the High Court’s decision in *RP*, providing relevantly:

5(7) *To avoid doubt—*

- (a) *a court may determine that the presumption has been rebutted based on evidence of the conduct that constitutes the alleged offence and the circumstances surrounding the commission of the alleged offence, and*

<sup>30</sup> BOCSAR, Recorded crime statistics, [Quarterly update June 2025](#) (Web page).

<sup>31</sup> See eg *R v TW* [2024] NSWSC 1504 at [11] (Rothman J); *R v BH* [2024] NSWSC 1577 at [16] (Yehia J); *R v RB* [2024] NSWSC 471 (Lonergan J).

<sup>32</sup> [2016] HCA 53.

<sup>33</sup> *RP v The Queen* [2016] HCA 53, [9], [12], [16–19] and [29–36]. See further Ian Freckleton, ‘Children’s Responsibility for Criminal Conduct: The Principle of Doli Incapax under Contemporary Australian Law,’ (2017) 24(6) *Psychiatry, Psychology and the Law* 793, 798.

<sup>34</sup> See ALRC, *Traditional Rights and Freedoms—Encroachment By Commonwealth Laws* [8.12]–[8.29]. The situation with regard to fair trial safeguards is similar in the Commonwealth and NSW jurisdictions.

<sup>35</sup> Bellew and Loy, [Review of the operation of doli incapax in NSW for children under 14](#) (Final Report, August 2025), 2.

<sup>36</sup> *Ibid.*

- (b) *the determination may be made without or despite other evidence of the child's intellectual and moral development if the court is satisfied that evidence of the conduct that constitutes the alleged offence and the circumstances surrounding the commission of the alleged offence is sufficient to satisfy the requirement set out in subsection (3).*

26. As the NSW Bar Association has stated, this provision is inconsistent with the *RP* decision (and recommendation 3 of the review) by focusing on the child's alleged offending behaviour rather than the child's intellectual and moral development. In fact, the Bill allows a court to determine that the presumption has been rebutted based on the evidence of the alleged conduct alone, without or despite evidence of the child's intellectual or moral development.<sup>37</sup> Similarly, the Law Society of NSW considers it is essential that, in all matters where the prosecution seeks to rebut *doli incapax*, inquiries are made into the specific child's moral, social and intellectual development. Failure to do so puts vulnerable children who do not properly grasp the moral wrongness of their conduct and therefore are not able to meaningfully engage with criminal proceedings, at risk of further entrenchment in the criminal justice system, with associated criminogenic effects, which may seriously jeopardise efforts to promote community safety in the long-term.
27. The Law Society of NSW and NSW Bar Association have welcomed other changes following the review, including amendments to the *Young Offenders Act 1997* (NSW) to increase the availability of diversionary pathways for young people. However, the Law Society remains concerned that such efforts may be undermined by the legislative amendments regarding *doli incapax*, as well as the inability to deal with certain indictable offences under the *Young Offenders Act*.
28. On the child justice system more broadly, the Final Report observed that:<sup>38</sup>

*At present, criminal justice processes (such as charges, bail conditions or short-term remand) are sometimes utilised as a temporary circuit breaker or de-escalation tool where there are community safety concerns or alternative options are limited. While we understand why this approach may be taken, using such processes in that way is unproductive for a variety of reasons, not the least of which is that they fail to provide a meaningful, long-term solution for the child and the community.*

*Instead of exposing a child to the criminal justice process, we consider that diverting them from that process, and engaging them in diversion processes or therapeutic interventions, could provide a more constructive and cost-effective approach.*

<sup>37</sup> NSW Bar Association, [Statement on proposed doli incapax reforms](#) (Media release, 20 November 2025).

<sup>38</sup> Geoffrey Bellew and Jeffrey Loy, [Review of the operation of doli incapax in NSW for children under 14](#) (Final Report, August 2025), 3.

## Northern Territory

### Legislative amendments

29. On 30 April 2025, the *Bail and Youth Justice Legislation Amendment Act 2025* (NT) was passed by the Northern Territory Legislative Assembly. Similar to the bail reforms in New South Wales, this Act amends the *Bail Act 1982* (NT) to insert a requirement that judicial decision makers not grant bail unless they have a “high degree of confidence, when considered in isolation from the other requirements, that the person will not commit a prescribed offence or a serious violence offence or otherwise endanger the safety of the community.”<sup>39</sup> It also provides the paramount consideration when granting bail is the risk to the safety of the community that would result from the accused person’s release on bail.<sup>40</sup> In doing so, the Act limits the power of Courts to consider the interests of the accused person, including cultural obligations, disability, the strength of the evidence against them and their ability to obtain legal advice.<sup>41</sup>
30. The *Bail and Youth Justice Legislation Amendment Act 2025* (NT) amended the criteria to be considered in bail applications by young people such that decision-makers can no longer consider when granting bail that the incarceration of children should be a last resort and should only occur for the shortest appropriate period of time.<sup>42</sup> This amounts to a failure to consider relevant obligations under the Convention of the Rights of the Child,<sup>43</sup> including also that the best interests of the child must be the primary consideration.<sup>44</sup> The *Bail and Youth Justice Legislation Amendment Act 2025* (NT) also removed this requirement from the principles of the *Youth Justice Act 2005* (NT), which previously required the administration of the Act to consider those measures as a last resort.
31. In September 2025, the *Youth Justice Legislation Amendment Act 2025* (NT) commenced. This Act amends the *Youth Justice Act 2005* (NT) and related legislation. The NT Government described the amendments as “the biggest changes to youth justice laws since the Youth Justice Act 2005 began,” adding they aimed “to make communities safer and the justice system more effective for young people.”<sup>45</sup>
32. Key amendments include:<sup>46</sup>
  - Stronger penalties for a range of offences committed by children;
  - Direction for courts to “have primary regard” to impact on victims;
  - Restrictions on the availability of diversion programs;<sup>47</sup>
  - Reintroduction of banned restraints in youth detention, including ankle cuffs, waist belts and spit guards;<sup>48</sup>

---

<sup>39</sup> *Bail Act 1982* (NT), s 7A(2AB).

<sup>40</sup> *Bail Act 1982* (NT), s 7A(2AA), see also s 24(1)(aa).

<sup>41</sup> *Bail Act 1982* (NT), s 24(1).

<sup>42</sup> See BYJ Amendment Act s 7.

<sup>43</sup> Art 37(b).

<sup>44</sup> Art 3.

<sup>45</sup> NT Government, [Youth Justice Bill overview](#) (Factsheet, 2025).

<sup>46</sup> Legislation NT, Youth Justice Legislation Amendment Bill 2025 (NT), [Explanatory Statement](#).

<sup>47</sup> This may be contrasted with recent changes to NSW law discussed below, which expanded the availability of diversion programs.

<sup>48</sup> *Youth Justice Regulations 2006* (NT), Reg 70, as amended.

- Other youth detention policies being brought into line with adult detention policies (for example use of isolation (or “behavioural separation”) for up to 72 hours and use of correctional services dogs on children<sup>49</sup>).

### *Detention conditions*

33. The Law Society NT has received reports from legal practitioners about overcrowding in Northern Territory prisons, particularly in the use of police watchhouses to house prisoners. This includes the housing of multiple persons in single cells and the use of watchhouse custody for sentenced prisoners rather than short remand stays only. Since March 2025, lawyers have reported that prisoners are being kept in their cells for 24 hours per day without break or exercise. They have also noted the use of “rolling lockdowns” due to staff shortages meaning that prisoners (including children) are being kept in cells for days without break before receiving a break of 30 minutes to 1 hour.
34. Under the International Covenant on Civil and Political Rights (**ICCPR**),<sup>50</sup> as well as the CRC, Australia must ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person. Furthermore, persons on remand should be separated from persons who have been convicted,<sup>51</sup> and children should be separated from adults.<sup>52</sup>
35. Official prison visitors are appointed by the NT Attorney-General’s Department, and represent the Attorney-General.<sup>53</sup> Three official visitors must be appointed for each custodial correctional visitor,<sup>54</sup> and visits to each custodial correctional facility should occur at least once each month.<sup>55</sup> The official visitor is required to inquire into the treatment, behaviour and conditions of the prisoners at the facility and report those conditions to the Attorney-General.<sup>56</sup> Between April and June 2022, official visitors only visited the youth detention centre on two occasions.<sup>57</sup> The Law Society NT understands as at May 2025 that no regular visits are occurring.
36. The Law Society NT reports that conditions in youth detention in the Territory are unsatisfactory. For a period of several months from around May 2025, young people in detention were confined to their cell blocks and almost no access outside the block was permitted unless they received a visitor. As at 12 December 2025, 60 young people were being held in custody in the Northern Territory, 57 of whom are First Nations. Most of the young people currently in custody are on remand (80%), and prior to the bail reforms would have been able to access diversion programs. Reports from practitioners are supported by findings of offices such as the NT

---

<sup>49</sup> *Youth Justice Act 2005* (NT), ss 147C(5) & (6), also s 158F, as amended.

