

SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE INQUIRY INTO AUSTRALIA'S YOUTH JUSTICE AND INCARCERATION SYSTEM (2025)

The Federation of Community Legal Centres welcomes the opportunity to respond to this inquiry and to reiterate our position as set out in our submission, [National Youth Justice Reform Needed \(2024\)](#) to the Committee's 2024 inquiry into youth justice¹.

The Federation is the peak body for Victoria's 50 Community Legal Centres. Our members work daily with children and young people who are almost exclusively victim-survivors first before being over-policed, criminalised and incarcerated. We work with the families and communities living with the long-term harms of punitive youth justice systems. We also support victim-survivors of crime and so our views are grounded in frontline legal practice, community-based service delivery, and a substantial evidence base on what actually improves community safety.

In 2024, we called for urgent national leadership to raise minimum standards and uphold children's rights across Australia. We made ten clear recommendations:

1. Raise the age of criminal responsibility to 14 without exceptions.
2. Raise the age of youth detention to 16.
3. Prohibit the detention of children in adult prisons.
4. End the chronic overrepresentation of particular groups of young people in the criminal justice system by addressing root system causes.
5. Reform youth bail laws to reflect Poccum's law.²
6. Prohibit solitary confinement, isolation and strip searching of children.
7. Improve diversion away from criminal systems to community supports.
8. Commit to First Nations self-determination and community control in youth justice.
9. Coordinate national youth justice reform through a National Taskforce.
10. Implement Australia's international human rights obligations relating to youth justice.

We stand by those recommendations in full.

However, since our 2024 submission, the situation for children and young people in contact with the criminal legal system has deteriorated, not improved.

Across jurisdictions, governments have introduced or proposed regressive reforms that expand police powers, weaken bail safeguards, remove incarceration as a true last resort for children, and apply adult sentencing and trial options that increase the likelihood of prolonged detention.

Recent findings of the United Nations Working Group on Arbitrary Detention urge governments to "ensure that no individual under the age of 18 is sentenced as an adult, regardless of the circumstances or severity of the offence"². Yet this is precisely what has been legislated in Victoria, where reforms are already driving increased remand and incarceration of children, despite overwhelming evidence that these approaches cause harm and increase re-offending.

The rationale for these reforms undermines well-established evidence-based principles of youth justice, perpetuates harm to child victim-survivors, and ultimately makes communities less safe.

¹ [Federation submission, National Youth Justice Reform Needed](#) to the Senate Legal and Constitutional Affairs References Committee's Inquiry into Australia's youth justice and incarceration system (2024).

² [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Australia \(1 to 12 December 2025\)](#)

The UN Working Group described Australia’s low ages of criminal responsibility as “shocking”, “inhumane” and “unconscionable”. This current approach creates a false distinction between “victim” and “offender” when decades of research demonstrates that they are one and the same³. Youth justice responses continue to punish harm children who are already being harmed and failed by state systems⁴.

At the same time, conditions in places of detention are worsening. The Northern Territory Government has blocked United Nations Working Group on Arbitrary Detention from visiting prisons and watch houses and from speaking with staff.⁵

Most starkly, the Australian Institute of Criminology’s National Deaths in Custody report,⁶ released in December 2025, shows that 33 Aboriginal and Torres Strait Islander people died in custody in 2024–25 – the highest annual number since records began. This is occurring while governments expand incarceration rather than addressing the conditions and systemic failures that place lives at risk. The youth-to-adult justice pipeline is well-established, and failures in the adult system are the foreseeable consequence of youth justice policy choices and directly relevant to this inquiry.

Legal advice obtained by National Aboriginal and Torres Strait Islander Legal Services states that the Commonwealth has both the power and the duty to act⁷. Continued reliance on state-based reform and further inquiries, without national standards and accountability, has demonstrably failed to protect children’s rights or community safety.

The evidence is settled. The recommendations are clear. The harm is ongoing.

We urge the Committee to use this inquiry to call for immediate Commonwealth leadership and concrete action to implement national youth justice reform, rather than further deferral through additional reviews. The time for action is now.

For more information, please contact:
Naomi Bellingham, Senior Legal Policy Advisor
Naomi.bellingham@fclc.org.au

16 December 2025

³ The ALRC report “[Help way earlier!](#)” sets out that offending by children is a symptom of underlying causes and needs that we are failing to address. According to Victoria’s own Youth Justice Strategy 2020-2030, 42% of children are victims survivors of family violence.

⁴ [Young people under youth justice supervision and their interaction with the child protection system 2022–23](#) Almost 2 in 3 (65%) young people under youth justice supervision in 2022–23 had an interaction with the child-protection system in the previous 10 years (to 30 June 2023). [Victoria Legal Aid](#) recent data show at least two in five children placed in residential care face criminal charges within a year of placement. [Yoorrook](#) sets out clearly that children who have experienced abuse, neglect or involvement in child protection are over-represented among those in custody

⁵ [Working Group on Arbitrary Detention: Preliminary Findings from its visit to Australia \(1 to 12 December 2025\)](#)

⁶ [Deaths in custody in Australia 2024-25](#), Australian Institute of Criminology

⁷ [NATSILS letter to the Prime Minister](#) (16 September 2025)