

**MISSION
AUSTRALIA**

Submission

Submission to The Senate
Legal and Constitutional
Affairs References
Committee's Inquiry into
Australia's youth justice and
incarceration system

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Executive summary

Mission Australia welcomes the opportunity to provide a submission to the *Australia's youth justice and incarceration system* Inquiry. Our submission focuses on three areas related to the Terms of Reference and is grounded in a public health approach to youth justice that aims to prevent criminal behaviour and create the conditions needed for children and young people to thrive.

The adverse impacts and outcomes of incarceration on young people, particularly Aboriginal and Torres Strait Islander young peoples

We present evidence that young people's involvement in the youth justice system is often the result of complex social issues that exacerbate difficulty, disadvantage and lack of opportunity for young people, their families and communities, and that incarceration during childhood and adolescence has detrimental impacts across the life course, while doing little to improve community safety or reduce reoffending.

The lack of compliance practiced by Australian governments in relation to their international obligations and the rights of children and young people in detention

We note that while the Federal Government has ratified several international treaties relevant to youth justice issues, historical and current compliance with the obligations of these treaties is lacking at all levels of government. Although politicians and other community leaders have a responsibility to be guided by expert knowledge, the punitive youth justice policies and practices of most jurisdictions contradict credible evidence regarding the healthy development and maturation of children and young people and the effective prevention, early intervention and rehabilitation of criminal behaviour.

Evidence for the effectiveness of alternative approaches to incarceration for young people

We summarise research on effective alternative approaches to incarceration for young people, much of which indicates that adopting and resourcing a whole of system shift towards prevention and early intervention programs that comprehensively address the root causes of youth crime (such as adverse childhood experiences, disadvantaged geographic location, disengagement from education and unsupported needs related to mental health, substance use and neurodevelopmental disability) would deliver the greatest social and economic benefit.

Our recommendations reflect the abovementioned points, and the findings of previous investigations, inquiries and reports into Australia's youth justice and incarceration system.

Mission Australia has long advocated for a health and wellbeing approach to child and youth justice matters. Children and young people are still learning right from wrong and incarceration does not provide the rehabilitative environment to do this; in fact, youth incarceration becomes a perverse finishing school to matriculate into adult crime and incarceration. It is the job of adults, communities and leaders to support children and young people to learn from their mistakes in a safe way so they can lead happy and fulfilling lives in our community.

Summary of recommendations

Fulfil international obligations

Mission Australia strongly supports national and international calls for all Australian governments to:

1. Incorporate the UNCRC into Australian law through a National Children's Act and a Commonwealth Human Rights Act
 - a. Countries such as Scotland offer a roadmap for how this can be achieved
2. Raise the minimum age of criminal responsibility in all jurisdictions to at least 14 years with no exceptions
 - a. In line with expert evidence and international recommendations, Mission Australia and many other organisations⁴ are members of the [Raise the Age](#) campaign
3. Withdraw its reservation to UNCRC Article 37(c) which requires children to be separated from adults in prison
4. Legislate the prohibition of solitary confinement in youth detention facilities and the use of isolation as punishment in any circumstance
5. Fully implement OPCAT, including by designating National Preventive Mechanisms with child rights expertise in all jurisdictions
6. Ratify the Optional Protocol to the UNCRC on a Communications Procedure to allow young people to make complaints to the United Nations Committee on the Rights of the Child about breaches of their rights

Improve outcomes monitoring

Mission Australia also recommends that:

7. All governments commit to timely, consistent monitoring and reporting of incarceration rates and justice outcomes, and these data should be publicly available and accessible

Comprehensively address the root causes of youth crime

All Australian governments should:

8. Adopt a holistic, coordinated, whole of system approach to youth justice that identifies the root causes of crime, provides effective interventions to young people, their families and communities, and measures their impact using nationally consistent standards
9. In line with previous evidence-based recommendations and their UNCRC obligations, invest in and work alongside communities, services and CSOs to fulfil the basic needs of young people and their families. This includes:
 - a. Place-based, well-integrated and comprehensive health, education and social services

- b. Measures to address poverty, such as increasing income support payments
 - c. Access to safe, stable and affordable housing and consistent access to associated amenities such as electricity
 - d. Culturally competent service delivery, particularly through Aboriginal Community Controlled Organisations
 - e. Positive, age-appropriate, free and accessible social and cultural activities for young people to participate in
10. Fund the full cost of service delivery, including direct and indirect costs
 11. Fund and participate in community-led, place-based initiatives that empower young people and their families to make their own decisions about service involvement and delivery
 12. Change the eligibility criteria for youth programs to align with both need and the minimum age of criminal responsibility

Invest in evidence-based prevention, early intervention and diversion programs

All Australian governments should:

13. Initiate a shift in youth justice system investment towards prevention, early intervention, targeted intervention and diversion so that crime does not occur or persist
14. Consider replicating successful, cost-effective and evidence-based prevention programs such as Pathways to Prevention and justice reinvestment approaches in other jurisdictions, and funding outreach-based services such as YouthBeat
15. Implement and fully fund meaningful early intervention programs that target at-risk young people, their families and communities. This should include working with the community sector to develop strategies to identify young people at risk and ensure that they are provided with necessary support to resolve issues and prevent them from escalating
16. Increase the use of evidence-based diversion programs wherever possible, particularly those which employ culturally appropriate practices for Aboriginal and Torres Strait Islander young peoples and communities
17. Explore additional options for improving the rehabilitative functions of youth justice, including piloting international alternatives to youth detention centres, improving the provision and quality of education provided in detention, developing and rigorously evaluating evidence-based youth offender programs and embedding a lived experience workforce within the youth justice sector

About Mission Australia

Mission Australia is a national Christian charity that has been standing alongside Australians in need since 1859. In 2024-25, we supported 141,552 people through 494 programs and services across several areas including homelessness, housing, strengthening communities, children and families, youth, employment, disability, mental health and alcohol and other drugs. Together, we're building hope and possibility for all.