<sup>50</sup> Opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

<sup>51</sup> ICCPR, art 10(2)(a).

<sup>52</sup> ICCPR, art 10(2)(b) and CRC, art 37(c).

<sup>53</sup> *Correctional Services Act 2014* (NT), s 26.

<sup>54</sup> *Correctional Services Act 2014* (NT), s 26(1).

<sup>55</sup> *Correctional Services Act 2014* (NT), s 29.

<sup>56</sup> *Correctional Services Act 2014* (NT), s 30.

<sup>57</sup> Jano Gibson, “[FOI documents show the NT is breaching its own independent monitoring policy at Don Dale YDC](#)” ABC News, 24 August 2022.

Children’s Commissioner, including one report detailing practices such as lengthy isolation periods and starvation.<sup>58</sup>

37. In July 2025, the North Australian Aboriginal Justice Agency reported that children as young as eleven were being held in the Palmerston watchhouse in solitary confinement, with the lights on 24 hours per day.<sup>59</sup>
38. The Ombudsman NT conducted an own-motion investigation into conditions for those detained in NT Police Force watchhouses in early 2025, and the relevant report was tabled in the NT Legislative Assembly in November.<sup>60</sup> The Ombudsman found conditions to be generally poor:
 

*... throughout the last quarter of 2024, significant legislative reforms were introduced aimed at reducing crime including amendments to bail legislation which resulted in an increasing NT prison population. It is clear to me that the Department of Corrections had no alternative but to find a way to accommodate the growing prison population and was legally obliged to do so. However, as this report sets out, the conditions for Territory prisoners held in police watch houses during this period was unacceptably poor in several key regards. No prisoner, regardless of their offence, should be held in such conditions....*<sup>61</sup>
39. The Law Council encourages the Committee to have regard to the Ombudsman’s report as part of this inquiry, noting that the NT has the highest rate of children in detention of any state or territory.<sup>62</sup>
40. In addition, the latest available figures from the Australian Bureau of Statistics show that the imprisonment rate for First Nations people in the NT is 4,647/100,000—an exceedingly elevated figure.<sup>63</sup> This translates to the second-highest rate of First Nations young people in detention as well (the highest rate having switched from NT to Queensland between 2024 and 2025).<sup>64</sup> The latest available statistics from the Australian Institute of Health and Welfare show an increase in the rate of young people being detained since 2024, although rates in 2023 were still higher.<sup>65</sup>

<sup>58</sup> See Office of the Children’s Commissioner (NT), [Investigation into the treatment of a child in youth detention](#) (Factsheet, September 2025); also Lyons, ‘[Don Dale detainee isolated for 84 hours and denied food as coercion technique, investigation finds](#)’, *The Guardian*, 5 September 2025.

<sup>59</sup> Samantha Dick, ‘[NT police watch house concerns continue as 11-year-old girl held overnight ‘with the lights on 24 hours](#)’, *ABC News*, 22 July 2025.

<sup>60</sup> Ombudsman NT, [Watch House Investigation Report](#) (November 2025).

<sup>61</sup> *Ibid*, 2.

<sup>62</sup> AIHW, [Youth detention population in Australia 2025: By state and territory](#) (Last updated 10 December 2025), Fig 4.1.

<sup>63</sup> Only Western Australia comes close, with a rate of 4,574/100,000 for the September Quarter 2025 – Australian Bureau of Statistics, Corrective Services, Australia, [Persons in custody](#). For international comparison rates, see eg ICPR/Birkbeck, [World Prison Brief](#); also Anthony/Baldry, ‘[FactCheck: are first Australians the most imprisoned people on Earth?](#)’, *The Conversation*, 6 June 2017. African-Americans in the United States are consistently stated to be around five times more likely to be incarcerated than Caucasian Americans (see eg The Sentencing Project, [Black Disparities in Youth Incarceration](#) or NAACP, [Criminal Justice Fact Sheet](#)). With the latest available overall rate being [542/100,000](#), African-American imprisonment rates are approximately 2,705/100,000. The highest national incarceration rate is El Salvador, with 1,659/100,000 as of 2024.

<sup>64</sup> AIHW, [Youth detention population in Australia 2025: First Nations by state and territory](#) (Last updated 10 December 2025 – [2024 figures for comparison](#)).

<sup>65</sup> The 2025 statistics were made available on 10 December 2025 – see AIHW, [Youth detention population in Australia 2025](#) (Web page).

41. In December 2025, the UN Working Group on Arbitrary Detention was prevented by the NT Government from visiting facilities in that jurisdiction.<sup>66</sup> As noted in our 2024 submission, this is not the first time that UN representatives have been refused access to detention centres in Australia, reflecting a concerning trend across jurisdictions.<sup>67</sup>

### *Availability of Legal Aid*

42. At the time of writing, Legal Aid NT is facing a severe funding deficit, which means its services have had to be strictly limited to those already in custody.<sup>68</sup> The Law Society NT observes:<sup>69</sup>

*These cuts will have a devastating effect on those charged with criminal offences, unable to afford a lawyer.*

*In October 2024 the Society called upon both the Commonwealth and Northern Territory Governments to immediately address the funding shortfalls impacting the basic right to a fair trial.*

*After some initial improvements, the Society is dismayed that Legal Aid NT is again facing these issues 12 months on, this time set to affect children as young as 10 years old and other vulnerable members of our community.*

43. The Law Society observes further that the NT Government's "tough on crime" measures described above require increased funding for legal assistance services, rather than funding reductions.<sup>70</sup>

### *Queensland*

44. Since the Law Council's 2024 submission, Queensland has adopted two tranches of "Making Queensland Safer" laws, popularly known as the "adult time, adult crime" laws. The first tranche, the *Making Queensland Safer Act 2024* (Qld), prescribed 13 offences as "significant offences" for which children could now receive the same sentences as adults.<sup>71</sup> The second tranche, the *Making Queensland Safer (Adult Crime, Adult Time) Amendment Act 2025* (Qld), added a further 20 offences to the relevant list.

<sup>66</sup> Rangiah, "[UN WGAD denied visits to NT prisons, meetings with government](#)" ABC News, 10 December 2025.

<sup>67</sup> Law Council, 2024 submission, [136].

<sup>68</sup> Law Society NT, "[Law Society Northern Territory again calls for Immediate action to support Legal Aid NT](#)" (Media release, 19 November 2025).

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*

<sup>71</sup> The commencements of the relevant provisions were staggered so that 13 of the 33 sentence changes took effect in December 2024, and a further 20 took effect in May 2025.

45. In addition, these amendments:
- (a) Removed the principle that children should be detained only as a last resort from the *Youth Justice Act 1992 (Qld)*;<sup>72</sup>
  - (b) Specifically overrode the *Human Rights Act 2019 (Qld)*;<sup>73</sup>
  - (c) Allowed for identifying information about children being sentenced for “significant offences” to be published;<sup>74</sup> and
  - (d) Provided for children to be transferred to adult facilities within one day of their 18<sup>th</sup> birthday.<sup>75</sup>
46. Such drastic changes, involving the removal of vital protections for children in the justice system, have been made on dubious evidentiary foundations.<sup>76</sup>

### *Watchhouse conditions*

47. One tragic consequence of making such changes without adequate services and infrastructure changes to support them is an increase in children detained in police watchhouses (as in the NT). A Queensland Police Service review of watchhouses in July 2025 found conditions are so poor that detainees “deliberately injure themselves” to get transferred to hospital and significant privacy violations.<sup>77</sup> Watchhouse infrastructure was found to be “unsuitable” and “unsafe” for children.<sup>78</sup> The review made 34 recommendations amounting to an “overhaul” of the temporary detention system, and the Queensland Government has indicated that it agrees with them, but will not rush implementation.<sup>79</sup>

### *Minimum age of criminal responsibility and First Nations overrepresentation*

48. Like most Australian jurisdictions, Queensland sets its MACR at 10. However, a recent review of the operation of the common law presumption of *doli incapax* revealed that Queensland’s conviction rates for 10–13-year-olds had hardly changed since 2016, when the *RP* judgement brought down the rate in most other jurisdictions.<sup>80</sup> This may be attributable to a legislative implementation of *doli incapax* in the Queensland Criminal Code that sets a lower threshold than the common law.<sup>81</sup>

<sup>72</sup> *Youth Justice Act 1992 (Qld)*, s 150, as amended.

