

Submission to the inquiry into Australia's youth justice and incarceration system

8 January 2025



Acknowledgement of Country

Community Legal Centres Australia recognises that the land we work, live, and learn on is unceded Aboriginal land. Our office stands on Gadigal Land. We acknowledge Elders, both past and present. We acknowledge the First Nations workers in our sector across a great many Aboriginal lands on this continent and its surrounding islands, and we thank them for their generosity and persistence in supporting our sector to always be on a journey of learning and growth.

Introduction

About the community legal centres movement

The first community legal centres were set up over 50 years ago by activists and advocates frustrated by the injustices faced by their communities and the failings of a legal system that punished poverty and difference. These first centres offered free legal help to people in need. Just as importantly, they used people's stories to advocate reforms to make laws and government systems and institutions fairer. This ethos continues.

Today, community legal centres deliver high-quality, rights-based, integrated services to hundreds of thousands of people each year, learn from the experiences of those clients to understand how laws and legal systems need to be changed, and then advocate for those changes.

Community Legal Centres Australia is the national representative voice for the community legal sector. Our members are the eight state and territory community legal sector peak bodies. Together, we represent 152 community legal centres (including 13 Women's Legal Services), 11 Family Violence Prevention and Legal Services, and two Aboriginal and Torres Strait Islander Legal Services.

Community Legal Centres Australia welcomes this opportunity to make a submission to the Senate Standing Committee on Legal and Constitutional Affairs' inquiry into *Australia's youth justice and incarceration system*.

About this submission

Australia was established based on the false claim of terra nullius, which was used to justify colonisation and genocide.

The ongoing impacts of dispossession, the Stolen Generations, and systemic racism mean Aboriginal and Torres Strait Islander people experience much higher rates of poverty, gender-based violence, housing insecurity, physical and mental ill-health, and child removals than non-Indigenous people. Combined with over-policing, these factors increase the chance of contact between First Nations children and the youth justice system. As of June 2024, First Nations young people were 27 times more likely than non-Indigenous young people to be in detention. Of the young people aged 10–17 in detention, about 65% were Aboriginal and Torres Strait Islander, despite making up only 6.6% of the Australian population in that age group.^[1]

Early contact with the youth justice system, increases the risk of ongoing contact with the criminal legal system into adulthood. Australia's track record on addressing the over-incarceration of Aboriginal and Torres Strait Islander peoples is appalling. We are regressing on Closing the Gap Targets to reduce the number of First Nations children in out-of-home care, and the over-incarceration of adults. In December 2025, the Australian Institute of Criminology reported that in 2024-25, 33 Aboriginal and Torres Strait Islander people died in custody—the largest number of Indigenous deaths in custody since 1979–80 and almost double the average since 1989–90.^[2]

This submission mainly engages with terms of reference (a), (b), and (f). It draws on the National Community Legal Sector First Nations Justice Network (First Nations Justice Network) submission to the recent Senate Select Committee *Inquiry into measuring outcomes for First Nations communities*.

That submission was created to be a truth-telling document and a gift of cultural knowledge from Aboriginal and Torres Strait Islander people working in the community legal sector to the Australian Government. It comprised an urgent call on the government to act on the hundreds of recommendations First Nations people have gifted it over many decades. The submission also directly informed the recommendations included in our *Vision for Justice* and *Actions for the 48th Parliament*.

To address the crisis in youth justice and the over-incarceration of First Nations children, young people, and adults, this submission calls for transformative change. The government must act now to:

End the removal of Aboriginal and Torres Strait Islander children from family, community, culture and Country

Ensure families have access to a wide range of kinship care options where children need extra support to thrive

Support women in and leaving prison to maintain contact with their children, and to secure safe housing and a stable income before they are released

Ensure no children are in jail and adequately fund Aboriginal-community-controlled and self-determined solutions, including early intervention, youth services, and diversion programs.

