

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

Australian Youth Affairs Coalition

10 October 2024

## Re: INQUIRY INTO AUSTRALIA'S YOUTH JUSTICE AND INCARCERATION SYSTEM

The Australian Youth Affairs Coalition (AYAC) is the national voice and advocate for young people and the youth sector. We represent more than 4.5 million young people across the country. We are the national peak body, and our members include young people, youth-led organisations, and youth sector organisations that support and work with young people.

We welcome the opportunity to provide this contribution to the Senate Legal and Constitutional Affairs Committee Inquiry into Australia's youth justice and incarceration system. We are encouraged by the rights-based approach set out in the terms of reference of this Inquiry.

Australia's youth justice system claims to prioritise community safety and the rehabilitation and reintegration of young people who offend, and to contribute to a reduction in re-offending (Productivity Commission, 2024), yet mounting evidence shows that these goals are rarely achieved under the current framework. The punitive approaches in place today not only fail to rehabilitate young people who have offended or reduce recidivism, but often worsen outcomes. Studies have shown that these methods can actually increase criminal behaviour, making them counterproductive to their intended goals and costly to taxpayers, with over \$5 billion spent annually on prisons alone (McCausland & Baldry, 2023).

Instead of reducing youth crime, these punitive measures often stigmatise and marginalise young people, especially those from vulnerable backgrounds. Factors such as poverty, structural racism, and inequality play a major role in determining which young people end up incarcerated, with current strategies failing to address these underlying causes (McCausland & Baldry, 2023). Continuing to focus on individual punishment rather than addressing broader systemic issues will only perpetuate this cycle of harm.

To truly make communities safer and support young people, Australia must shift its focus to prevention and early intervention measures that address the root causes of youth offending. Decades of research show that investments in health, education, and social justice – rather than incarceration – are more effective in reducing crime (Australian Human Rights Commission, 2009; Just Reinvest NSW, n.d.; KPMG, 2018). Programs and policies should recognise that many young people who come into contact with the youth justice system are facing complex economic, social, and health challenges, and treating them as criminals instead of addressing their needs is both ineffective and unjust.

This is not only a question of justice for young people but also of smart governance. A focus on prevention, early intervention, rehabilitation, and addressing social inequities would lead to better outcomes for both young people and society. It is time for Australia to rethink its youth justice system and adopt strategies that promote rights, safety, and wellbeing for all.

### **AYAC recommends that the Australian Government:**

- Enact a prevention and early intervention approach to youth justice, instead of the current punitive approach, and take action to address the social determinants of justice.
- Ensure that the rights and best interests of young people are kept at the forefront of policy development and implementation, at all times, and across all portfolios:
  - Introduce a National Strategy for Children and Young People to enable coordination of action across different jurisdictions/portfolios to prevent young people from entering the youth justice system.
  - Mandate the use of comprehensive, intersectional youth impact assessments, to be applied to the development of any policy that directly affects young people.
- Introduce national minimum standards for youth justice that are rights-based and consistent with our international obligations, including raising the minimum age of criminal responsibility in all states and territories to at least 14 years, no exceptions.
- Take urgent action to address systemic racism in the youth justice system.
- Commit to genuine First Nations self-determination and community control.
- Take regulatory action to address the unhelpful, and often inaccurate, manner in which young people are portrayed in the media in relation to youth justice issues – especially young people of colour.
- Strengthen the role of youth workers and youth organisations in relation to youth justice:
  - Increase funding to youth organisations, programs, and services to provide holistic community-based support for young people in contact with, or at risk of being in contact with, the youth justice system.
  - Increase the number of trained youth workers in youth justice settings to provide human rights-centred support and advocacy for young people in contact with the youth justice system.
  - Change the role title of ‘youth justice worker’ to more clearly differentiate it from that of ‘youth worker’, in order to protect young people’s trust in, and the professional standing of, qualified youth workers.
- Ensure young people, especially those who have had contact with the youth justice system, are meaningfully engaged in youth justice policy development and review.
  - Ensure young people’s input is acted upon, and that they are informed about how their input has been used.
  - Extend timeframes for public consultation on parliamentary inquiries, to enable meaningful engagement and consultation with young people, in support of their rights.