<sup>73</sup> *Youth Justice Act 1992 (Qld)*, s 175A(12).

<sup>74</sup> *Youth Justice Act 1992 (Qld)*, s 234, as amended

<sup>75</sup> *Youth Justice Act 1992 (Qld)*, Division 2A, Subdivision 1, as amended

<sup>76</sup> Kenji Sato, “[Criminologists debunk claims of ‘youth crime crisis’ as data shows dramatic declines](#)” *ABC News*, 13 October 2024.

<sup>77</sup> Queensland Police Service, [Watch-house review](#) (Report, July 2025), 12.

<sup>78</sup> *Ibid*, 6 and 28-29.

<sup>79</sup> Ciara Jones/Kate McKenna/Julia Andre, “[Major review into Queensland’s watch houses identifies poor conditions and long stays as of concern](#)” *ABC News*, 10 July 2025.

<sup>80</sup> BOCSAR, [Did a High Court decision on doli incapax shift court outcomes for 10-13 year olds?](#) (Crime and Justice Bulletin 268, May 2025), 11.

<sup>81</sup> Criminal Code Act 1899 (Qld), s 29. This provision was compared with other jurisdictions’ equivalents in the BOCSAR report above.

49. A major study published in 2024 showed that those coming into contact with the criminal justice system in Queensland between the ages of 10 and 13 were mainly charged with minor offences, but their early engagement produced a far greater likelihood of entrenchment in the system.<sup>82</sup> This reflects similar effects observed in New South Wales in earlier studies.<sup>83</sup> The researchers also found a significant overrepresentation of First Nations children in this cohort, and concluded:<sup>84</sup>

*... we are currently missing a window of opportunity to intervene in appropriate ways before offending intensifies or becomes entrenched. Current evidence suggests that [criminal justice system] responses are not the best strategy for preventing the escalation and entrenchment of offending. Instead, evidence supports delaying first contact by raising the MACR, alongside the implementation of culturally relevant early intervention, diversion, and support services. Together, this is likely to be the most successful way to curb the offending trajectories of those who would otherwise be at risk of developing the most serious and chronic trajectories.*

## Victoria

### *Situation for children and young people in the Victorian system generally*

50. In Victoria, diversion is an alternative disposition that allows eligible offenders to avoid a criminal record. However, this is a program with limited eligibility (usually applying to first time offenders, and for less serious offending) in the Children's Court or Magistrates' Court that requires the consent of the prosecution.<sup>85</sup>
51. More widely available diversion options would further the interests of children and young people who might otherwise not be captured under the current diversion regime. This would be especially valuable for younger children, who are rarely the perpetrators of the most serious crimes.<sup>86</sup>

### *Bail law changes*

52. On 24 October 2023 the Victorian Parliament passed the *Bail Amendment Act 2023 (Vic) (BA Act)*. The BA Act limited application of more onerous bail tests for repeat offences that had been introduced in 2018<sup>87</sup> by reserving them for serious offences and situations involving significant risk. In effect, this achieved a better balance between the right to liberty with community safety. Importantly, for children, it introduced a presumption in favour of bail—excluding serious offences like terrorism and homicide—and reinforced that custody should be a last resort. The LIV welcomed these reforms but maintained concern that the BA Act did not go far enough to meaningfully change Victoria's bail laws.<sup>88</sup>

<sup>82</sup> James Ogilvie et al, "Examining the characteristics of children who experience contact with the youth justice system in Queensland: implications for the MACR" (2024) 36(4) *Current Issues in Criminal Justice* 408, 409-410.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*, 427.

<sup>85</sup> *Criminal Procedure Act 2009 (Vic)*, s 59; *Children Youth and Families Act 2005 (Vic)*, s 356D(3).

<sup>86</sup> Sentencing Advisory Council, [Sentencing Younger Children's Offending in Victoria](#) (26 June 2025), 10.

<sup>87</sup> See Human Rights Law Centre, [Explainer: Victoria's broken bail laws](#) (2021).

<sup>88</sup> LIV, [LIV welcomes bail reform, but further action needed](#) (Media release, 15 August 2023).

53. In early 2025, the Victorian Government announced its belief that the BA Act did not protect community interests.<sup>89</sup> Notwithstanding data that showed other changes to bail laws made between March 2024 and March 2025 led to an increase in youth offenders held on remand (particularly targeting serious repeat offenders),<sup>90</sup> the Victorian Government considered that further changes were needed to better address re-offending and align with both public and victim expectations. The reform package subsequently introduced, through a two-tranche process, proposed changes that the Government cited as the “toughest bail laws in Australia”.<sup>91</sup>
54. On 25 March 2025, the Tranche 1 bail reforms (*Bail Amendment Act 2025 (Vic)*) received royal assent. The Victorian Government made the following reforms to bail decision-making that sought to reducing re-offending and align with community expectations:
- Community safety was made the overarching consideration in all bail decisions, regardless of the age of the accused. Previously, all considerations were given equal weight when deciding on whether an accused would be granted bail. Now the presumption of innocence, fairness, transparency and consistency are treated as additional considerations subservient to the overarching community safety consideration.
  - Aggravated burglary, home invasion, carjacking and armed robbery were classed as more serious offences to apply the strictest bail test.
  - Committing an indictable offence whilst on bail and contravening a conduct condition of bail were reintroduced as additional offences. The BA Act had removed these offences. These offences were originally repealed as they pose too great a risk that individuals, in particular young people, charged with low-level offending (such as shoplifting), who are then bailed and commit another low-level offence on bail, are then subject to stricter bail tests than necessary.
  - The long-standing principle of remand for children as a ‘last resort’ was removed. This meant that a bail decision-maker needs to consider that remand may be required in certain circumstances, rather than treating it as the last option.
55. Following the Tranche 1 reforms, in June 2025, the Victorian Government highlighted that the reforms had resulted in a 100 per cent increase in remand of young people into custody. Human rights and First Nations representative groups strongly criticised this announcement.<sup>92</sup>
56. Whilst all these amendments affect young people, removing the longstanding principle of remand as a last resort for children is particularly concerning. There is ample evidence that imprisonment is harmful and ineffective, increasing the likelihood of recidivism rather than resulting in rehabilitation of young, vulnerable people.<sup>93</sup>

---

<sup>89</sup> Victorian Government, [Tough Bail laws to Keep Victorians Safe](#) (Media release, 12 March 2025).

<sup>90</sup> See Victoria Legal Aid, [The impact on our clients of changes in bail laws](#) (1 August 2025).

<sup>91</sup> Victorian Government, [Tough Bail laws to Keep Victorians Safe](#) (Media release, 12 March 2025).

<sup>92</sup> Declan Brennan, “Vic government slammed for ‘celebrating’ surging remand numbers under harsh new bail laws” *National Indigenous Times*, 13 May 2025.

<sup>93</sup> In the Victorian context, see eg Sentencing Council, [Reoffending by Children and Young People in Victoria](#) (Factsheet summarising SCV research, 2019).

57. On 2 September 2025 the Tranche 2 bail reforms (*Bail Further Amendment Act 2025* (Vic)) received royal assent. The Tranche 2 reforms sought to tighten the already restrictive bail laws to “improve community safety”. Those reforms included:
- The ‘High Degree of Probability’ test, which set a higher threshold for bail for offenders previously charged with armed robbery, aggravated burglary, home invasion, aggravated home invasion, carjacking, or aggravated carjacking, and
  - The ‘Second-Strike’ rule, which implements an ‘uplift’ regime for individuals already on bail for an indictable offence and facing new charges.
58. Similar to the Tranche 1 reforms, these further bail amendments are expected to disproportionately impact children, young people, First Nations Australians, and those suffering from homelessness or other disadvantages. Further, they do not address the core issues which lead people to become involved in the criminal justice system. Harsher imprisonment separates children from protective factors (including family, school, friends, community and education) for longer and increases the risk that they will continue to commit crimes or be influenced by negative peers.