This submission also references and endorses submissions and recommendations made by individual organisations within Community Legal Centres Australia's national membership network and allied organisations to both the 2024 and current inquiry into Australia's youth justice and incarceration systems, including:

Djirra

Federation of Community Legal Centres Victoria

Human Rights Law Centre & Change the Record

Justice and Equity Centre

Katherine Women's Legal Service

knowmore Legal Service

Law and Advocacy Centre for Women

National Aboriginal and Torres Strait Islander Legal Service (NATSILS)

North Australian Aboriginal Justice Agency (NAAJA)

Redfern Legal Centre

Women's Legal Service Victoria

South-East Monash Legal Service

Victorian Aboriginal Legal Service

Westjustice

Summary of recommendations

The Federal Government must:

1. Raise the age of criminal responsibility to at least 14 nationally.
2. Work with state and territory governments and the Aboriginal community-controlled sector to assess and reform all jurisdictions' Working with Children Check, Blue Card or equivalent systems to improve cultural appropriateness and ensure Aboriginal and Torres Strait Islander people aren't unjustly prevented from becoming kinship carers.
3. Develop culturally appropriate frameworks for assessing actual risk to children, which consider the context of any existing or historical criminal records. Incorporate First Nations-determined protective measures to keep children safe from all forms of harm.
4. Fund independent Aboriginal community-controlled organisations (ACCOs) to advocate for parents whose children are at risk of removal, help them understand the process, and support them to achieve their goals.
5. Ensure all parents have access to free, independent legal advice before a child is removed.
6. Support First Nations women whose children are removed from their care to retain access to housing and income support that enable them to meet their caring obligations.
7. Work with state and territory governments and the Aboriginal community-controlled sector to develop a national framework to support Aboriginal and Torres Strait Islander women in and leaving prison, which includes:
 - a. Supporting women to maintain contact with their children while in custody
 - b. Ensuring women have access to ID, income, a safe place to live, and culturally safe health services before they are released from prison
 - c. Implementing clear and consistent rules of access to prisons for organisations delivering critical services, including legal assistance. This includes facilitating continuity of casework support for people leading up to, and following, release.
8. Significantly increase Federal Government funding for Aboriginal community-controlled organisations, including legal assistance providers, kinship care and health services, and services that work in the intersection of health and justice.
9. Ensure funding to improve outcomes for Aboriginal and Torres Strait Islander peoples is directed to self-determined approaches that transform unjust systems, address the root causes of problems, and support healing.

Reflections on the 2024 inquiry into Australia's youth justice and incarceration systems

We acknowledge and recognise the time and effort invested by the Senate Legal and Constitutional Affairs Committee, civil society organisations, legal assistance providers, and member of the public to the 2024 inquiry of the same name. Over 200 people and organisations made submissions, and the Committee produced an Interim Report in February 2025 before its work was disrupted by the federal election. In June 2025, the committee issued a brief final report, which recommended, 'the Senate takes note of this final report and the committee's interim report tabled on 28 February 2025.' ^[3]

The Interim Report clearly explains the factors which put children at greater risk of contact with the criminal legal system. It also recognises the harms caused by early contact with the child protection and youth justice systems and how the two systems overlap and interact to entrench cycles of disadvantage and criminalisation. Unsurprisingly, the report acknowledges that these systems disproportionately target, impact and harm Aboriginal and Torres Strait Islander young people.

In additional comments to the inquiry's brief Final Report, Senator Lidia Thorpe noted:

The Interim Report outlined what decades of inquiries, reports, and community advocates have been saying: Criminalising children goes against all best evidence, harms children, does nothing to keep communities safe, and must not continue. ^[4]

As many submissions to the 2024 inquiry note, collectively, Australia governments have failed to:

- Address the cultural and systemic bias of our criminal legal systems and institutions against Aboriginal and Torres Strait Islander peoples, including children, and continue to favour investment in policing and incarceration despite clear evidence they are failing children and young people.
- Ensure accountability mechanisms operate as intended. For example, the Commonwealth Government has been criticised for lacking commitment to the national Justice Policy Partnership by allowing states and territories to conduct independent discussions about First Nations justice. This has enabled states and territories to focus on 'tough on crime' approaches that do not address youth offending or support progress towards Closing the Gap.
- Adequately fund Aboriginal-community-controlled and self-determined responses, services and diversionary programs.