These recommendations – explored in further detail below – align with recommendations put forward by other key advocates for children and young people, including the Australian Child Rights Taskforce, the National Children’s Commissioner, the Commission for Children and Young People (Vic), Save the Children/54 Reasons, Smart Justice for Young People, and state and territory youth peaks. We encourage the Committee to consult the relevant reports and submissions from these organisations for further information.

## SOCIAL DETERMINANTS OF JUSTICE

Australia’s current approach to youth justice is failing on multiple fronts. It criminalises specific groups of young people, including First Nations children and young people, children and young people from multicultural backgrounds, children and young people who live in out-of-home care, 18- to 25-year-olds, and girls and young women with complex needs (Smart Justice for Young People, 2023). Imprisonment, in particular, causes multiple harms – it impairs healthy development, exacerbates pre-existing trauma, harms mental health and wellbeing, compounds the impacts of colonisation and dispossession, results in poor educational outcomes, damages family relationships, and perpetuates and reinforces economic, social, and health inequity (Australian Human Rights Commission, 2024; Baldry & Cunneen, 2019; Commission for Children and Young People, 2021; Cunneen et al., 2021). It actively violates human rights, and poses a risk to life, especially for First Nations children and young people (Baldry & Cunneen, 2019; Bourke, 2024; NT Royal Commission, 2017). And – to add insult to injury – it does not reduce rates of offending and reoffending (McCausland & Baldry, 2023).

It’s time we did things differently.

Time and time again, research has pointed to the influence of ‘social determinants’ on outcomes across multiple domains. Having informed health and wellbeing policy for over two decades, recent work has also now formalised this understanding in relation to the justice sector (McCausland & Baldry, 2023). The social determinants of justice have been identified as a combination of individual and family factors, plus the structural dynamics and socio-political context in which these factors are experienced, outlined below (McCausland & Baldry, 2023).

Individual and family factors	Social, economic, environmental, and political context
<ul style="list-style-type: none"> <li>• Having been in out-of-home care</li> <li>• Receiving a poor school education</li> <li>• Being Indigenous</li> <li>• Having early contact with police (including as a victim)</li> <li>• Having unsupported mental health and cognitive disabilities</li> <li>• Problematic alcohol and other drug use (often as a means of dealing with grief and trauma)</li> <li>• Experiencing homelessness and unstable housing</li> <li>• Coming from/living in a disadvantaged location</li> </ul>	<ul style="list-style-type: none"> <li>• Structural racism and discrimination</li> <li>• Failure to respond to early abuse, violence, and trauma</li> <li>• The entrenchment of poverty and unequal access to resources</li> <li>• The operation of the criminal legal system itself (including through over-surveillance of certain groups, including young people [especially young First Nations people]; not being granted diversionary options and bail; etc)</li> </ul>

Thus, through the intersecting and compounding effect of these elements, “[p]athways into criminal legal systems can be set from an early age by the failure or inability of the education,

health, disability, housing and community service systems to support vulnerable children and young people and their families” (McCausland and Baldry, 2023, p. 48).

However, the current framing of these factors as ‘risk’ factors for offending/re-offending – rather than recognising them as needs that have not been met and rights that have not been upheld, due to multiple and ongoing failures on the part of government and society – amounts to a criminalisation of disability, disadvantage, poverty, and trauma (Commission for Children and Young People, 2021; McCausland & Baldry, 2023).

Conversely, a social determinants approach offers a framework that “can inform holistic, effective and just policies and service responses” (McCausland and Baldry, 2023, p. 39). Underpinning Australia’s youth justice system with this type of rights-based prevention and early intervention approach, which takes a holistic view of young people and addresses the social determinants of justice, would be transformative for young people and for our country. It would place Australia at the forefront of youth justice practice, and would support the Australian Government to meet its international human rights obligations under the various instruments to which we are signatory.