Introduction

Mission Australia works closely with children and young people with complex needs to provide early intervention and diversion programs for young people who are at risk of becoming or are already in contact with the justice system. Our extensive service experience along with independent evidence is clear that meeting the safety, wellbeing and developmental needs of children and young people is the answer - not condemning them to poor life outcomes by locking them up because our society failed to provide them with the supportive environment they needed to thrive. We strongly believe that Australian governments can and should take action to uphold their international obligations regarding the rights of children and young people, reduce the number of Aboriginal and Torres Strait Islander young peoples involved in the youth justice system and implement and fully fund evidence-based prevention, early intervention and diversion programs so that the conditions that lead to youth crime do not occur or persist. We add our voice to existing calls for Australian governments to stop failing disadvantaged young people and instead create the conditions that will bring out the best in them.

Incarceration is damaging for young people and for society

Youth crime often occurs within a context of difficulty, disadvantage and lack of opportunity

Childhood and adolescence are critical periods for growth and development across physical, mental, emotional and social areas of functioning. Major changes in brain maturation begin in infancy and continue until around age 24, and include changes that may increase the likelihood of offending, such as increased impulsivity and risk-taking behaviour, poorer emotional regulation and a reduced ability to think through consequences.^{1,2} However, there is increasing recognition that these changes are influenced by a variety of external factors over the course of a young person's life. Evidence suggests that young people's involvement in the youth justice system is often a result of complex social issues that exacerbate difficulty, disadvantage and lack of opportunity for young people, their families and communities.^{2,3,4} Examples of the social, economic and environmental factors associated with young people's involvement in the youth justice system^{2,5,6} are listed in Table 1.

Table 1. Evidence for factors associated with young people’s involvement in the youth justice system.

Factor	Evidence
<p>Adverse childhood experiences</p> <p>Examples: neglect, abuse, family and domestic violence, parental divorce and incarceration of a member of the household</p>	<ul style="list-style-type: none"> • A meta-analysis found that 39.4% of youth offenders were exposed to adverse childhood experiences, primarily family and domestic violence and incarceration of a family member.⁷ The prevalence of adverse childhood experiences was 69.6% in a NSW cohort of custody-supervised young people, and 89% in a representative sample of young people under youth justice supervision in South Australia^{8,9} • The accumulation of multiple adverse childhood experiences, particularly neglect and physical abuse, is associated with a 99.1% increase in the odds of youth reoffending⁷
<p>Disadvantaged geographic location</p> <p>Examples: inadequate access to health, education or specialist support services, low income, lack of employment opportunities, lack of transport</p>	<ul style="list-style-type: none"> • Young people from areas classified as very remote were 11 times more likely to be under supervision compared to those from major cities¹⁰ • Young people from the lowest socioeconomic areas were 6 times more likely to be under supervision compared to those from the highest socioeconomic areas¹⁰ • Justice-involved young people noted that a lack of positive activities available in their communities (e.g. youth centres) or their prohibitive cost (e.g. unaffordable sports uniforms or travel) were precursors to antisocial behaviour³
<p>Early contact with the police</p>	<ul style="list-style-type: none"> • A younger age of first contact with the police is associated with a higher overall number of police contacts and more contact with criminal justice agencies⁵
<p>First Nations status</p>	<ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander peoples are more likely to experience disadvantage, have complex support needs, encounter earlier and repeated contact with criminal legal agencies and return to sentenced supervision before age 18^{5,10-14}

<p>Homelessness or unstable housing</p> <p>Examples: no fixed or permanent address, experience of eviction, frequent address changes</p>	<ul style="list-style-type: none"> Justice-involved young people have highlighted that challenging living circumstances, including unsafe, insecure or unstable housing, are a precursor to engaging in criminal activity and increased contact with police^{2,3,5}
<p>Interaction with the child protection system</p> <p>Examples: investigated notifications, care and protection orders, out-of-home care</p>	<ul style="list-style-type: none"> 65% of young people under youth justice supervision in 2022-23 had an interaction with the child protection system between 2013 and 2023. Of those aged 10 at their first youth justice supervision, 94% interacted with the child protection system at some point in the previous 10 years, as did 76% of Aboriginal and Torres Strait Islander young peoples¹⁵ 62% of young people under youth justice supervision were the subject of investigated notifications in the last 10 years, with 45% of those under community-based supervision and 50% of those in detention the subject of substantiated notifications¹⁵ 27% of young people under community-based supervision and 30% of those in detention were placed on a care and protection order in the last 10 years¹⁵ 25% of young people under community-based supervision had been in out-of-home care in the last 10 years, with 39% having had 5 or more placements. These figures were 28% and 43% for young people in detention, respectively¹⁵
<p>Lower educational engagement and attainment</p>	<ul style="list-style-type: none"> Justice-involved young people report being disengaged from school at a young age, often due to difficulties understanding the schoolwork, being unable to concentrate for long periods of time or because they were bullied or suspended for bad behaviour. Others noted that their parents did not encourage or support them to attend school, that they were unable to cope with the transition to high school or that schools lacked cultural competence³ Justice-involved young people with neurodevelopmental difficulties were less likely to attain a high school education or leave school with a qualification⁵

<p>Unsupported neurodevelopmental disabilities and mental health issues</p> <p>Examples: mood and anxiety disorders, post-traumatic stress disorder, conduct disorder, attention-deficit hyperactivity disorder, foetal alcohol spectrum disorder, learning disability, traumatic brain injury</p>	<ul style="list-style-type: none"> • Young people in detention have a significantly higher prevalence of mental disorders, self-harm and suicidal behaviour, and neurodevelopmental disabilities than their community peers¹⁶ • Young people with multiple diagnoses of mental disorders and neurodevelopmental disability have earlier contact with police, are more often involved with juvenile justice systems, have more contact with police over the life course and experience more episodes in detention and prison⁵ • Justice-involved young people describe unavailable or unsuitable mental health services that do not meet their needs, have long wait times or are not culturally appropriate. They also note that receiving a diagnosis or treatment is difficult, particularly for those with neurodevelopmental disabilities, and that mental health workers may not be well trained or a good fit for the young person³
<p>Use of alcohol and other drugs</p>	<ul style="list-style-type: none"> • Young people in detention have a significantly higher prevalence of substance use and substance use disorders than their community peers¹⁶ • Young people with substance use problems are less likely to be granted diversion and more likely to be reincarcerated within 18 months^{17,18} • People aged 10–17 under youth justice supervision between 2012 and 2016 were 30 times more likely than the general population to have received alcohol and other drug treatment services¹⁰ • Accidental drug poisoning is one of the most common causes of premature death among justice-involved young people in Australia¹⁹

The long-term consequences of these difficulties and deprivations include: poorer health profiles;¹⁶ poorer cognitive functioning and psychosocial maturity;²⁰ poorer social connections and family relationships;³ lack of connection to culture, Country and community;³ a diminished sense of safety and security;³ increased discrimination (including from the criminal legal system itself);^{3,5} and greater inequity⁵ and intergenerational disadvantage¹¹ through, for example, fewer education and employment opportunities.²⁰ Failing to address the root causes of disadvantage, provide adequate support and treat young people in developmentally appropriate ways is more likely to perpetuate crime than reduce it.