Instead, all governments continue to either ignore or politicise Closing the Gap targets and outcomes, particularly related to child protection and justice targets, continue to regress. The National Community Legal Sector First Nations Justice Network argues the regression against Closing the Gap targets is not a failure in systems. Instead, it sees the system working like a well-oiled machine doing exactly what it was designed for – removing children, assimilating them, and ultimately eradicating First Nations people. ^[5]

The community's calls have been clear and consistent: systems must move beyond criminalisation and incarceration and instead focus on systemic reform and a human rights approach that enshrines the rights of children, Aboriginal and Torres Strait Islander peoples and self-determination.

We commend the additional time recommended to the Committee to continue its work. However, we note the many inquiries, reports and recommendations that governments have ignored over many decades, and the cultural exhaustion and trauma this creates for First Nations people. Communities have gifted governments with cultural knowledge and the solutions to improve outcomes for Aboriginal and Torres Strait Islander peoples and communities. It is time, now, for action.

Community Legal Centres Australia's recommendations

The commentary and recommendations in this section are drawn from the First Nations Justice Network's March 2025 submission to the *Inquiry into measuring outcomes for First Nations communities* and Community Legal Centres Australia's *Vision for Justice and Actions for the 48th Parliament of Australia*.

Stop Putting Kids in Jail – Raise the age

In most jurisdictions, the age of criminal responsibility is just 10 years old. This means kids as young as 10 across most of the continent can be detained, charged, and jailed. Despite clear evidence that imprisoning kids does not address or reduce youth offending, the treatment of children as adults in the eyes of the law has escalated in the past year. Jurisdictions, including Victoria and the Northern Territory, have walked back commitments to raising the age to 14 and 12 respectively. Queensland is implementing 'Adult Crime, Adult Time' laws that see children eligible to receive adult penalties for 33 offences.^[6] Victoria has recently followed suit, passing new adult sentencing laws for children.

Currently, the only jurisdictions moving in the right direction are Tasmania and the ACT. Tasmania has committed to raising the age of criminal responsibility to 14 and the age of detention to 16 by 2029. The ACT raised the age to 14 on 1 July 2025, in a move praised by the United Nations.

The average age of criminal responsibility globally is 14 years old. Australia's position puts us out of step with our OECD counterparts such as Austria, Germany, Italy, Japan, and Spain who all have set the age of criminal responsibility at 14. We are even further behind countries like Portugal and Argentina where the age of criminal responsibility is 16.

The United Nations and national and international human rights groups have consistently criticised Australia for having one of the lowest ages of criminal responsibility in the world.^[7] During its third Universal Periodic Review in 2021, 30 individual member-state parties to the UN called on Australia to raise the age.

The criminalisation of children and young people disproportionately affects First Nations people and communities. According to the Australian Institute of Health and Welfare, in 2023-24:

- Aboriginal and Torres Strait Islander children were 27 times as likely to be imprisoned than non-Indigenous children
- Two-thirds of children in prison were Aboriginal and Torres Strait Islander

On average, First Nations children in prison were younger than non-Indigenous children: over 6% of First Nations children in prison were aged 10-13 years old – compared 2% of non-Indigenous children in prison.^[8]

Holding children as young as 10 to be criminally responsible and incarcerating them causes extreme harms and irrevocably alters their life course. In prison, children are kept in cells for many hours a day, sometimes in adult facilities, and denied access to regular schooling, time outside, contact with family and friends, adequate health and mental healthcare, and contact with family, friends and community. connection to community. Many of the community legal sector's submissions to the 2024 inquiry

spoke directly to the abuse and force used by police and corrections officers against First Nations children.

As a result, most children leave prison with compounded trauma and mental distress and are at increased risk of becoming trapped in a cycle of poverty, criminalisation and incarceration into adulthood. The statistics show that the younger a child is the first time they're locked up, the more likely they are to be further criminalised as they get older. ^[9]

How are we setting up a framework to lower rates of reoffending if we're putting kids into watchhouses with adults, or even into youth detention centres? Looking at the trend in youth crime over the past 10 years, where restorative justice policies were in place, this was going down. Now, with laws counteractive to effective practices, this is reversing.