### *Conditions in Custody*

59. In late November 2025, the LIV met with Youth Justice, Victoria Corrections, Victoria Police, and various other relevant stakeholders. In this meeting Government officials confirmed there are available beds in youth custody, and (in contrast to other jurisdictions as well as the adult system in Victoria) there have been no reports of children being held for an extended period in police cells.
60. The LIV also has concerns about access to justice for children and young people in detention. For example, technical and scheduling issues in virtual conferences add to existing challenges faced by practitioners with obtaining instructions and building rapport with a young person in detention’. Youth Justice Victoria has since confirmed that they currently undertaking major infrastructure works at both precincts to enhance the quality of wireless internet connection. These works are currently expected to be tested and completed in early 2026, and the LIV is hopeful that this will increase young people’s access to justice and community whilst in custody.
61. The LIV expects that with the additional law reforms discussed below, the number of young people on remand is likely to continue to increase, and thus capacity and conditions in custody remain important considerations.

### *Post and Boast amendments*

62. The *Crimes Amendment (Performance Crime) Act 2025* (Vic) (**CAPC Act**) became law in August 2025. The CAPC Act introduced a new conduct offence against intentionally filming and publishing material that depicts the commission of a relevant offence, where the purpose is to promote, incite, or gain notoriety from the offending (dubbed ‘Post and Boast’). For the prosecution to prove a Post and Boast Crime, the accused person must have posted and shared material online via social media or other messaging platforms. These photos or videos must show or describe either the act committed during the relevant offence, show property obtained from committing the offence, or show any damage or harm done during the commission of that offence.

63. The accused person must also have shared the material online for the purpose of obtaining attention from others for commission of the criminal behaviour, excluding information shared for the purposes of education, journalism or other legitimate purposes. The accused person is not liable for this performance offence if they are not found guilty of the relevant offence.
64. The Post and Boast laws were not supported by the legal profession in Victoria due to the likely effect on children and young people, concerns with the proposed law's effectiveness, its necessity and practical operation. Although this new offence does not specifically target young people, the Honourable Sonya Kilkeny, Attorney General in Victoria, made specific reference to the fact that this law seeks to "respond to the dangerous trend among young people chasing clout on TikTok and Snapchat about their heinous crimes which encourages copycat offending, retraumatizes victims and deeply disturbs the community".<sup>94</sup> As such, it is likely that this new offence would primarily target youth, and only serve to entrench young people in the criminal justice system further.
65. In response to the Post and Boast law, the LIV called for the Victorian Government to "invest in evidence-based solutions to deter youth crime, such as increasing funding for early intervention, community-based supports and accessible rehabilitative services, and not continue to rely on criminal law responses which have repeatedly shown do not make the community safer (for example the recent introduction of electronic monitoring)".<sup>95</sup>

### *Adult Time for Violent Crime*

66. On 2 December 2025, the Victorian Government introduced the Justice Legislation Amendment (Community Safety) Bill 2025. Two days later, the Bill had passed both Houses of the Victorian Parliament.<sup>96</sup> This rushed process, with minimal consultation or scrutiny, fell far short of legislative best practice.<sup>97</sup> It was proposed in the Legislative Council that the Bill "be withdrawn and not reintroduced until the Government has engaged in meaningful consultation with First Nations stakeholders and legal and community experts to develop an evidence-based policy," but to no avail.<sup>98</sup>
67. The *Justice Legislation Amendment (Community Safety) Act 2025* (Vic):<sup>99</sup>
- determines that certain offences committed by children be tried in adult courts, with a specific exception for 14-year-olds in compelling circumstances (eg having a cognitive disability);
  - prescribes maximum sentences of life imprisonment for aggravated home invasion and carjacking;

<sup>94</sup> Victorian Government, [New Post and Boast Laws Pass Parliament](#), (Media Release, the Honourable Sonya Kilkeny, Attorney General of Victoria, 15 August 2025).

<sup>95</sup> LIV, [LIV believes new post and boast laws unnecessary](#) (Media Release, 19 June 2025).

<sup>96</sup> Victorian Legislation, [Justice Legislation Amendment \(Community Safety\) Bill 2025](#).

<sup>97</sup> The Law Council recently developed its [Best Practice Legislative Development Checklist](#) to counter such rushed processes.

<sup>98</sup> Katherine Copsey (MLC for Southern Metro), [reasoned amendment](#).

<sup>99</sup> Premier of Victoria, [Adult Time for Violent Crime is Now Law](#) (Media Release, 4 December 2025).

- directs courts to prioritise community safety in sentencing considerations;<sup>100</sup>
- prescribes a new separate offence punishable by up to three years' imprisonment for use of a knife in the commission of a crime, and
- removes the requirement to consider prison as a last resort for underage offenders.<sup>101</sup>

68. In commenting on these amendments,<sup>102</sup> the LIV notes that children who commit serious offences often:

- come from profound disadvantage;
- have been exposed to anti-social behaviour through adults, and
- have cognitive impairments or mental health difficulties.<sup>103</sup>

69. Exposing children to early incarceration will only serve to exacerbate their disadvantage, reduce availability for positive rehabilitation and increase the risk of recidivism. Children require the availability of support services to help them take accountability, learn the impact of their actions and divert them from the criminal justice system. Noting the apparent inspiration Victoria drew from Queensland and the NT, one leading academic expert has called these latest legislative changes “ineffective and harmful” and concluded that that contravene Australia’s international obligations under the CRC.<sup>104</sup>

70. The LIV does not support the ‘Adult Time for Violent Crime’ amendments, and has called for the Victorian Government to rethink them.<sup>105</sup>

71. It is also the view of the profession in Victoria that such an approach will undermine the sentencing objectives and powers pursuant to the *Children, Youth and Families Act 2005* (Vic) and *Sentencing Act 1991* (Vic) that are currently available to children and young people (including those aged 18 to 21 at the time of sentencing).

## South Australia

### Legal developments

72. The Law Society of South Australia (**LSSA**) has made a number of submissions throughout 2025 on a suite of legislative changes with reference to knife crime, passenger transport barring orders, street gangs and recidivist young offenders.<sup>106</sup> While recognising the community safety objects of these legislative changes, in the LSSA’s view they will increase the criminalisation of young people, will result in increased youth detention and remain inadequately resourced.

<sup>100</sup> See *Youth Justice Act 2024* (Vic), s 204 and *Children, Youth and Families Act 2005* (Vic), s 362(1) (as amended).

<sup>101</sup> See *Youth Justice Act 2024* (Vic), s 208 (as amended).

<sup>102</sup> LIV, [LIV calls for rethink on adult time for violent crime reform while awaiting deal on VRU proposal](#) (Media Release, 19 November 2025).

<sup>103</sup> See eg Corey J Lane et al, “‘Often fails to Give Close Attention to Detail’: ADHD in Criminal Justice Offender Populations” (2025) 36(2) *Bond Law Review* 1 (from a Special Issue of the Bond Law Review focussing on ADHD and youth justice).

<sup>104</sup> Fitz-Gibbon, “[Victoria’s ‘adult time for violent crime’ reforms will not solve the youth crime problem](#)” *The Conversation*, 21 November 2025.

<sup>105</sup> Ibid.

<sup>106</sup> LSSA, [Recent Submissions](#).

73. In particular, the LSSA made a submission on the Statutes Amendment (Recidivist Young Offenders) Bill 2025 in August 2025. The submission also canvassed the South Australian Government's Young Offender Plan, which was announced on 6 March 2025, and the earlier Criminal Law Consolidation (Street Gangs) Amendment Bill 2025 and Summary Offences (Knives and Other Weapons) Amendment Bill 2025. While acknowledging the complex policy challenges around youth crime, the LSSA noted:

*... with concern that the net effect of the proposed legislative changes is a decrease in judicial discretion, a significant erosion of the core principles of the Youth Offenders Act and a likely drastic increase in the number of youths that will be held in detention.*

74. The submission explained further that the changes being made to criminal law affecting children and young people in the state would:

*... not only impact repeat offenders but...inevitably capture many other youths who are in a transitional phase in their life where due to trauma, poor parenting and associating with negative peer groups, they find themselves committing offences for a limited period of their life. Many youths breach bail for reasons other than disregard for the law, for example homelessness and avoiding parental violence; reversal of onus of bail will make it even more difficult for such youths to avoid custodial sentences. Experience and empirical evidence tell us that if these young people spend time in custody, they will almost certainly end up being entrenched in the criminal justice system rather than transitioning through the system as they mature and develop into productive adults.*

75. These similarities to retrogressive developments in other jurisdictions around the country are striking.

### *Lived experience*

76. The South Australian Guardian for Children and Young People, Shona Reid, inspected the Adelaide Youth Training Centre, Kurlana Tapa, in January 2025 and tabled her report on 10 November 2025.<sup>107</sup> In conducting this inspection, the Guardian compiled the views of young people in detention into a companion report.<sup>108</sup> This report gives a candid and sobering insight into the lived experiences of young people in detention and the challenges that they face daily.