Young people can be dealing with multiple co-occurring issues

Young people in contact with the justice system often have multiple, intersecting needs which have not been identified or addressed by other service systems (e.g. health, education, social services and child protection). There are well-documented bidirectional relationships between involvement with the justice system and use of other services. For example, an analysis conducted by Taylor Fry for the NSW Government suggests that, in the 12 months before accessing homelessness services, specialist homelessness service clients also accessed walk-in mental health services, appeared in court and accessed Legal Aid services.²¹ Figure 1 presents additional statistics from this report that highlight the high rate of service use among vulnerable population groups who use homelessness services. These represent important opportunities for different sectors to collaborate and coordinate their prevention and early intervention efforts.

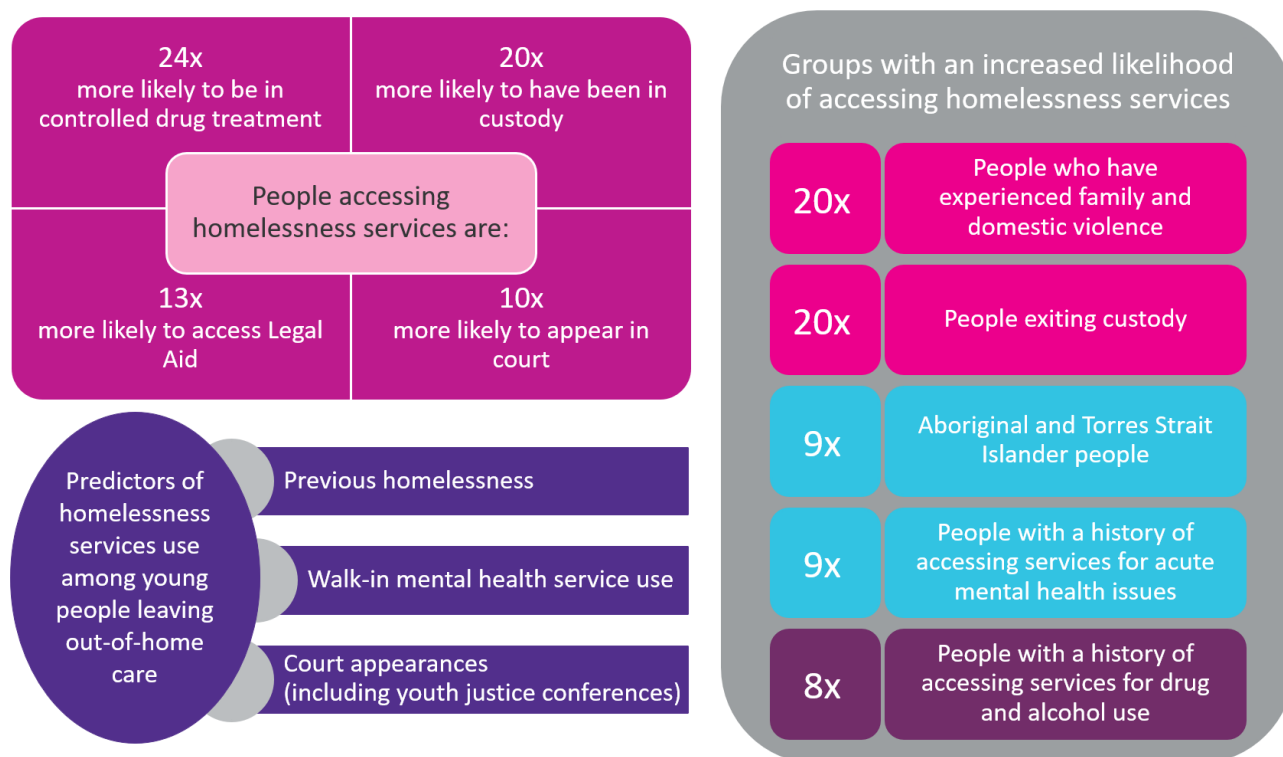


Figure 1. Use of different services by vulnerable groups in NSW that access homelessness services.²¹

Youth incarceration has detrimental impacts and outcomes across the life course

Ample evidence from Australia and other countries demonstrates the short- and long-term negative effects of justice system involvement on young people. For example:

- Evidence from previous inquiries into youth justice and incarceration in Australia suggests that some youth detention centres are not fit for purpose and lack basic amenities such as toilets and running water in seclusion rooms, separation rooms and watchhouses, which represent a health and safety risk for young people in these facilities^{11,22}
- Previous inquiries into youth justice and incarceration in Australia reported sustained patterns of abuse, humiliation, denial of basic human needs, and the overuse of separation, segregation, confinement, force and restraint to manage challenging behaviour in some youth detention centres, which can contribute to long-term physical and psychological damage and negatively affect young peoples' social, emotional and educational development.^{4,11}
- Mission Australia staff report that young people remanded in custody, particularly those from rural and remote areas, are often disconnected from their family and community. For example, young people from the Far West of NSW (including Broken Hill, Wilcannia, Dareton, Bourke, Walgett, and Lightning Ridge) typically serve sentences at the Youth Justice Custodial Centre in Dubbo, a facility several hours away. Distance and financial hardship make it difficult for family and friends to travel to Dubbo, and this is exacerbated if young people are transferred to centres in metro areas. As a result, young people can miss important events, miss out on regular social contact and connection, lose important relationships and experience difficulties reconnecting with and reintegrating into their social circles once they have left custody
- Remand periods, even those of a short duration, can have outsized impacts on the lives of young people, e.g. by disrupting their schooling, employment and residential circumstances. Young people on remand may also be ineligible to participate in educational, vocational or rehabilitative programs.¹¹ Other young people may remain on remand because they have no suitable accommodation or safe/responsible adult to take care of them upon exit
- Young people from vulnerable groups, such as those who identify as LGBTIQ+, may experience more frequent harms. Albeit limited, existing evidence indicates that services do not adequately identify or respond to the intersectional needs of LGBTIQ+ justice-involved young people,^{23,24} and they may be subject to gender-based discrimination (e.g. being placed in a detention centre based on their sex at birth rather than the gender they identify with)²⁵
- Regardless of age, many people with criminal histories find it difficult to gain and maintain lawful employment due to both employer criminal record checks and stigma, despite evidence that meaningful employment is associated with reduced offending, and increased social participation, economic stability, sense of purpose and community safety²⁶