First Nations community legal centre worker based in Queensland ^[10]

Raising the age of criminal responsibility to 14 would result in around 8,000 children being diverted from the criminal legal system. To successfully divert these young people from the criminal legal system, the government would also need to work with communities to design and adequately fund developmentally appropriate and community-based alternative responses. ^[11]

Legal advice released by the National Aboriginal and Torres Strait Islander Legal Service (NATSILS) in September 2024 makes clear that the Commonwealth government has the constitutional power to raise the minimum age of criminal responsibility to 14 nationally and set minimum legislated standards for the treatment of children and young people in state and territory criminal legal systems. ^[12]

Section 51 (xxix) of the Australian Constitution (the external affairs power) empowers the Australian Government to make laws to give effect to international treaty obligations. The Government has such an obligation under the UN Convention on the Rights of the Child, to protect children and young people against harm, including in detention.

The release of this legal advice makes clear that the Commonwealth can no longer 'hide' behind the argument that states and territories are solely responsible for criminal legal systems and must take the lead.

Solution

Kids belong in community, not in jail.

The Commonwealth Government should exercise its constitutional power to raise the age of criminal responsibility to 14 nationally and set minimum legislated standards for the treatment of children and young people in state and territory criminal legal systems.

Stop removing kids from family, community, culture and country – invest in culturally inappropriate systems for assessing risk to kids

State and territory out-of-home care systems continue the stolen generations. They systematically disrupt kinship and community connections and fail to protect Aboriginal and Torres Strait Islander children from trauma, harm and medical neglect. People stolen from their families as children are more likely to be imprisoned as young people and as adults. In fact, the phenomenon is so prevalent the term ‘crossover kids’ was developed to refer to children who transition from out-of-home care to youth justice systems.

Stolen Generations mentality endures. Only 5 of the 83 recommendations from the 1997 *Bringing them Home Report* have been fully implemented. The rates of Aboriginal and Torres Strait Islander children and young people removed from their families into state care and youth justice systems continues to increase every year. ^[13]

Members of the National First Nations Justice Network consistently report that all too often the issues that led to a First Nations child’s removal remain unaddressed in out-of-home care. They also report ongoing inconsistent application of the Aboriginal and Torres Strait Islander Child Placement Principles, and inadequate investment in community-controlled, culturally appropriate family supports.

Children who remain connected to their families, kin and communities are at lower risk of experiencing the abuse and trauma that underpin the ‘crossover’ between out-of-home care and the youth and adult justice and incarceration systems. To reduce contact with youth justice systems and the over incarceration of Aboriginal and Torres Strait Islander adults, governments must end the disproportionate and targeted removal of First Nations children from their kin, communities and culture.

Providing culturally safe placements (kinship care) and support can reduce harmful contact with the out-of-home and residential care systems, and help break the cycle of out of home care, youth detention, and adult imprisonment that many kids get caught in. Child protection legislation and the Child Placement Principles prioritise kinship care arrangements for Aboriginal and Torres Strait Islander children. However, in some jurisdictions (particularly NSW and Qld) working with children check rules intersect with child protection laws to unnecessarily prevent willing community members from being kinship carers.

A person must have current clearance to work with children (in NSW this is called the Working With Children Check, and in Queensland the Blue Card) to care for children in the out-of-home care system. If the person lives with others, all members of the household must also have current clearance. Working With Children Checks (WWCC) look far back into a person’s history, and many things can disqualify them, including pending and non-conviction charges and other disciplinary records.

WWCC systems are biased, culturally inappropriate, and fail to account for the historic and ongoing systemic injustices perpetrated against Aboriginal and Torres Strait Islander people. At the same time, these systems do not place enough emphasis on the benefits of placing First Nations children with their kin (as required by the Aboriginal and Torres Strait Islander Child Placement Principles). As a result, they can unjustly disqualify Aboriginal and Torres Strait Islander people, including women who

have been misidentified as a perpetrator of domestic and family violence, from caring for kids whose families need extra support.