77. Comments from young people in the *From Those Who Know* report echo those gathered by former National Children's Commissioner Anne Hollonds in her *Help Way Earlier!* report.<sup>109</sup> Common themes include:

- lack of support to combat addiction;
- insecure housing and/or homelessness is a factor for most juvenile detainees;
- culturally safe and sensitive services are lacking;

---

<sup>107</sup> GCYP and Office of the Chief Psychiatrist (SA), [Inspection Report: Adelaide Youth Training Centre](#) (October 2025).

<sup>108</sup> GCYP and Office of the Chief Psychiatrist (SA), [From those who know: Mental health and wellbeing in youth detention](#) (October 2025).

<sup>109</sup> AHRC, [Help Way Earlier!: How Australia can transform child justice to improve safety and wellbeing](#) (Report, 2024), Chapter 3.

- poor conditions in many, but not all, youth detention facilities (eg cold rooms, physical restraints, isolation, strip searches, inadequate health care);
- punishment of emotional outbursts (even though they might be expected of teenagers);
- good and well-supported social workers and case officers can make all the difference in a vulnerable child's life; and
- crucially, that supports and interventions often come too late (hence the *Help Way Earlier!* plea in the title of the national report).

78. Breach of bail conditions is the most common youth crime in South Australia. The LSSA observes that this creates a “revolving door of punishment” that entrenches young people into the system, particularly where they do not receive enough support to address the root cause(s) of their problems.
79. The recent South Australian experience with youth crime policy clearly reflects that of other jurisdictions, including highly problematic selective representations of crime statistics and misinterpretation of trends.<sup>110</sup>

## Western Australia

### Cleveland Dodd inquest

80. On 28 November 2025, the WA Coroner published the findings of his inquest into the death of Cleveland Dodd,<sup>111</sup> which was ongoing at the time of drafting our 2024 submission.<sup>112</sup> In 2023, Cleveland (as his family requested he be called for the purposes of the proceedings) self-harmed in Casuarina Prison and died from complications a week later at the age of just 16. He was the first child to die in custody in WA, but sadly not the last.<sup>113</sup> In findings reminiscent of those of the NT Children's Commissioner and Ombudsman, the WA Coroner reported that Cleveland had been kept in sustained isolation, denied access to psychological treatment, and subjected to noise made by a fellow detainee that did not allow him to sleep.<sup>114</sup>
81. The Coroner made 15 adverse findings and 19 recommendations, including that Casuarina Unit 18 (where Cleveland was detained) be closed, and an inquiry launched into how such an unsuitable place became WA's second youth detention centre.<sup>115</sup>
82. On 9 December, the WA Corrective Services Minister and Commissioner stated to the media that they did not agree with some of the Coroner's recommendations, including the two recommendations cited in the paragraph above.<sup>116</sup>

<sup>110</sup> LSSA, [What does the evidence really tell us about youth offending?](#) (Law Society Bulletin, April 2025).

<sup>111</sup> Coroner's Court of WA, [Inquest into the death of Cleveland Keith DODD](#) (28 November 2025).

<sup>112</sup> Law Council, 2024 submission, [39]-[41].

<sup>113</sup> Ibid, see also Human Rights Watch, [Another Child Dies in WA Youth Detention](#) (4 September 2024).

<sup>114</sup> Coroner's Court of WA, [Inquest into the death of Cleveland Keith DODD](#) (28 November 2025), factual summary.

<sup>115</sup> Ibid, recommendations 16 and 17.

<sup>116</sup> Keane Bourke, [“As the Cleveland Dodd inquest calls for a ‘complete reset’ in WA youth detention, what are the next steps?”](#) ABC News, 9 December 2025.

### General approach to child detention

83. Many juvenile detention centres in Australia are, in essence, hybrids of large adult prisons, particularly in Western Australia. Putting aside the ‘temporary’ facility at Unit 18 of Casuarina Prison (which has housed youth detainees since July 2022), youth detention is centralised at Banksia Hill. We are advised that this detention centre both looks and feels like an adult prison. Banksia Hill serves the whole of the state of Western Australia, covering a distance of approximately 2,500,000 km<sup>2</sup>. The detainees’ age range is considerable, and many come from a large variety of cultural and social circumstances. The Law Society of Western Australia advises that the Western Australian government’s recent announcement of a planned new detention centre in Perth does not appear to depart materially from the Banksia Hill model.<sup>117</sup>
84. The homogenous approach to juvenile detention likely contributes to the high rate of recidivism. The intention of any detention system should be to rehabilitate offenders and give them skills and training to re-integrate back into their communities. A juvenile detention centre based in Perth (regardless of what programs might be available) cannot adequately assist young people to reintegrate back into their communities in different parts of the State. This is particularly the case for First Nations children coming from remote communities.
85. The current system of a centralised detention centre in Perth isolates children from their country and their family members. Arranging contact with family members through technology is inadequate. Sometimes children—particularly the youngest children in the system—may simply need close physical contact with a relative. Also, technology does not provide confidential communication. These are important factors in maintaining mental wellbeing.
86. Detention centres in Australia are failing in maintaining mental well-being as evidenced by the large number of suicides, attempted suicides and riotous behaviour.
87. The Law Society of WA recommends that:
- (a) facilities be made available so that detainees can be closer to country, and also be able to have physical contact with family, thereby improving mental well-being;
  - (b) rehabilitation programs be designed more specifically for the social and cultural circumstances of the particular area;
  - (c) employment training processes in detention could be directly linked to apprenticeships or employment opportunities on release in the same region;
  - (d) the number of detainees in each regional centre be reduced to mitigate the adverse influences of a large number of detainees mixing together (smaller numbers of detainees would also mean that a more suitable rapport could be established between the children and detention officers); and

---

<sup>117</sup> WA Government, [New youth detention facility fully funded with \\$147 million boost](#) (Media release, 21 November 2025).

- (e) short term releases could be arranged to facilitate end-of-sentence discharges.

## Tasmania

88. Tasmania announced in 2023 that it would raise the MACR to 14 years by July 2029.<sup>118</sup> However, in July 2025, the Tasmanian Police Minister suggested that the burden of proof should be reversed (ie placed on defendants) in *doli incapax* claims, and made a related election promise for the July 2025 state election.<sup>119</sup> Following the election, the Premier and Police Minister announced that they would examine “options for the practical application of *doli incapax*,” but also “continue to focus our efforts on diverting young people from the criminal justice system and stopping them from offending in the first place.”<sup>120</sup> Further information about the Tasmanian Youth Justice Blueprint is included in Part II.

## Federal and national perspective

### Bail and remand reform

89. Bail and remand reform has been a focus of the Standing Committee of Attorneys General (**SCAG**). The SCAG Working Group on Bail and Remand Reform produced a report on the matter in July 2025<sup>121</sup> that was published following the November 2025 SCAG meeting.<sup>122</sup> The Law Council welcomed the Attorney-General’s efforts to ensure this report was made public, as well as to keep First Nations justice firmly on the SCAG agenda.<sup>123</sup> We have also welcomed the Attorney-General and the Minister for Indigenous Australians working closely in support of achieving the Closing the Gap justice targets.
90. The Working Group report provided recommendations to “address to growing and disproportionate use of remand in Australia’s justice system through bail reform, noting its impact on the mass incarceration of Aboriginal and Torres Strait Islander children and adults.”<sup>124</sup>
91. In common with other reports highlighted in this submission, the Working Group report made recommendations with respect to diversion, rehabilitation and support programs, cross-agency working groups, and substantive reform of bail laws to make them more consistent with human rights and to reduce detention rates of First Nations Australians in particular.<sup>125</sup> There is a high level of consistency among the recommendations of these expert reports, which should be heeded by all jurisdictions.

<sup>118</sup> Roger Jaensch, [Work continues to improve youth justice and child safety](#) (Media release, 23 January 2024).

<sup>119</sup> Adam Holmes, “[Tasmanian Liberals look at reversing legal principle in youth offender crackdown](#),” *ABC News*, 7 July 2025.

<sup>120</sup> Tasmanian Liberals, [Tough on crime, And Tough on the Causes of Crime](#) (Media release by Premier Rockliff and Police Minister Ellis, 6 July 2025).