- Young people involved in the justice system are at significantly higher risk of premature death from preventable causes, such as suicide, transport accidents and accidental drug poisoning, with greater exposure to the justice system increasing the rate of death¹⁹
- Young people involved in the justice system are 6.8 times more likely than the general population to die from violence-related causes²⁷
- Rates of death from non-communicable diseases such as cardiovascular and digestive diseases are higher in people with a history of youth justice system involvement than in matched cohorts from the general population; mortality is also higher among people whose first contact with the youth justice system was before age 14²⁸

These effects can exacerbate existing difficulties, further entrench disadvantage and reduce the likelihood that justice-involved young people will lead productive, fulfilling and healthy lives once they have exited the justice system.

Australia's current youth justice and incarceration systems have disproportionate effects on Aboriginal and Torres Strait Islander young peoples

Aboriginal and Torres Strait Islander young peoples involved in the youth justice system experience the abovementioned difficulties, impacts and outcomes more frequently and more strongly than non-Indigenous young people. For example:

- Although young people granted diversion are less likely to reoffend, Aboriginal and Torres Strait Islander young peoples referred to mental health court diversion services are less likely to be granted diversion¹⁷
- On an average day in 2023-24, Aboriginal and Torres Strait Islander young peoples aged 10-17 were 19 times more likely than non-Indigenous Australians to be under supervision, 19 times more likely to be under community-based supervision, and 27 times more likely to be in detention¹⁰
- Aboriginal and Torres Strait Islander young peoples who are taken into custody by police are often placed in overcrowded watch houses for indeterminate periods of time²⁹ or far longer than the recommended 24 hours⁴ while they wait to be processed and moved to youth detention centres. Reports from Mission Australia staff suggest that they are not allowed exercise time, time outside or visitors, creating unhealthy environments that are not conducive to rehabilitation
- Aboriginal and Torres Strait Islander young peoples remanded in custody in the NT often serve their sentences at youth detention centres several hours away from their community. Alongside the abovementioned difficulties associated with staying in contact with their families, recent reports suggest that young people are being transferred from the Alice Springs Youth Detention Centre to Holtze Youth Detention Centre in Darwin without their families' knowledge, and that the NT Department of Corrections has stated that there is no legal requirement for parents

or guardians to be informed of the transfer.³⁰ Reports from Mission Australia staff suggest that confirming the location of a young person in a NT youth detention centre is a time-consuming and difficult process, particularly for people who have English as a second, third or fourth language and those with limited phone and internet connectivity. Even when families know where the young person is, visiting them is very difficult due to overcrowded detention centre conditions, and they can be transferred at short notice. These circumstances and processes are distressing and frightening for young people and their families. On a broader societal level, they also intensify mistrust and exclusion

- Aboriginal and Torres Strait Islander young peoples remanded in custody face devastating cultural consequences when they are disconnected from their kin and community. For example, young men who are not physically present in their community at certain times of year cannot take part in initiation ceremonies or men's business on Country. Missing the opportunity to fulfil their cultural duties can alienate Aboriginal and Torres Strait Islander young peoples from their culture and mob for the rest of their lives, further disconnecting and disempowering them and resulting in what one Mission Australia staff member termed "another lost generation"
- Aboriginal and Torres Strait Islander peoples are over-represented in the criminal justice system and are therefore more likely to be negatively affected by employment processes that involve criminal record checks. Research suggests that although many organisations wishing to employ Aboriginal and Torres Strait Islander peoples actively look for ways to negotiate the requirements and expectations of criminal record checks, Aboriginal and Torres Strait Islander peoples with criminal histories may self-exclude and not apply for jobs that require a criminal record check, irrespective of the relevance of their past to the job being advertised.³¹ The benefits of meaningful employment and community engagement for individuals ripple out to organisations and communities: more diverse workforces are more productive and provide more culturally competent service delivery
- The rate of all-cause death among justice-involved Aboriginal and Torres Strait Islander females is more than seven times that of the general population, with rates of suicide 10 times higher, rates of violence 12 times higher and rates of death from drug-related causes 22 times higher than their community peers¹⁹
- The risk of death from violence-related causes is 2.5 times higher among Aboriginal and Torres Strait Islander young peoples involved in the youth justice system than among their non-Indigenous peers²⁷

The severe short- and long-term consequences of youth incarceration for Aboriginal and Torres Strait Islander young peoples have been highlighted in many previous inquiries and reports.^{3,11} Little progress on addressing these inequalities appears to have occurred, given that the most recent assessment of the associated Closing the Gap target (Target 11: By 2031, reduce the rate of Aboriginal and Torres Strait Islander young peoples (10–17 years) in detention by at least 30%) has recorded no change nationally between 2018-19 and 2023-24.³²

Youth incarceration is expensive and does not appear to improve community safety

In 2023-24, the national average cost per day of subjecting one young person to detention-based supervision was \$3,320, and the national average cost per day per young person subject to community-based supervision was \$381.³³ These costs have increased over time: in 2014-15 the national average cost per day per young person was \$1,686 for detention-based supervision and \$147 for community-based supervision.³³ Despite this:

- The youth offender rate per 100,000 persons has decreased over time (from 3,186.8 in 2008-09 to 2,400.9 in 2014-15 to 1,764.3 in 2023-24)³⁴ in line with international trends³⁵
- The rate of young people aged 10-17 under supervision on an average day decreased from 16 to 12 per 10,000 young people between 2019-20 and 2023-24¹⁰
- There has been no change over time in the percentage of young people returning to sentenced youth justice supervision within 12 months; the figure was 56.6% in 2014-15 and 56.8% in 2021-22³³
- 41% of young people under sentenced youth justice supervision in Australia return to sentenced youth justice supervision before age 18.¹⁴ 51% of young people with a first supervised sentence of detention receive an additional supervised sentence, as do 90% of young people aged 10-12 sentenced to community-based supervision, 43% of young males and 55% of Aboriginal and Torres Strait Islander young peoples¹⁴

Although youth justice departments are responsible for providing rehabilitative services to eligible young people under sentenced supervision, evidence from previous inquiries indicates a lack of appropriate programs and services for young people in detention, particularly for the cohort of young people with complex needs who are most often remanded in custody.¹¹ Sentenced supervision may also normalise criminal behaviour, enable young people to learn criminal behaviour from others and contribute to stigmatisation and limited opportunities post-release.²⁰ All of these factors – insufficient programs and services, ineligibility and the criminogenic nature of incarceration – may reduce rehabilitation rates and increase recidivism.