Sometimes people have a police record from when they were children. They're now in their 60s, but it may be a barrier to them getting a Blue Card, so they can't become a kinship carer. My sister and I were members of the Stolen Generations. My sister ran away to look for our family and was given a criminal record as a child. She found out years later that she had a criminal file. It's this type of thing that gets in the way of people getting Blue Cards and other opportunities.

Florence Onus, Community Development Worker and Cultural Advisor Birrigubba, Bidjara, Kairi and Jagalingu Descendant [\[14\]](#)

Out-of-home care strips First Nations kids and adults of their identity and culture. Incarceration does the same. Together, these systems cause ongoing harm and distress, contribute to the experience of intergenerational trauma, and severely limit First Nations young people's access to healthcare, education, and employment – all factors which protect against criminalisation. Prioritising and supporting kinship placements when families need extra support to care for kids can help break the out-of-home care to prison 'pipeline' that continues to trap too many First Nations children and young people.

Solutions

Community Legal Centres Australia's *Actions for the 48th Parliament* calls on the Australian Government to:

- Work with state and territory governments and the Aboriginal community-controlled sector to assess and reform all jurisdictions' Working with Children Check, Blue Card or equivalent systems to improve cultural appropriateness and ensure Aboriginal and Torres Strait Islander people aren't unjustly prevented from becoming kinship carers
- Develop culturally appropriate frameworks for assessing actual risk to children, which consider the context of any existing or historical criminal records. Incorporate First Nations-determined protective measures to keep children safe from all forms of harm.

In its submission to the *Inquiry into Measuring Outcomes for First Nations Communities*, the National First Nations Justice Network also made following recommendations to reduce the number of Aboriginal and Torres Strait Islander children removed from their families.

- Fund independent Aboriginal community-controlled organisations (ACCOs) to advocate for parents whose children are at risk of removal, help them understand the process, and support them to achieve their goals.
- Ensure all parents have access to free, independent legal advice before a child is removed.
- Support First Nations women whose children are removed from their care to retain access to housing and income support that enable them to meet their caring obligations.

Support Aboriginal and Torres Strait Islander women in and leaving prison

Women, particularly Aboriginal and Torres Strait Islander women, are the fastest-growing group of people in prison.^[15] First Nations women are 21.2 times more likely to be imprisoned, 15.7 times more likely to be imprisoned while awaiting trial, and five times more likely to be imprisoned for minor, non-violent offences than non-Indigenous women. Many imprisoned First Nations women are victims-survivors of domestic, family, and sexual violence who have been misidentified by police as perpetrators. Overwhelmingly, they have experienced a lifetime of intergenerational trauma, systemic racism, poverty, and over-policing.

As Florence Onus told ABC News while visiting the Townsville women's correctional centre with Elders for Change in July 2024:

A lot of the women shouldn't be here. Some women are here for unlicensed driving or ... unpaid speeding fines. A lot of the women are in here because of poverty and because of systemic oppression and unresolved intergenerational trauma, grief and pain. ^[16]

Imprisoning Aboriginal and Torres Strait Islander women can have significant impacts on the broader community, by disrupting care relationships and increasing the number of First Nations children in out-of-home care. Most First Nations women in prison are single mothers, and many have caring responsibilities for children other than their own biological children, as well as for older family members.

Most Aboriginal and Torres Strait Islander women in prison have had harmful contact with child removal systems – being removed as children, having their own children removed, or both. Supporting mothers' contact with their kids while in custody reduces recidivism and further adverse contact with the child removal system following release (for both mothers and their children). Despite this, too many women are kept from maintaining contact with their children while in custody.

The process of leaving prison is not supportive. Many people leave prison with no ID, no housing, no employment and no access to social security. Too often there is no continuity of casework support for people as they transition from prison to the community. Without ID, housing, support, and money, everything is harder. People leaving prison are set up to fail and too many become trapped in a vicious cycle of release without support, minor reoffending, and re-incarceration.