Due to the holistic nature of a social determinants approach, strong collaboration across different portfolios beyond the justice sector is required – including education and early childhood, disability, health and mental health, drug and alcohol, domestic violence, child protection, housing, and employment sectors – as well as cooperation between jurisdictions. A National Strategy for Children and Young People, with associated implementation and support mechanisms, would play a vital role in guiding and coordinating this work (see e.g. Australian Child Rights Taskforce, 2024; Australian Human Rights Commission, 2024). AYAC would further advocate for the use of youth impact assessments – with meaningful youth consultation embedded in the process – to ensure that the rights and best interests of young people are kept at the forefront of policy development and implementation across all of these portfolios, in support of a social determinants approach. AYAC will soon be releasing a report that further outlines what these policy options could look like, and would be pleased to forward this to the Committee once published.

### **Recommendations:**

*Enact a prevention and early intervention approach to youth justice, instead of the current punitive approach. This includes strengthening, supporting, and adequately resourcing systems and organisations beyond youth justice – including the health, mental health, education, youth work, social welfare, housing, child protection, and family violence sectors – to address the social determinants of justice.*

*Introduce a National Strategy for Children and Young People (with associated implementation and support mechanisms) to guide, coordinate, and oversee this vital work.*

*Require all staff employed in the above sectors to undertake foundational and booster training on cultural safety, antiracism, gender inequity, and trauma-informed practice, as recommended in the [Smart Justice for Young People Action Plan](#) (2023).*

*Take action to eliminate structural racism and discrimination, including through robust independent review of the design and implementation of all relevant existing policies, programs, and services in the sectors listed above.*

*Mandate ex ante evaluation in the development of all relevant policies, programs, and services in the sectors listed above through the use of intersectional youth impact assessments, with meaningful youth consultation embedded in this process.*

*Take transformational action to address entrenched poverty and disadvantage.*

*Prioritise national reconciliation.*

### **OVER-INCARCERATION OF FIRST NATIONS CHILDREN AND YOUNG PEOPLE**

As noted above, being Indigenous has been identified as a social determinant of justice. To be clear, this absolutely **does not** mean that First Nations people are inherently ‘more criminal’ than non-Indigenous people; rather, it is a range of structural injustices – including socio-economic disadvantage, racism, and the legacy of colonisation – that drives hyper-incarceration among First Nations communities and perpetuates cycles of detention from a young age. This “systemic, historical and continuing injustice” (White, 2015, p.256) is a national crisis that demands immediate action.

A key solution put forward by First Nations advocates and allies is to empower First Nations communities through self-determination. Research shows that the best outcomes for First Nations young people are achieved when services are culturally safe, and designed, controlled, and delivered by Aboriginal organisations (Commission for Children and Young People, 2021). Calls from groups like Smart Justice for Young People and the Commission for Children and Young People therefore emphasise the need to transfer decision-making power, resources, and control over youth justice matters to Aboriginal and Torres Strait Islander communities (Commission for Children and Young People, 2021; Smart Justice for Young People, 2023).

#### **Recommendation:**

*All Australian governments must commit to genuine First Nations self-determination and community control, and work to transfer decision-making power, resources, and control over youth justice matters to Aboriginal and Torres Strait Islander communities.*

### **Raising the minimum age of criminal responsibility**

The tendency of police and other youth justice agencies to criminalise young people by positioning them as ‘a risk’ rather than ‘at risk’, even in the presence of complex support needs (McCausland & Baldry, 2023), in tandem with systemic racism (explored further in the next section), results in far too many young people coming into contact with the youth justice system. The current minimum age of criminal responsibility (MACR) – still as low as 10 in most states and territories – has, for these reasons among others, a disproportionate impact on First Nations youth (Commission for Children and Young People, 2021).

First Nations young people make up more than two-thirds of children under 14 in detention, and are more than twice as likely as non-Indigenous youth to be first detained between the ages of 10 and 13 (Cunneen et al., 2021). Raising the MACR to 14 would bring Australia into line with international human rights standards, and would address a key point at which First Nations young people can be kept out of the youth justice system (Crofts, 2015). It would also enable opportunities to provide culturally safe support, to break cycles of disadvantage and dispossession that have resulted from colonisation, and to address the systemic factors that have been shown to contribute to the over-incarceration of First Nations young people.

First Nations organisations, human rights and youth advocacy groups, academics, and legal and medical professionals have been calling for change to the MACR for a number of years now, with over 100 organisations, from every state and territory, having signed on to the Raise the Age campaign (Raise the Age, n.d.).