In addition to the abovementioned information, economic modelling from the Australian Institute of Criminology has sought to estimate the long-term costs of criminal justice system responses to individuals with different rates of offending.¹² When analysing offending trajectories for the cohort of people born in 1983 and 1984 in QLD, the authors found that on average, between the ages of 10 and 31, a non-Indigenous young person with a history of chronic offending would cost the criminal justice system \$74,798 while an Aboriginal and Torres Strait Islander young person with a history of chronic offending would cost the criminal justice system \$380,097. Groups with a history of chronic offending represented 49% of police costs, 57% of court costs, 91% of youth justice costs and 85% of adult corrections costs for the entire cohort. The authors also found that Aboriginal and Torres Strait Islander peoples were more likely to be found guilty of offending, had a higher frequency of offending,

experienced more severe punishment, and were more likely to have repeated contact with the criminal justice system over the life course.

The evidence presented in this section suggests that Australia is keeping fewer young people incarcerated at an increasing cost for no apparent benefit to either youth offenders or the broader community.

Australia does not comply with the human rights of children and young people in detention

Australia has ratified international human rights treaties relevant to youth justice issues, but historical and current compliance with their requirements is lacking

Australia is a party to seven United Nations (UN) treaties that protect human rights, including four that are relevant to youth justice matters: the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Rights of the Child (CRC); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).³⁶ These treaties obligate Australian Governments to:

- Not subject children to torture or other cruel, inhuman or degrading treatment or punishment (ICCPR Article 7, UNCRC Article 37, UNCAT Articles 2 and 16)
- Ensure equality before the courts and tribunals and right to a fair trial (ICCPR Article 14)
- Only use detention as a measure of last resort and for the shortest appropriate time (UNCRC Article 37)
- Treat children deprived of liberty with humanity, respect and in an age-appropriate manner (UNCRC Article 37)
- Designate National Preventive Mechanisms for international and national bodies to inspect places of detention in Australia (OPCAT Articles 3 and 4)

Several previous national inquiries into Australia's youth justice and incarceration system,^{11,24} and more recent reports³ including the Interim Report for the current inquiry⁴ and associated submissions,³⁷ highlight Australia's historical and contemporary shortcomings in complying with its international obligations, particularly in relation to the human rights of Aboriginal and Torres Strait Islander children and young peoples.³⁸ International bodies responsible for monitoring Australia's compliance with its international treaty obligations have recorded the same serious concerns about Australia's youth justice system, including: its low age of criminal responsibility; the practice of restraint and solitary

confinement; the overrepresentation of Aboriginal and Torres Strait Islander young peoples and young people with disabilities; inadequate provision of mental health and educational services; and young people's limited awareness of their rights and how to report abuses.³⁹

Australia is also one of the few Western countries that does not have a national Human Rights Act or a Charter of Human Rights.⁴⁰ These mechanisms could perform vital bridging functions by enshrining Australia's international human rights obligations into domestic law and holding states accountable to both national and international standards.⁴ They could also mandate the consideration of human rights such as freedom, respect, equality and dignity when making Australian laws and delivering services,^{41,42} ensure that all people, communities, services, businesses and governments are held to the same legal standards, help prevent and challenge human rights violations and improve everyone's understanding of and respect for human rights.⁴⁰ Evidence from states that have implemented Human Rights Acts or Charters indicates that these mechanisms have empowered people to challenge laws and practices that contribute to deprivation, disadvantage and inequality, such as the infringement of an Aboriginal girl's cultural rights in detention,⁴³ stopping the criminalisation of sleeping in cars⁴⁴ and preventing young people from being held in maximum security adult prisons.⁴⁵

State and territory policies on youth crime diverge from both expert knowledge and Australia's international obligations

All levels of Australian government are bound by international treaties entered into by the Federal Government, meaning that State and Territory governments are obliged to comply with international law when developing policies and passing legislation and the Federal Government is responsible for ensuring their compliance.⁴ In practice, no level of government appears to be satisfactorily upholding its international commitments,^{3,4,37} as illustrated by the range of evidence cited in this submission which demonstrates the historical and current practices and harms that young people in Australia's youth justice and incarceration system are subject to. The punitive approaches to youth justice and incarceration practised by Australian governments contradict evidence from a range of credible sources regarding the healthy development and maturation of children and young people and the effective prevention, early intervention and rehabilitation of criminal behaviour.

For example, the minimum age of criminal responsibility is 10 in all Australian jurisdictions except the ACT and VIC, where it is age 12. Over the next five years TAS and the ACT have committed to raising the minimum age to 14 years, while the NT has reversed a previous government's decision and lowered the minimum age from 12 to 10 years.⁴ The current minimum ages of criminal responsibility ignore longstanding, robust evidence from the fields of child development and neuroscience that young people's brains are rapidly developing during adolescence and that their abilities to reason abstractly, think through consequences and comprehend complex processes such as criminal proceedings are not fully formed at ages 10 or 12.^{1,46} Based on this information, the UN Committee on the Rights of the Child has recommended raising the minimum age of criminal responsibility to at least 14 and not to reduce it under any circumstances,⁴⁶ a proposal adopted and legislated by many countries who have ratified the UNCRC.⁴⁷ By not raising the Commonwealth's minimum age of criminal responsibility or requiring other jurisdictions do so, Australia's Federal Government does not exercise leadership on, or State and

Territory compliance with, the UN's recommendations.^{3,4,37} The effects of this choice continue to be detrimental to young people (particularly those with disabilities and who identify as Aboriginal and Torres Strait Islander), their families and communities, and costly to Australian society and governments.