<sup>121</sup> AGD, [SCAG Bail and Remand Reform Working Group—Final Report](#) (July 2025).

<sup>122</sup> AGD, [SCAG Communiqué](#), 14 November 2025.

<sup>123</sup> Law Council, [Key issues on SCAG agenda](#) (Media release, 14 November 2025).

<sup>124</sup> AGD, [SCAG Bail and Remand Reform Working Group—Final Report](#) (July 2025), 5.

<sup>125</sup> *Ibid*, 6-8.

### Federal options to uphold children's human rights

92. As acknowledged in our 2024 submission, the Australian Government has been active in the area of justice reinvestment—including a significant expansion announced in September 2024.<sup>126</sup> In July 2025, the Attorney-General and Minister for Indigenous Australians announced a further investment in the Central Australian Youth Link-up Service to deliver Mampu-Maninjaku, a community-led crime prevention, alcohol and drug counselling and diversion program.<sup>127</sup> The Law Council strongly welcomes the Government's continued commitment to such vital programs, particularly in light of inconsistent commitment in other jurisdictions.<sup>128</sup> It will be essential to communicate their outcomes nationally as time progresses.
93. In her Frank Walker lecture in November, the Attorney-General also reflected on what is in the long-term interest to build safer communities, with an emphasis on justice reinvestment, therapeutic bail support and alternative and co-responder models. The Law Council strongly supports such an approach, which accords with recommendations we have made over the years.
94. The Law Council also warmly welcomed the appointment of the new National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, Adjunct Professor Sue-Anne Hunter, in August 2025. This role will provide important leadership on issues affecting First Nations children, including in the criminal justice space.<sup>129</sup>
95. As noted in the 2024 submission,<sup>130</sup> each state and territory remains primarily responsible for criminal justice and community safety within its jurisdiction. Nevertheless, the Law Council considers there is an important leadership role for the federal government with respect to national child justice reform. Options for federal action, which form part of the recommendations of this submission, include:
- monitoring and assessment of the impacts of justice reinvestment, including through the National Justice Reinvestment Program, to ensure funding is best enabling meaningful, community-led change for child justice;
  - considering how best to invest in broader health, family, housing, disability and Indigenous services which address the underlying issues of children in the justice system with a view to reducing detention rates (particularly for overrepresented groups);
  - developing a national evidence base, or clearing house, of effective child justice policies and programs to support evidence-based policy making;
  - informed by the above initiatives, developing a strengths-based funding model for child justice so that Commonwealth funding can be best directed to projects with demonstrated positive policy outcomes;

<sup>126</sup> Law Council, 2024 submission, [60]. See also Attorney-General's Department, [Justice Reinvestment webpage](#) (undated), for a list of initiatives to date.

<sup>127</sup> Michelle Rowland/Malarndirri McCarthy, [Central Australia Justice Reinvestment initiative announced](#) (Media release, 17 July 2025).

<sup>128</sup> See eg Lillian Rangiah, "[Darwin residential youth justice operator sues NT government for breach of contract](#)" *ABC News*, 17 December 2025.

<sup>129</sup> Malarndirri McCarthy, [New Commissioner to foster change for First Nations children and youth](#) (Media release, 4 August 2025).

<sup>130</sup> Law Council, 2024 submission, 6 (Executive Summary).

- raising the federal minimum age of criminal responsibility from 10 to 14 years, for all offences, without exception;
- reviewing the operation of section 20C of the *Crimes Act 1914*, to mitigate the potential for inconsistent outcomes for children prosecuted for Commonwealth offences, including in sentencing;
- expanding legal assistance to address unmet legal need, in particular for First Nations children. This would be ideally informed by a National Legal Needs survey (as recommended by the Independent Review of the National Legal Assistance Partnership) but this may take some time, and the current demand is urgent.

96. The recommendation to review the operation of section 20C of the *Crimes Act 1914* (Cth) is based on the Law Council's concern about the potential for inconsistent outcomes for children prosecuted for Commonwealth offences, including for sentencing. This concern has been heightened by recent amendments to sentencing principles for children in some jurisdictions (for example, Queensland removing the principle of detention as a last resort as covered in Part I). Section 20C provides:

*A child or young person who, in a State or Territory, is charged with or convicted of an offence against a law of the Commonwealth may be tried, punished or otherwise dealt with as if the offence were an offence against a law of the State or Territory.*

97. In this respect, we also note the Australian Law Reform Commission has previously recommended greater consistency of approach in sentencing young people charged with Commonwealth offences, with particular regard to a young person's wellbeing as a guiding consideration and detention being used as a measure of last resort and only for the shortest appropriate period.<sup>131</sup>
98. Federal funding arrangements with States and Territories could also be reviewed for opportunities to incentivise progress towards Closing the Gap outcomes and ensure funding is best directed to projects with demonstrated positive community impact.
99. Consistent with our 2024 submission, we also continue to recommend that the Australian Government:
- Ratify the Optional Protocol to the CRC on a communications procedure;
  - Withdraw its reservation to article 37(c) of the CRC, which requires children to be separated from adults in prison unless it is in the child's best interests not to do so. This reservation is a barrier to full implementation of the CRC and should be withdrawn, as previously recommended by the Committee on the Rights of the Child; and
  - Implement Australia's commitments under the Optional Protocol to the Convention against Torture (**OPCAT**)<sup>132</sup> in relation to a National Preventive Mechanism for detention monitoring, by fostering and contributing to an intergovernmental agreement on funding with States and Territories.

<sup>131</sup> The relevant ALRC recommendations are covered in detail in Law Council, [Review of the prosecution and sentencing of children for Commonwealth terrorist offences](#) (Submission to INSLM, June 2018).

<sup>132</sup> Opened for signature 18 December 2002, 2375 UNTS 237 (entered into force 22 June 2006).

100. National Aboriginal and Torres Strait Islander Legal Services and the Justice and Equity Centre also provided relevant advice, obtained from Senior Counsel, to the Prime Minister in September 2025.<sup>133</sup> The advice concluded that the Commonwealth could, based on the external affairs power, legislate to set 14 as the national MACR and set minimum standards for the treatment of children by state and territory criminal legal systems.<sup>134</sup> It is important that the Australian Government consider this advice.
101. Finally, the introduction of a federal Human Rights Act is also longstanding Law Council policy,<sup>135</sup> and is required to provide a coherent legal framework with binding statutory obligations and remedies for the protection of the rights of all Australians, including children and young people in the criminal justice system. Such an Act, even though it would primarily be restricted in its application to federal officials, would support the Australian Government's interest in demonstrating human rights leadership, as reflected in its recent appointment of former Attorney-General Dreyfus as Special Envoy for International Human Rights (with a special advocacy role that will include the rights and protections of children).<sup>136</sup>

---

<sup>133</sup> NATSILS and JEC, [Prime Minister has the power to ensure children are safe and protected. It's time for action](#). (Media Release, 16 September 2025).

<sup>134</sup> Ibid.

<sup>135</sup> Law Council, [Federal Human Rights Charter](#) (Policy position, 2020); see also recommendation in our 2024 submission, at 35.

<sup>136</sup> Minister for Foreign Affairs, [Special Envoy for International Human Rights](#) (Media release, 28 November 2025).

## Part II—Evidence of effective alternative approaches

### General remarks

102. As stated in our *Policy Statement on Child Justice Reform*, the Law Council endorses an approach to child justice in Australia based on relevant international human rights obligations and best practice.
103. This means that child justice policy-makers should ensure compliance with Australia’s relevant international obligations and standards, including under the CRC, the ICCPR, the International Covenant on Economic, Social and Cultural Rights,<sup>137</sup> the Convention against Torture<sup>138</sup> and the OPCAT, the Convention on the Rights of Persons with Disabilities<sup>139</sup> and the Declaration on the Rights of Indigenous Peoples.<sup>140</sup> It also means that approaches to child justice need to be based on the best available evidence at the time.
104. As demonstrated in our 2024 submission and Part I of this submission, and identified in our Policy Statement,<sup>141</sup> the Law Council is concerned that approaches to child justice in many Australian jurisdictions accord neither with Australia’s international human rights obligations nor research on the most effective means of keeping both children and communities safe. Too often, governments are ignoring the evidence on what effective policy responses should look like.
105. As noted in our 2024 submission, numerous reports over many years have produced evidence-based recommendations relevant to this inquiry,<sup>142</sup> to the Committee should have regard.
106. Just as the Australian Human Rights Commission (AHRC) report *‘Help Way Earlier!’: How Australia can transform child justice to improve safety and wellbeing*<sup>143</sup> informed the first instance of this inquiry in 2024/2025, the recent **supplementary paper *Evidence-based approaches to child justice***<sup>144</sup> should also inform the present 2025/26 inquiry.
107. The key finding in that supplementary paper is that “[d]ata on the reoffending of children who have been detained shows that incarceration is not working and is not making the community safer”.<sup>145</sup> All of the “tough on crime” reports described in Part I of this submission are based on claims of making the community safer, yet focus primarily on harsher punishments and increased reliance on detention and incarceration.