**Recommendation:**

*Ensure that the minimum age of criminal responsibility is raised to at least 14 years, with no exceptions, in all states and territories and at the federal level.*

**Racial bias**

There is evidence of racial bias at almost every point of contact with Australia’s youth justice system. Compared with their non-Indigenous counterparts, First Nations young people are more likely to be arrested and charged (rather than receive a caution or other diversion), to have bail refused, and to be sentenced to imprisonment (even when controlling for offence type and prior offending) (Australian Law Reform Commission, 2017; Cunneen et al., 2021; Hage & Fellows, 2018; Law Council of Australia, 2017; PwC, 2017). It has been noted, therefore, that only so much can be achieved in reducing rates of First Nations young people in detention “without a change in the attitude and practices of law enforcement” (Cesaroni et al., 2019, p.121).

The path forward must include systemic change, with youth justice system reforms designed and implemented in partnership with First Nations communities, and ensuring that their voices and expertise are at the centre of policy decisions.

Measures to address racial bias in the youth justice system should include:

- specialised training for justice system personnel, designed and delivered by well-supported and adequately resourced Aboriginal Community-Controlled Organisations (Law Council of Australia, 2017; Smart Justice for Young People, 2023; UN Committee on the Rights of the Child, 2019);
- measures to increase visibility and accountability of discretionary decisions (Cunneen et al., 2021);
- the use of structured decision-making tools and other systems improvements (Hanes, 2012);
- explicitly requiring courts to take into account systemic factors affecting First Nations young people when sentencing (Law Council of Australia, 2017).

Evidence from other jurisdictions, including the US and Canada, demonstrates the efficacy of these approaches in reducing the over-representation in the youth justice system of young people from marginalised groups (Corrado et al., 2014; Hanes, 2012).

However, a robust change management framework must be employed to support this vital cultural change and to manage resistance (Asllani & Fisher, 2020), and additional guardrails put in place to ensure consistent and faithful implementation of prescribed measures (Victorian Aboriginal Legal Service, 2011).

### **Recommendation:**

*Take urgent action to end racial bias in the youth justice system, including through measures such as mandating cultural safety training, to be delivered by well-supported and adequately resourced ACCOs; and leveraging standard operating procedures and processes to eliminate bias at key decision points.*

### **NATIONAL MINIMUM STANDARDS FOR YOUTH JUSTICE**

Given the body of evidence that demonstrates that practices within the youth justice system “differ considerably across geographical and racialised boundaries” (Cunneen et al., 2021, p.172), AYAC supports the introduction of enforceable national minimum standards for youth justice that are consistent with our international obligations. Compliance with the human rights of children and young people who come into contact with the youth justice system is not something that can be left to the whims of state and territory governments, nor the political ideals of different parties, nor the media or the ‘court of public opinion’. The stakes are simply too high.

Australia’s approach **must** be rights-based, consistent, and in line with both our international obligations and evidence-based best practice.

As signatory to relevant international human rights instruments – including the *Convention on the Rights of the Child* and the *Declaration on the Rights of Indigenous Peoples* – the Australian Government carries the ultimate responsibility for ensuring sub-national governments are doing their part to meet our nation’s obligations and upholding the rights of all of our citizens. The Australian Government should leverage its convening power in support of this responsibility, noting that OECD research indicates that countries with a youth portfolio that is located at the centre of government are able to achieve more effective and efficient implementation, coordination, and monitoring of youth policy, programs, and services, both horizontally (across ministries) and vertically (with sub-national authorities) (OECD, 2020).

National minimum standards for youth justice should include, at a minimum:

- Prioritising prevention and early intervention.
- Implementing good practice principles in diversion of First Nations young people from the youth justice system (Cunneen et al., 2021).
- Making a genuine commitment to First Nations self-determination.
- Raising the minimum age of criminal responsibility to at least 14 years in all jurisdictions (discussed above).

- Reserving detention as a true measure of last resort.
- Ensuring that children and young people are not detained in the same settings as adults.
- Ensuring that Child Safe Standards are implemented and adhered to in youth justice settings.
- Banning the use of detention practices that violate the rights of children and young people, including the use of spit hoods, isolation, strip searches, and unnecessary restraint.

We draw the Committee’s attention to the Save the Children/54 reasons report, [Putting children first: A rights respecting approach to youth justice in Australia](#) (2023), for further guidance on this topic.