Other examples of Australian jurisdictions' lack of concern for their international obligations or evidence-based practice include:

- In 2022, NSW and QLD governments refused to grant the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment access to their youth detention centres in line with Australia's OPCAT obligations, resulting in the Subcommittee terminating their visit to Australia in 2023³⁷
- In 2025, the NT Government amended its Youth Justice Regulations legislation to reclassify 13 offences as serious, making young people arrested for these offences ineligible for youth diversion programs.⁴⁸ They will instead be criminally charged, despite evidence that diversion strategies and programs can reduce recidivism^{6,11,17,49} (see pages 28-31 of this submission)
- The use of restraint, force, isolation and solitary confinement in youth detention centres is well-documented in many jurisdictions, including NSW, NT, QLD, TAS and WA.^{4,11,24,39} These practices continue despite the UN Committee on the Rights of the Child's explicit recommendations that restraint or force should only be used in cases of imminent threat of injury to the young person or others once all other means have been exhausted and that solitary confinement should not be used for young people,⁴⁶ and despite clear evidence of the harmful physical and psychological effects of these practices on young people,⁴ up to and including death⁵⁰

Recommendations

Mission Australia strongly supports national and international calls for all Australian governments to:

1. Incorporate the UNCRC into Australian law through a National Children's Act and a Commonwealth Human Rights Act^{3,37}
 - a. Countries such as Scotland offer a roadmap for how this can be achieved⁵¹⁻⁵³
2. Raise the minimum age of criminal responsibility in all jurisdictions to at least 14 years with no exceptions^{3,37,46}
 - a. In line with expert evidence and international recommendations, Mission Australia and many other organisations⁴ are members of the [Raise the Age](#) campaign
3. Withdraw its reservation to UNCRC Article 37(c) which requires children to be separated from adults in prison^{3,36}

4. Legislate the prohibition of solitary confinement in youth detention facilities and the use of isolation as punishment in any circumstance^{3,46}
5. Fully implement OPCAT, including by designating National Preventive Mechanisms with child rights expertise in all jurisdictions^{3,37}
6. Ratify the Optional Protocol to the UNCRC on a Communications Procedure to allow young people to make complaints to the United Nations Committee on the Rights of the Child about breaches of their rights^{3,37}

Mission Australia also recommends that:

7. All governments commit to timely, consistent monitoring and reporting of incarceration rates and justice outcomes, and these data should be publicly available and accessible³

A properly resourced shift from incarceration to effective prevention, early intervention and diversion programs is needed to comprehensively address the root causes of youth crime

Governments need to move beyond quick fixes and the management of problematic behaviour to a holistic understanding of individual, family and community circumstances, then invest in community services and place-based community-led solutions that adequately address the health, wellbeing, disability, educational, housing, social and economic needs of young people and their families. Escalation into serious offending often means we have failed children by not providing the safety and support they needed to positively thrive. Although 41% of young people return to sentenced youth justice supervision before age 18,¹⁴ we believe that the most effective ways to reduce this number lie with weighting investment in the youth justice system towards prevention, early intervention, targeted intervention and diversion so that the conditions that lead to youth crime do not occur or persist.

Australia needs to address the root causes of disadvantage and appropriately resource a shift to a public health approach to youth justice

Young people become involved in the youth justice and incarceration system because of unmet needs stemming from complex, unaddressed social issues that have not been adequately addressed by other services.^{2,3,5-16} A holistic, coordinated, whole of system approach is required to identify the causes of crime, provide effective interventions and measure their impact. Public Health England's CAPRICORN model, based on a public health approach (Figure 1), and the World Health Organization's ecological

framework for understanding the factors associated with violence (Figure 2) are two approaches that illustrate the dynamic interplay between individual, family, community and societal factors, and how investment in both upstream and downstream prevention efforts is needed to effect real change.