<sup>137</sup> Opened for signature 16 December 1966, 999 UNTS 3 (entered into force 3 January 1976).

<sup>138</sup> Opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).

<sup>139</sup> Opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008).

<sup>140</sup> Declaration adopted by General Assembly 13 September 2007 (UN Doc HR/PUB/13/2).

<sup>141</sup> Law Council, [Policy Statement on Child Justice Reform](#) (March 2025) [9].

<sup>142</sup> Law Council, 2024 submission, Executive Summary (list of resources in fn 5).

<sup>143</sup> AHRC, [Help Way Earlier!': How Australia can transform child justice to improve safety and wellbeing](#) (Report, 2024).

<sup>144</sup> AHRC, [Evidence-based approaches to child justice](#) (Supplementary paper, October 2025).

<sup>145</sup> Ibid, 8 (citing AIHW, [Young People Returning to Sentenced Youth Justice Supervision 2023-24](#) (Web Report, 2 October 2025)).

108. The supplementary paper highlights six initiatives, both Australian and international, that demonstrate the advantages of an evidence-based approach to child justice reform. It sets out the detail of each of these approaches/models, and we commend this detail to the Committee. Some of the key evidence-based practices these models have in common have consistently been endorsed by the Law Council,<sup>146</sup> including:
- (a) The need for wrap-around support services for children and families, involving:
    - (i) A child rights-focussed and child-centred approach;
    - (ii) multi-agency collaboration (ie not just justice agencies, but also health and welfare agencies as appropriate), and
    - (iii) sustainably funded programs that are both culturally safe and community-led to give them the best possible credibility and chance of success; and
  - (b) The need to align all relevant programs with a comprehensive human rights framework, to ensure decisions made and actions taken with respect to children do not overlook the “special safeguards and care” required by the CRC to which Australia is party.<sup>147</sup>
109. One particularly important example in the supplementary paper is the success of *Baulaarr Bagay Warruwi Burranba-li-gu* (Two River Pathway to Change), an Aboriginal-led, community and place-based initiative in Walgett, NSW. This initiative is aimed “upstream”, providing early intervention and support for children and young people at risk of contact with the criminal justice system, and “downstream”, working closely with young people already involved in the youth justice system. The *Baulaarr Bagay Warruwi Burranba-li-gu* model has demonstrated the effectiveness of facilitating therapeutic pathways for children and young people at a whole-of-community level.<sup>148</sup>
110. Below are some other examples of alternative approaches to child justice that have proven effective and/or been adopted in recent months by states and territories.<sup>149</sup>

---

<sup>146</sup> See Law Council 2024 submission generally. See further Law Council, [The Justice Project – Final Report](#) (2018), in particular the chapters on Prisoners and Detainees; Aboriginal and Torres Strait Islander People, Children and Young People and Critical Support Services.

<sup>147</sup> *Convention on the Rights of the Child* (1989), opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990); [1991] ATS 4 (entered into force for Australia 16 January 1991).

<sup>148</sup> AHRC, [Evidence-based approaches to child justice](#) (Supplementary paper, October 2025), 24-29.

<sup>149</sup> See eg AHRC, [Evidence-based approaches to child justice](#) (Supplementary paper, October 2025); Justice Reform Initiative, [Reports \[on alternatives to incarceration\]](#); Holland et al, “[Resisting the incarceration of Aboriginal and Torres Strait Islander children: A scoping review to determine the cultural responsiveness of diversion programs](#)” (2024) 2 *First Nations Health and Wellbeing – The Lowitja Journal*; and many of the excellent submissions to the earlier iteration of the present inquiry.

## New South Wales

111. The NSW Legislative Assembly Committee on Law and Safety is conducting an inquiry into community safety in regional and rural communities. In May 2025, the Committee published its interim report with several recommendations that may be relevant to the present Senate inquiry.<sup>150</sup> Those recommendations include that:

- the NSW Government prioritise sustained investment in targeted, place-based early intervention programs that effectively engage young people at risk of offending behaviour;
- the NSW Government consider increasing investment in youth hubs to provide holistic support, enhance social cohesion, and divert young people from crime;
- the NSW Government consult with communities on the feasibility of local on Country diversionary centres for young people, offering accommodation, alternative education pathways, and cultural enrichment; and
- the NSW Government prioritise funding to Aboriginal Community Controlled Organisations to deliver targeted early interventions to First Nations young people and families.

112. In early November 2025, the NSW Government delivered a \$23 million funding package to address youth crime and improve community safety across regional New South Wales. This included \$12 million to continue place-based responses in Moree and expand responses in Tamworth and Kempsey. The funding aims to enable local leaders and service providers to co-design prevention and diversion programs that work for their communities such as youth hubs, after-hours activities, intensive family supports, intervention programs and alternative education pathways. In addition, \$6.3 million will go towards intensive bail supervision and support, including additional caseworkers for young people and completion of the Moree Bail Accommodation Service.<sup>151</sup>

## Northern Territory

113. Since August 2024, the Department of Social Work at Charles Darwin University has been working in close partnership with the program *Hoops 4 Health (H4H)* to explore and evaluate its impact. The academic researchers and H4H workers co-designed an Aboriginal-led research approach grounded in Gnama, a methodology that integrates Balanda (Western) and Aboriginal knowledge systems, guided by cultural integrity, community wisdom, and deep listening.

114. Interviews with H4H participants to date has revealed feedback such as:

*They're actually able to help them understand what happened to them, rather than what's wrong with them.*

*They're actually teaching them around why sometimes they might feel dysregulated—and then what they can do about it.*

<sup>150</sup> NSW Parliament, Legislative Assembly Committee on Law and Safety, Community safety in regional and rural communities, [Interim report: Addressing the drivers of youth crime through early intervention](#) (May 2025).

<sup>151</sup> NSW Government, [NSW Government invests \\$23 million to tackle youth crime and build safer regional communities](#) (Media release, 7 November 2025).

*When people really start to understand that the brain is designed to act first—because it has to keep us safe—and then feel, and lastly think... they start to realise their reactions might have been disproportionate, but perhaps they were shaped by past experiences. And from that point, you can work backwards to figure out how to stop having those big reactions.*

*They [H4H coaches] would put lots of time into this one kid and then they would tell all the other kids about how great this other kid was... identifying that this kid is struggling because of all of his special needs and rather than excluding him and giving him special treatment. By the end of the program, that young person—once teased and isolated—was celebrated by the group.... This kid who used to get teased and tormented and excluded was like the most popular person in the whole group... when he was able to do things like shoot five goals in a row or catch a ball from the other end of the court, everyone would cheer and carry on like he'd won the lottery. And that really built his self-esteem.*

115. The researchers' conclusions to date are that H4H is modelling a new way forward for youth justice in the NT through connection, culture, and self-determination instead of punishment. It is building futures, not just managing behaviour. The researchers also report that H4H is driving a cultural shift inside detention that is transforming isolation into leadership and hopelessness into healing. The young people it supports are not just surviving, but they are ready to thrive. However, they warn that without sustained investment, this proven model cannot reach its full potential.<sup>152</sup>

## Victoria

### Violence Reduction Unit Announcement

116. On 18 November 2025 the Victorian Premier announced the Government's intent to implement and invest in a Violence Reduction Unit in Victoria, directly based on models already operating successfully in London and Glasgow.<sup>153</sup>

117. Importantly, this program will “report directly to the Premier, and:

- use police intelligence and data to find and address the root causes of violent crime;
- coordinate all existing crime prevention programs across Government;
- take a different approach by engaging directly with the community and young people, and
- develop and deliver new programs to address gaps and emerging crime trends—with the first VRU program about connecting at-risk kids with mentors who are former youth offenders now living positive lives.”<sup>154</sup>

<sup>152</sup> Ellen Thomas, “[First Nations solutions: A new model for Aboriginal Youth Justice in the NT](#)” *National Indigenous Times*, 7 May 2025.