**Recommendation:**

*Introduce enforceable national minimum standards for youth justice that are rights-based, consistent, and in line with both our international obligations and evidence-based best practice.*

**THE ROLE OF YOUTH WORKERS IN THE YOUTH JUSTICE SYSTEM**

Youth work practice is grounded in human rights and tends to reject punitive and deficit-based perspectives when working with young people. Youth work emphasises a focus on supporting and strengthening the social ecology of a young person to holistically improve all areas of wellbeing (Cooper et al., 2024). Thus, youth workers can play a crucial role in prevention and early intervention programs, and in advocating for the welfare and needs of young people who are in contact with the youth justice system. This would support a social determinants approach to youth justice, explored above (McCausland & Baldry, 2023; Australian Human Rights Commission, 2024), and would help to meet recommendations from child-rights advocates to implement trauma-informed care in youth justice settings (Save the Children & 54 reasons, 2023).

In contrast, youth justice workers, especially those located in custodial settings, are responsible for maintaining “good order and safety...and instil[ling] a culture that is security-focused” (Armytage & Ogloff, 2017, p.49). While the roles of ‘youth worker’ and ‘youth justice worker’ are significantly different – with youth justice workers required to perform duties that are contrary to the relational principles of youth work – the role *titles* are similar enough to cause confusion for many young people in the youth justice system. This breeds a fundamental misunderstanding of the role of youth workers, thereby undermining the profession; and damages trust in youth workers, with implications for young people’s subsequent willingness to engage with them (Australian Human Rights Commission, 2024).

## Recommendations:

*Increase the number of trained youth workers in youth justice settings to provide human rights-centered support and advocacy for young people in contact with the youth justice system.*

*Increase funding to youth organisations, programs, and services to provide holistic community-based support for young people in contact with, or at risk of being in contact with, the youth justice system.*

*Change the role title of ‘youth justice worker’ to more clearly differentiate it from that of ‘youth worker’, in order to protect young people’s trust in, and the professional standing of, qualified youth workers.*

## MEDIA REPRESENTATION OF YOUNG PEOPLE

Negative portrayals of young people in the media are distressingly common. Young people are frequently and indiscriminately portrayed as politically apathetic and disengaged (Mikola & Mansouri, 2015); as ‘dole bludgers’ (Economic Inclusion Advisory Committee, 2024); as ‘gang members’ (Budarick, 2018); as criminals and substance abusers (White, 2015); and as threats to society (Khan, 2022). Young people of colour are most often targeted by these portrayals, and often with racialised terms attached.

This type of reporting is harmful, and often inaccurate, and therefore problematic in and of itself. However, such relentless and sensationalised reporting can also lead to policy-making that is reactive and that appeals to populist ‘tough on crime’ ideals, rather than being evidence-based and targeted at effectively addressing the social determinants of justice (Smart Justice for Young People, 2023).

While there has been a slight rise in youth offending over the past couple of years, overall youth crime rates have been steadily decreasing for the previous decade (Youthlaw, n.d.). Recent increases have largely been attributed to cost-of-living pressures, with a significant proportion of crimes involving theft of groceries and fuel, and being the individual’s first offence (Youthlaw, n.d.).

However, widespread and inflammatory media coverage of the so-called ‘youth crime problem’ likely contributed to both the recent election of the CLP government in the Northern Territory, with its commitment to *lower* the age of criminal responsibility to 10 years (Garrick, 2024), and the Victorian government reneging on its promise to raise the minimum age of criminal responsibility to 14 years (Victorian government abandons promise, 2024).

Given the very real – albeit inappropriate – influence of the media on youth justice policy, their depiction of young people must be addressed.

### **Recommendation:**

*Take regulatory action to address the unhelpful, and often inaccurate, manner in which young people are portrayed in the media in relation to youth justice issues – especially young people of colour.*

### **YOUTH VOICE**

Young people have the right to have a say on issues that impact them. This right is enshrined in the *United Nations Convention on the Rights of the Child* (UN General Assembly, 1989). Decision-making bodies dealing with youth justice policy development and review should therefore include youth representation, with places designated specifically for First Nations young people, and young people with lived experience of the youth justice system (Commission for Children and Young People, 2021).