For women leaving prison, the risks are even more complex. Without support to secure a safe place to live when they are released, many women are forced into the impossible choice between sleeping rough or returning to a violent home. If a woman cannot secure a safe home or demonstrate she has access to the supports and services needed to keep her children safe, the chances of resuming care of children taken into out-of-home care while she was imprisoned decrease even further. This compounds the trauma experienced by First Nations women and their children and feeds into the ongoing cycle of forced removals and criminalisation of First Nations children and young people.

Solution

Community Legal Centres Australia's *Actions for the 48th Parliament* calls on the Australian Government to work with state and territory governments and the Aboriginal and Torres Strait Islander community-controlled sector to develop a national framework to support Aboriginal and Torres Strait Islander women in and leaving prison. At a minimum, the framework should require states and territories to:

- Support women to maintain contact with their children while in custody
- Ensure all women have access to ID, income, a safe place to live, and culturally safe health services before they are released from prison
- Implement clear and consistent rules of access to prisons for organisations delivering critical services to women in prison, including legal assistance. This includes facilitating continuity of casework support for people leading up to, and following, release.

Recommendations from the wider community legal sector

In addition to making the recommendations above, Community Legal Centres Australia endorses the submissions and recommendations made by our member organisations and allies. This section summarises key recommendations made by the wider community-based legal assistance sector related to police and policing, support services and funding, abuse and mistreatment, and diversion.

Police and policing

Submissions highlight that police standards, behaviours and embedded biases are a key gateway to incarceration for children and young people. Recommendations include that the federal Government should:

- **Develop Closing the Gap Justice targets related to policing** to reduce the disproportionately harmful impacts of policing on First Nations children and young people
- Commit to creating **no new police powers over children under the age of criminal responsibility**, including to arrest, search or detain them
- Establish **enforceable national minimum policing standards** for children and young people that are consistent with Australia's international human rights obligations.

Access to health, mental health, legal and support services

Many submissions noted the adverse impacts that poor access to culturally safe services, including health, mental health, and legal assistance services have on children and young people in contact with youth justice systems. Recommendations to improve access to services and outcomes for young people in custody include that federal, state and territory governments should:

- Adequately resource **Aboriginal Legal Services to run and expand best practice youth specific legal services**. This is to ensure all First Nations young people can access culturally appropriate legal support when they need it.
- Ensure **children in custody receive appropriate healthcare**, including mental healthcare and access to primary healthcare by Aboriginal Community Controlled Health Organisations.
- Ensure all children receive **health screening and NDIS assessments** as soon as they enter youth detention. Young people in custody should also retain access to the Medicare Benefits Scheme, the Pharmaceutical Benefits Scheme and the National Disability Insurance Scheme during incarceration.

Abuse and mistreatment

As a signatory to the United Nations Convention on the Rights of the Child, Australia is obliged to prioritise the human rights of children and young people in the youth justice system and protect them from abuse and mistreatment while in custody. Sector submissions recommend that federal, state, and territory governments pass legislation to prohibit:

- **Solitary confinement of children and young people** in all settings, including in youth prisons, police cells and watch houses.
- Routine **isolations** and isolations due to staff shortages in youth prisons.
- Routine **strip searches**, and use of **spit hoods** for children and young people.

Diversion

Overwhelmingly, the community legal sector supports the principle that children and young people belong with their families and communities and not in prison. Wherever possible, all children and young people should be diverted from the criminal legal system to adequately funded, evidence-based community support programs.

To achieve this end, the federal, state, and territory governments should adequately fund ACCOs to develop and implement justice reinvestment and other place-based community development programs based on decarceration principles.

Conclusion

Australia must entirely transform its approach to youth justice and incarceration. Through inquiry after inquiry, First Nations communities, civil society organisations and other experts have given governments' the solutions needed to address the growing crisis of youth incarceration. Governments' collective failure to act has contributed to continuing decline in the safety and wellbeing of Aboriginal and Torres Strait Islander communities across the continent.

At the same time, politicians and the media use the crisis to advocate for and implement ever harsher responses to marginalised and First Nations children and young people who are targeted by the criminal legal system. Unlike the recommendations made by communities, these 'tough on crime' responses lack a sound evidence base and impose greater harm on already traumatised young people. While delivering quick wins for governments at election time, such responses cost health, criminal justice, and social services budgets far more in the long run.