<sup>153</sup> Victorian Government, [Violence Reduction Unit to Stop Crime Before it Starts](#) (Media Release, 18 November 2025).

<sup>154</sup> *Ibid.*

### Early Intervention Officers in schools

118. On 19 November 2025, the Victorian Government announced it would:<sup>155</sup>

*... put social workers in 20 targeted schools to intervene early in the lives of children who are heading down the wrong path—those who are drifting away from education and healthy relationships with teachers, friends and family, and drifting towards violence, crime and anti-social behaviour.*

119. The Government has allocated \$5.6 million to this important program in light of research showing that 70% of Victoria’s “worst alleged youth offenders were chronically absent from school before they turned to crime.”<sup>156</sup> One academic expert has written in support of this initiative, but warns that, compared with the Scottish programs that inspired it, the Victorian program may be unsuccessful if it does not provide sufficient incentive for children to participate.<sup>157</sup>

120. The legal profession in Victoria strongly supports early intervention and rehabilitative measures, and in particular supports community engagement and investment in programs which will provide positive peer mentorship for those youths who are vulnerable to engaging in criminal and anti-social behaviour.

### Australian Capital Territory

#### Preventive monitoring to improve detention conditions

121. The Office of the Inspector of Custodial Services (**OICS**) in the ACT, part of the National Preventive Mechanism under the OPCAT, began prison visits in 2023. For its pilot inspection, it decided to focus on isolation in the Bimberi Youth Justice Centre.<sup>158</sup> Among other things, this and subsequent inspections of Bimberi found:

- ongoing use of COVID-19-based quarantine/isolation well after they had been discontinued in the general community;<sup>159</sup>
- confidentiality breaches;<sup>160</sup>
- denial of access to essential services, and
- inappropriate responses to violent episodes.<sup>161</sup>

122. However, the reason this section is in Part II rather than Part I is that the ACT OICS used its experience to make detention inspections more effective and OPCAT-compliant, including by working with the ACT Government to bolster its powers by means of the *Monitoring of Places of Detention Legislation Amendment Act 2024* (ACT).

<sup>155</sup> Victorian Government, [Early Intervention Officers in Schools to Keep Kids on Track](#) (Media release, 19 November 2025).

<sup>156</sup> Ibid.

<sup>157</sup> Rosemary Sheehan, [“Will social workers in schools stop young people committing violent crimes?”](#) *The Conversation*, 19 November 2025.

<sup>158</sup> Andreea Lachs/Rebecca Minty/Michael Levy, “Preventive detention monitoring is effective: A case study on isolation of children and young people in the ACT” (2025) 50(4) *Alternative Law Journal* 291, 293.

<sup>159</sup> Ibid, 295-296.

<sup>160</sup> Ibid.

<sup>161</sup> Adam Shirley, [“Report finds ‘unacceptable’ level of incident records, questionable use of force at Canberra’s only youth prison”](#) *ABC News*, 26 August 2025.

123. The OICS, along with a legal and medical expert, published its experience, and it can serve as an example for inspectorates in other Australian jurisdictions that face similar issues in relation to youth detention.<sup>162</sup>

## Tasmania

### *Youth Justice Blueprint 2024–2034*

124. After public consultation following developments relating to the Ashley Youth Detention Centre in our 2024 submission,<sup>163</sup> the Tasmanian Government announced a Youth Justice **Blueprint 2024–2034**<sup>164</sup> that would “[reform] the youth justice system through a comprehensive, integrated and therapeutic approach that prioritises the rights of children, rehabilitation and breaking the cycle of offending.”<sup>165</sup> More specifically, the Blueprint sets out a plan to:

- prioritise prevention and early intervention to reduce engagement with the youth justice system;
- ensure diversion from the system is early and lasting;
- establish a therapeutically-based response for children and young people who do enter the system;
- integrate and connect whole-of-government and community service systems, and
- provide an appropriately trained, supported and culturally-aligned therapeutic workforce.<sup>166</sup>

125. The Blueprint also gives an overview of multi-jurisdictional research and Tasmanian consultations that fed into its development, explaining why it is a sound long term strategy.<sup>167</sup>

126. Tasmania has also established a Youth Justice Reform Taskforce—a “multi-agency group dedicated to advancing key elements of the Youth Justice Blueprint that require cross-agency collaboration.”<sup>168</sup> The Taskforce aims to oversee the construction of a new youth justice facility to replace Ashley Youth Detention Centre, and reduce the number of children and young people in detention overall by implementing a range of intervention, prevention and diversion programs.<sup>169</sup>

127. Perhaps the most encouraging aspect of Tasmania’s youth justice reform project is that it is explicitly based on a Model of Care, informed by the best evidence on

---

<sup>162</sup> Andreea Lachsz/Rebecca Minty/Michael Levy, “Preventive detention monitoring is effective: A case study on isolation of children and young people in the ACT” (2025) 50(4) *Alternative Law Journal* 291, 293.

<sup>163</sup> Law Council, 2024 submission, [30]–[31].

<sup>164</sup> Tasmanian Department for Education, Children and Young People, [Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system](#) (Report, December 2023).

<sup>165</sup> Tasmanian Department for Education, Children and Young People, [Youth Justice reform in Tasmania](#).

<sup>166</sup> Tasmanian Department for Education, Children and Young People, *Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system* (Report, December 2023), 20.

<sup>167</sup> *Ibid*, 13-17.

<sup>168</sup> Tasmanian Government, [Keeping Children Safe – Youth Justice Taskforce](#).

<sup>169</sup> *Ibid*; see also [Youth Justice Reform Taskforce Action Plan 2024-2025](#).

effective youth justice approaches.<sup>170</sup> On releasing the Model, the Minister for Children and Youth, Roger Jaensch MP, stated:

*The model focuses on children and young people's needs and rights, outlines the responsibilities and commitments, ways of working, and the outcomes and support needed for organisations and their workforce, all in line with child-safe principles," Minister Jaensch said.*

*To achieve positive results for young people, services must work together in a shared and collaborative way.*

*This model aims to address the unmet needs of children and young people and the drivers of offending, improve their social connectedness and engagement with education and employment, along with health and wellbeing support.<sup>171</sup>*

128. The Tasmanian Government has also backed these reforms with more than \$10 million over three years to support early intervention programs for at-risk youth and related programs.<sup>172</sup>

---

<sup>170</sup> Tasmanian Government, [Our Youth Justice Model of Care \(Summary\)](#); Full Model available [here](#).

<sup>171</sup> Minister for Children and Youth, [Youth Justice Model of Care released](#) (Media Release, 10 December 2024).

<sup>172</sup> Minister for Children and Youth, [Youth Justice Reform Taskforce Action Plan launched](#) (Media Release, 30 October 2024).

## About the Law Council of Australia

The Law Council of Australia represents the legal profession at the national level; speaks on behalf of its constituent bodies on federal, national, and international issues; promotes and defends the rule of law; and promotes the administration of justice, access to justice, and general improvement of the law.

The Law Council advises governments, courts, and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community. The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. The Law Council was established in 1933, and represents its constituent bodies:

- the Australian Capital Territory Bar Association;
- the Law Society of the Australian Capital Territory;
- the New South Wales Bar Association;
- the Law Society of New South Wales;
- the Northern Territory Bar Association;
- the Law Society Northern Territory;
- the Bar Association of Queensland;
- the Queensland Law Society
- the South Australian Bar Association;
- the Law Society of South Australia;
- the Tasmanian Bar;
- the Law Society of Tasmania;
- the Victorian Bar Incorporated;
- the Law Institute of Victoria;
- the Western Australian Bar Association;
- the Law Society of Western Australia; and
- Law Firms Australia.

Through these bodies, the Law Council represents more than 107,000 Australian lawyers.

The Law Council is governed by a board of 23 Directors: one from each of the constituent bodies, and six Executive members elected by Directors. The Directors meet quarterly to set objectives, policy, and priorities for the Law Council. Between Directors' meetings, responsibility for the policies and governance of the Law Council is exercised by the Executive members, led by the President. In 2025, the Law Council Executive comprises:

- Ms Juliana Warner, President
- Ms Tania Wolff, President-elect
- Ms Elizabeth Shearer, Treasurer
- Mr Lachlan Molesworth, Executive Member
- Mr Justin Stewart-Rattray, Executive Member
- Mr Ante Golem, Executive Member

The Chief Executive Officer of the Law Council is Dr James Popple.

The Law Council's Secretariat is based in Canberra. Its website is [www.lawcouncil.au](http://www.lawcouncil.au).