However, representation and participation is only the first step. To avoid tokenism, government and other youth justice system entities must commit to acting on the advice and recommendations they receive from young people. They must also commit to ‘closing the loop’ – that is, informing young people of how their input has been used.

AYAC also notes that short submission timeframes, commonly employed in parliamentary inquiries, do not enable meaningful engagement with young people. This contravenes the above right.

### **Recommendation:**

*Ensure young people, especially those who have had contact with the youth justice system, are meaningfully engaged in youth justice policy development and review.*

*Ensure young people’s input is acted upon, and that they are informed about how their input has been used.*

*Extend timeframes for public consultation on parliamentary inquiries, to enable meaningful engagement and consultation with young people, in support of their rights.*

### **CONCLUSION**

Australia’s youth justice system is far from perfect, with harmful impacts on specific groups of young people, as well as on young people as a cohort.

It’s time we stopped criminalising young people for **our** failure to uphold their rights, and to meet their health, wellbeing, and developmental needs.

By committing to a preventative, rights-based approach that is implemented nationally; to Aboriginal and Torres Strait Islander self-determination; and to culturally safe and anti-racist systems and practices, Australia can take meaningful steps toward justice and equality for **all** of its young people.

AYAC would be pleased to provide further input to the Inquiry or respond to queries relating to the issues discussed in this submission, should this be required.

**Contact**

Kirsty Kain

National Policy and Advocacy Lead

Australian Youth Affairs Coalition

[kirsty@ayac.org.au](mailto:kirsty@ayac.org.au)

## REFERENCES

- Armytage, P., & Oglloff, J. (2017). *Meeting needs and reducing offending: Youth justice review and strategy*. Victorian Government. [https://files.justice.vic.gov.au/2021-06/report\\_meeting\\_needs\\_and\\_reducing\\_offending\\_executive\\_summary\\_2017.pdf](https://files.justice.vic.gov.au/2021-06/report_meeting_needs_and_reducing_offending_executive_summary_2017.pdf)
- Asllani, H., & Fisher, J.R. (2020). The need for cultural awareness training for police: A case study from Kosovo. *Competition Forum*, 18(1/2), 198-207.
- Australian Child Rights Taskforce. (2024). *A blueprint for a national children's plan*. [Unpublished policy briefing].
- Australian Human Rights Commission. (2009). *Social Justice Report 2009* (Report No.1/2010). Aboriginal and Torres Strait Islander Social Justice Commissioner. <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-report-1>
- Australian Human Rights Commission. (2024). *'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing*. Sydney: Australian Human Rights Commission. [https://humanrights.gov.au/sites/default/files/document/publication/1807\\_help\\_way\\_earlier\\_-\\_accessible\\_0.pdf](https://humanrights.gov.au/sites/default/files/document/publication/1807_help_way_earlier_-_accessible_0.pdf)
- Australian Law Reform Commission. (2017). *Pathways to Justice: An Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples* (Summary report No. 133). [https://www.alrc.gov.au/wp-content/uploads/2019/08/summary\\_report\\_133\\_amended.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/summary_report_133_amended.pdf)
- Baldry, E., & Cunneen, C. (2019, June 21). *Locking up kids damages their mental health and sets them up for more disadvantage. Is this what we want?* The Conversation. <https://theconversation.com/locking-up-kids-damages-their-mental-health-and-sets-them-up-for-more-disadvantage-is-this-what-we-want-117674>
- Bourke, K. (2024). *As the WA government plugs improvements to its youth justice system, a child in custody is dead. Why?* ABC News. [https://www.abc.net.au/news/2024-08-31/wa-youth-justice-death-sparks-same-calls-for-urgent-reform/104291716?utm\\_source=abc\\_news\\_app&utm\\_medium=content\\_shared&utm\\_campaign=abc\\_news\\_app&utm\\_content=other](https://www.abc.net.au/news/2024-08-31/wa-youth-justice-death-sparks-same-calls-for-urgent-reform/104291716?utm_source=abc_news_app&utm_medium=content_shared&utm_campaign=abc_news_app&utm_content=other)
- Budarick, J. (2018, August 1). *Why the media are to blame for racialising Melbourne's 'African gang' problem*. The Conversation. <https://theconversation.com/why-the-media-are-to-blame-for-racialising-melbournes-african-gang-problem-100761>
- Cesaroni, C., Grol, C., & Fredericks, K. (2019). Overrepresentation of Indigenous youth in Canada's criminal justice system: Perspectives of Indigenous young people. *Australian & New Zealand Journal of Criminology*, 52(1), 111-128. DOI:10.1177/0004865818778746
- Commission for Children and Young People. (2021). *Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in the Victorian youth justice system*. <https://ccyp.vic.gov.au/assets/Publications-inquiries/CCYP-OYOW-Final-090621.pdf>
- Cooper, T., Corney, T., Tierney, H., Gorman, J., & Sutcliffe, J. (2024). Talking about relational youth work: Why language matters. *Journal of Youth Studies*. <https://www.tandfonline.com/doi/full/10.1080/13676261.2023.2298327#abstract>