As the Victorian Aboriginal Legal Service submission notes, 'political parties and the media must stop manipulating "community safety" and "public safety" through law-and-order politics.' ^[17]

To address the crisis in youth justice, and the overrepresentation of First Nations children within it, the Federal Government must immediately raise the age of criminal responsibility to 14 across all jurisdictions, remove barriers to kinship care for Aboriginal and Torres Strait Islander children and families who need extra support, and ensure that women in and leaving prison are supported to maintain contact with their children and to secure safe housing and income support before being released back into the community.

The barrier to real change in these areas is political will. Governments have the evidence base and the solutions – they must now act.

[1] Australian Institute of Health and Welfare (AIHW), Youth Detention population in Australia 2024, 13 Dec 2024. <https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2024/contents/summary/first-nations-young-people-in-detention> (accessed 9 December 2025)

Also see: Koorie Youth Council, Submission 142, p. 2; Attorney-General's Department (AGD), Submission 204, pp. 2–3, which noted that the states and territories are responsible for criminal law policy and enforcement (such as policing and prosecutorial decisions).

[2] McAlister M, Miles H & Bricknell S 2025. *Deaths in custody in Australia 2024–25*. Statistical Report no. 57. Canberra: Australian Institute of Criminology, December 2025, pg. 9

[3] The Senate Legal and Constitutional Affairs References Committee, Australia's youth justice and incarceration system Final Report, June 2025, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Incarceration47/Report/Chapter_1_-_Final_report

[4] Sen. Lidia Thorpe, Legal and Constitutional Affairs References Committee Australia's youth justice and incarceration system, Senator Thorpe Additional Comments to Final Report, June 2025. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Incarceration47/Report

[5] National Community Legal Sector First Nations Justice Network, Submission to the Senate Inquiry into Measuring Outcomes for First Nations Communities, March 2025, pg 5.

[6] Youth Law Advocacy Centre, 'Adult Crime, Adult Time' laws *About the 'Adult Crime, Adult Time' laws in the Making Queensland Safer Bill 2024*. 10 September 2025, <https://yac.net.au/legal-info/adult-crime-adult-time-laws/> , (accessed 18 December 2025)

[7] Amnesty International, *Why we need to raise the minimum age of criminal responsibility*, 25 January 2022, <https://www.amnesty.org.au/why-we-need-to-raise-the-minimum-age-of-criminal-responsibility/> , (accessed 11 December 2025)

[8] Op Cit. Australian Institute of Health and Welfare, 2024.

[9] Victorian Government Sentencing Advisory Council, Reoffending by Children and Young People in Victoria December 2016, pg. 25

[10] Op Cit. National Community Legal Sector First Nations Justice Network pg. 17

[11] Centre for Innovative Justice – RMIT University, *Review of age of criminal responsibility Submission to the Council of Attorneys-General*, February 2020, pg 2.

[12] NATSILS, Explainer: The Commonwealth Government's constitutional power to protect children, 16 September 2025, <https://www.natsils.org.au/resources/explainer-the-commonwealth-governments-constitutional-power-to-protect-children/> , (accessed 18 December 2025)

[13] Op Cit. National Community Legal Sector First Nations Justice Network, pg 5.

[14] Op Cit. National Community Legal Sector First Nations Justice Network pg. 10

[15] Australian Human Rights Commission, Statistics about Aboriginal and Torres Strait Islander Women and Girls, October 2024, <https://humanrights.gov.au/human-rights-education/stats-and-facts-about->

[discrimination/statistics-about-aboriginal-and-torres-strait-islander-women-and-girls/_nocache#_edn10](https://www.abs.gov.au/ausstats/abs@.nsf/DetailsPage/4813.0Main+Features2023-24?OpenDocument),
(accessed 12 December 2025)

^[16] Fryer, B., 22 July 2024, 'First Nations women are the fastest-growing group of people being sent to prison', ABC News, viewed 6 March 2025,

^[17] Victorian Aboriginal Legal Service, *Submission to the Senate Inquiry into Youth Justice*, October 2024, pg 7.