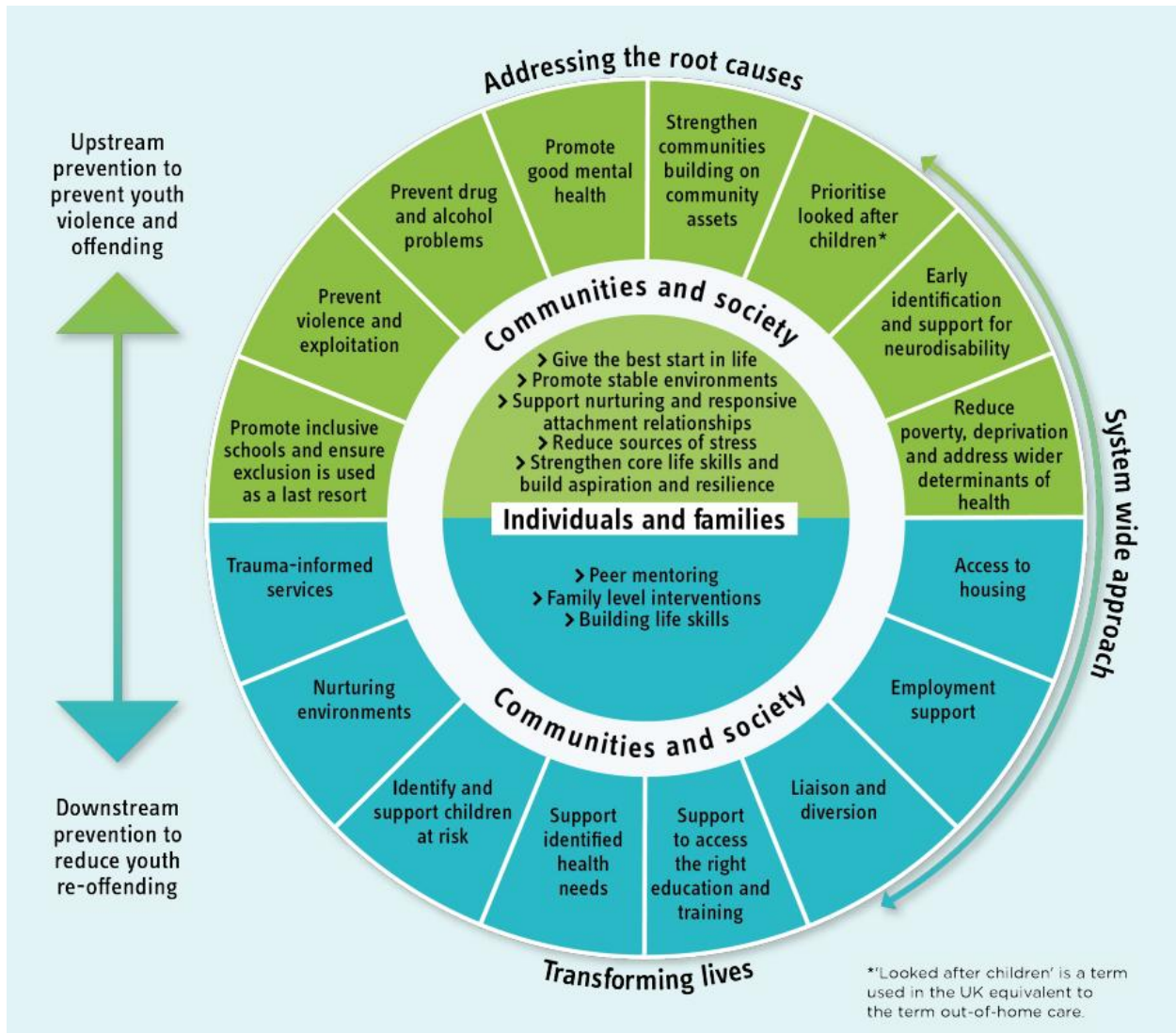


Figure 2: The CAPRICORN model.^{3,54}

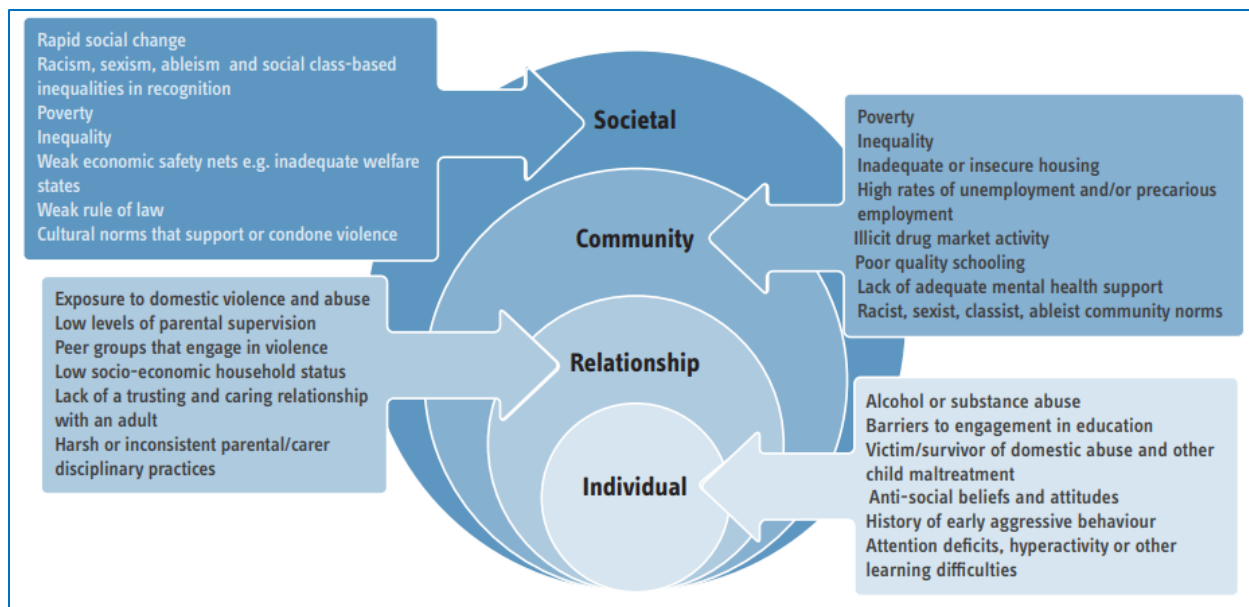


Figure 3: An ecological framework for understanding the factors associated with violence.⁵⁴

Scotland is one country that has implemented a whole system approach, which has included embedding a human rights-based approach to justice, enacting significant legislative reform, investing in early years and education, implementing a large number of local-level initiatives and improved service partnerships and coordination to prevent and minimise young people’s contact with the criminal justice system (such as opportunities to divert young people from prosecution, court support, community alternatives to secure care and custody, managing young people who present a risk of harm, and improving community reintegration).⁵¹⁻⁵⁴ Over 20 years, this has resulted in significant reductions in the number of young people in custody, prosecuted in court and imprisoned, and corresponding reductions in the number of violent crimes (such as serious assault), weapons offences and assault-related hospital admissions.⁵³⁻⁵⁵ In 2019, England and Wales began implementing a comparable whole system approach, with the most recent evaluation evidencing encouraging reductions in homicides and hospital admissions due to violent injury, and using data-driven decision-making approaches to identify future intervention targets (including disengagement from education, adverse childhood experiences, substance misuse, mental health issues and current involvement in violence or crime).⁵⁶ Victoria recently announced it would implement similar features as part of its Serious Consequences, Early Interventions plan to reduce violent youth crime,^{57,58} while a consortium of Tasmanian Government agencies and not for profit organisations have developed a collaborative youth bail support model that aims to identify the risk factors related to reoffending and connect young people to support services and diversion programs.⁵⁹

Any attempts to address the upstream, interrelated determinants of disadvantage and crime need to be appropriately resourced to be successful. In practice, this means:

Funding the full cost of service delivery

Funding the full cost of service delivery, including direct and indirect costs, includes:

- Funding quality and compliance requirements
- Employment of staff with lived/living experience and in remote areas
- Reporting and evaluation costs and costs associated with partnerships and subcontracting to smaller community service organisations (CSOs), including Aboriginal Community Controlled Organisations which enable the provision of specialist or culturally appropriate support for those we serve

Mission Australia notes that much of the work we undertake and support within communities, including work in the youth justice sector, relies heavily on the time, dedication, energy, connections and goodwill of local community members. An example is shown in the case study below, which illustrates both the critical role that communities and community members such as Elders play in supporting young people involved in the youth justice system and the difficulty of sustaining beneficial programs on goodwill alone - programs that are only in place because of the gaps in existing services and systems. Mission Australia staff in QLD have also pointed out that the cost of keeping one young person in detention in QLD for the duration of an average sentence (42 days)¹⁰ is greater than the cost of the entire annual budget for their most successful early intervention program. Effectively addressing youth crime and its causes requires governments to fully resource the delivery of quality services.