- Corrado, R.R., Kuehn, S., & Margaritescu, I. (2014). Policy issues regarding the over-representation of incarcerated Aboriginal young offenders in a Canadian context. *Youth Justice*, 14(1), 40-62. DOI:10.1177/1473225413520361
- Crofts, T. (2015). A brighter tomorrow: Raise the age of criminal responsibility. *Issues in Criminal Justice*, 27(1), 123-131. DOI:10.1080/10345329.2015.12036035
- Cunneen, C., Russell, S., & Schwartz, M. (2021). Principles in diversion of Aboriginal and Torres Strait Islander young people from the criminal jurisdiction. *Current Issues in Criminal Justice*, 33(2), 170-190. DOI: 10.1080/10345329.2020.1813386
- Economic Inclusion Advisory Committee. (2024). *2024 report to government*. [https://www.dss.gov.au/sites/default/files/documents/04\\_2024/economic-inclusion-advisory-committee-2024-report.pdf](https://www.dss.gov.au/sites/default/files/documents/04_2024/economic-inclusion-advisory-committee-2024-report.pdf)
- Garrick, M. (2024, October 5). *CLP government stands by its plan to make NT become first jurisdiction to lower criminal age*. ABC News. [https://www.abc.net.au/news/2024-10-05/nt-government-clp-to-lower-criminal-responsibility-age-12-to-10/104355606?utm\\_source=abc\\_news\\_app&utm\\_medium=content\\_shared&utm\\_campaign=abc\\_news\\_app&utm\\_content=other](https://www.abc.net.au/news/2024-10-05/nt-government-clp-to-lower-criminal-responsibility-age-12-to-10/104355606?utm_source=abc_news_app&utm_medium=content_shared&utm_campaign=abc_news_app&utm_content=other)
- Hage, T., & Fellows, J. (2018). Combatting over-representation of Indigenous youth in the Queensland criminal justice system through 'Justice Reinvestment'. *James Cook University Law Review*, 24, 147-168. [https://researchonline.jcu.edu.au/57507/3/57507\\_Hage\\_Fellows\\_2018.pdf](https://researchonline.jcu.edu.au/57507/3/57507_Hage_Fellows_2018.pdf)
- Hanes, M. (2012). *Disproportionate minority contact*. Washington, D.C: Office of Juvenile Justice and Delinquency Prevention. <http://www.ojdp.gov/pubs/239457.pdf>
- Just Reinvest NSW. (n.d). *What is 'justice reinvestment'?* <https://www.justreinvest.org.au/about/>
- Kain, K., & Wotherspoon, N. (2024). *Power to the (young) people: Embedding young people's needs and priorities in public policy*. [Unpublished report]. Australian Youth Affairs Coalition.
- Khan, R. (2022). Beyond empowerment and inspiration: Towards a critical program for multicultural youth leadership. *Journal of Youth Studies*, 25(9), 1284–1300. <https://doi.org/10.1080/13676261.2021.1948980>
- KPMG. (2018). *Maranguka Justice Reinvestment Project: Impact assessment*. <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestme nt-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>
- Law Council of Australia. (2017). *Incarceration rates of Aboriginal and Torres Strait Islander Peoples* (Discussion Paper 84). [https://lawcouncil.au/publicassets/eae6ee0a-23ae-e711-93fb-005056be13b5/%203349%20-%20Incarceration%20Rates%20of%20Aboriginal%20and%20Torres%20Stra%20it%20Islander%20Peoples%20\(Discussion%20Paper%2084\).pdf](https://lawcouncil.au/publicassets/eae6ee0a-23ae-e711-93fb-005056be13b5/%203349%20-%20Incarceration%20Rates%20of%20Aboriginal%20and%20Torres%20Stra%20it%20Islander%20Peoples%20(Discussion%20Paper%2084).pdf)
- McCausland, R., & Baldry, E. (2023). Who does Australia lock up? The social determinants of justice. *International Journal for Crime, Justice and Social Democracy*, 12(3), 37-53. <https://www.crimejusticejournal.com/article/view/2504/1351>
- Mikola, M., & Mansouri, F. (2015). Race lines and spaces of political action among migrant youth. *Journal of Youth Studies*, 18(4), Article 4. <https://doi.org/10.1080/13676261.2014.992313>

- NT Royal Commission. (2017). *Royal Commission into the Protection and Detention of Children in the Northern Territory* (Report overview). Commonwealth of Australia.  
<https://www.royalcommission.gov.au/system/files/2020-09/report-overview.pdf>
- Organization for Economic Co-operation and Development. (2020). *Governance for youth, trust and intergenerational justice: Fit for all generations?* (OECD Public Governance Reviews). OECD Publishing. [https://www.oecd.org/en/publications/governance-for-youth-trust-and-intergenerational-justice\\_c3e5cb8a-en.html](https://www.oecd.org/en/publications/governance-for-youth-trust-and-intergenerational-justice_c3e5cb8a-en.html)
- Productivity Commission. (2024, January). *Report on government services 2024*. Australian Government.  
<https://www.pc.gov.au/ongoing/report-on-government-services/2024/community-services/youth-justice>
- PwC. (2017). *Indigenous incarceration: Unlock the facts*. <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/indigenous-incarceration-may17.pdf>
- Raise the Age. (n.d.). *About the campaign*. Retrieved October 9, 2024, from <https://raisetheage.org.au/campaign>
- Save the Children Australia, & 54 Reasons. (2023). *Putting children first: A rights respecting approach to youth justice in Australia*. Save the Children Australia.  
[https://www.savethechildren.org.au/getmedia/4befc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia\\_April-23.pdf.aspx](https://www.savethechildren.org.au/getmedia/4befc9d7-c9de-4088-b591-547714fc8673/Putting-children-first-A-rights-respecting-approach-to-youth-justice-in-Australia_April-23.pdf.aspx)
- Smart Justice for Young People. (2023). *Working together: Action plan to end the over-representation of particular groups of young people in the criminal justice system*. Smart Justice.  
[https://www.westjustice.org.au/cms\\_uploads/docs/working-together\\_full-doc.pdf](https://www.westjustice.org.au/cms_uploads/docs/working-together_full-doc.pdf)
- UN Committee on the Rights of the Child. (2019). *Children's rights in juvenile justice*. General Comment No.24 (201x), replacing General Comment No.10 (2007).  
<https://www.ohchr.org/Documents/HRBodies/CRC/GC24/GeneralComment24.pdf>
- UN General Assembly. (1989). *Convention on the Rights of the Child* (Resolution 44/25). United Nations.  
<https://www.ohchr.org/sites/default/files/crc.pdf>
- Victorian Aboriginal Legal Service Co-operative Ltd. (2011). Substandard: Cultural awareness training of police in Victoria. *Australian Indigenous Law Review*, 15(1), 107-109.  
<https://www.jstor.org/stable/26423218>
- Victorian government abandons promise to raise criminal age to 14 amid youth justice reforms. (2024, August 13). ABC News. <https://www.abc.net.au/news/2024-08-13/victoria-youth-justice-reform-criminal-age/104217160>
- White, R. (2015). Indigenous young people and hyperincarceration in Australia. *Youth Justice*, 15(3), 256-270. DOI: 10.1177/1473225414562293
- Youthlaw. (n.d.). *The facts – Youth crime*. Retrieved October 10, 2024, from <http://youthlaw.asn.au/the-facts-in-youth-crime/>