Case study: QLD youth mentoring program

An Aboriginal community member (Aunty Stella, an alias) in the Tablelands region of QLD described a mentoring program she had run for two years for young people remanded in the Cleveland Youth Detention Centre. This program was made possible through Aunty Stella's strong community connections, which enabled her to find 54 mentors for 54 young people, and her volunteering two years of her time to coordinating and communicating with the mentors, mentees, detention centre staff who supported the program and various other community stakeholders. Both the mentors and the young people in the program reported the development of strong, stable relationships while in detention and post-release. These relationships benefited young people's mental health, communication skills and connection to community during times when they had trouble keeping in touch with family or needed additional support (e.g. during court hearings). Despite the difference this program made to the lives of these young people and their mentors, it was never funded and subsequently closed when Aunty Stella was unable to continue coordinating it.

Funding and participating in community-led place-based initiatives

Community-led [place-based initiatives](#)^{3,61} are models of working where decision-making is shared between government agencies, service providers and community members, and communities are empowered to build on their own strengths such that people can turn to each other for support rather than to the formal service system. This approach privileges community voice, action and leadership in

creating solutions, and shifts power from centralised institutions towards local communities in the process. There is already significant investment in many communities experiencing disadvantage, but most often its delivery is fragmented, siloed and not in areas that the community wants. Better design and delivery of existing funds is needed, which must happen in partnership with community organisations and community representatives. This should be accompanied by seven to 10 year funding cycles, with long-term commitments provided upfront and appropriate evaluation points along the way.

Through our [Communities of Focus](#) initiative, Mission Australia works alongside five Australian communities using a community-led place-based approach. We are also a member of the Strengthening Communities Alliance, a network of organisations committed to creating positive social change by taking a place-based community-led approach to supporting the systemic drivers of wellbeing and equity in communities.

Separate to place-based community-led initiatives, many place-sensitive, community-informed but government-led programs support individuals and families within communities, e.g. Communities for Children funded by the Department of Social Services. Its hub-and-spoke model works well in our experience, building constructive partnerships between organisations with different skills and resources to support and work alongside with the local community. The place and community focus of these kinds of programs is valuable and should be incorporated into the design of all programs.

Changing the eligibility criteria for youth programs to align with both need and the minimum age of criminal responsibility

Even if Australian governments choose not to rethink their broader systemic approach to youth justice and incarceration, they can still make a difference by changing the eligibility criteria for youth programs to align with both need and the minimum age of criminal responsibility. Currently, youth programs are funded to provide services for young people aged between 12 and 25. If the minimum age of criminal responsibility continues to be set at 10 or 12 years, prevention, early intervention and diversionary approaches for young people, which would include youth programs that enrich their social, emotional and cultural wellbeing,^{2,3,5} would need to engage children from the age of 6 to be effective.

Recommendations

All Australian governments should:

8. Adopt a holistic, coordinated, whole of system approach to youth justice that identifies the root causes of crime, provides effective interventions to young people, their families and communities, and measures their impact using nationally consistent standards
9. In line with previous evidence-based recommendations and their UNCRC obligations,³ invest in and work alongside communities, services and CSOs to fulfil the basic needs of young people and their families. This includes:
 - a. Place-based, well-integrated and comprehensive health, education and social services

- b. Measures to address poverty, such as increasing income support payments
 - c. Access to safe, stable and affordable housing and consistent access to associated amenities such as electricity
 - d. Culturally competent service delivery, particularly through Aboriginal Community Controlled Organisations
 - e. Positive, age-appropriate, free and accessible social and cultural activities for young people to participate in
10. Fund the full cost of service delivery, including direct and indirect costs
 11. Fund and participate in community-led, place-based initiatives that empower young people and their families to make their own decisions about service involvement and delivery
 12. Change the eligibility criteria for youth programs to align with both need and the minimum age of criminal responsibility

The most effective way to reduce young people's involvement in the youth justice system is through prevention

Young people whose physical, mental, emotional, social and cultural needs are met are unlikely to have contact with the youth justice system, while vulnerable young people experiencing disadvantage are more likely to have a range of detrimental interactions with different parts of the system, such as early and increased contact with police, courts and detention (see Table 1). It follows that addressing entrenched disadvantage via whole systems approaches, as outlined above, is a form of prevention.

One example of a prevention program that successfully addressed potential risk factors for involvement with the youth justice system is QLD's Pathways to Prevention Project.^{53,62} This initiative involved families, primary schools, the QLD Department of Education, Griffith University and Mission Australia delivering a range of programs that addressed families' needs and promoted independence, including facilitated playgroups; parent peer support groups; education groups for child behaviour management; parent life skills training; supporting children's learning; individual support and counselling; and advocacy, referral and school liaison. Alongside this was a 30-week enriched preschool program designed to improve children's oral language skills and communication, delivered to all children in two preschools in the target area.

Longitudinal research linking data from children involved in the Pathways to Prevention Project with youth justice data found that the enriched preschool program was associated with a 50% reduction in the number of young people involved in court-adjudicated youth offences by age 17.⁶² No young people from the enriched preschool program whose parents also received family support were involved in youth crime, but family support alone did not reduce youth offending. The authors also found that the Pathways to Prevention Project appeared to reduce youth crime at a community level, as the rate of youth offending between 2008 and 2016 in the Pathways region was at least 20% lower than in comparably disadvantaged regions of QLD. Finally, there is evidence that the enriched preschool

program generated an average return of \$7.65 from avoided court-adjudicated youth offending, demonstrating the cost-effectiveness of investing in prevention programs.⁶³

Additional case studies of programs with a prevention focus are presented below.

Case study: Justice reinvestment programs³

Justice reinvestment is a data-driven approach to improve public safety managed by not-for-profit organisations. It aims to reduce corrections and related criminal justice spending, and reinvest savings in strategies that can reduce crime and strengthen communities.

Justice reinvestment diverts a portion of the funds spent on incarceration to communities where there is a high concentration of young offenders. The money that would have been spent on custodial services is diverted into early intervention, crime prevention and diversionary programs that address the causes of crime in these communities, creating savings in the criminal justice system which can be tracked and reinvested in communities.

KPMG's impact assessment of Bourke's Maranguka Justice Reinvestment Project (NSW) indicated that its first year of program delivery produced a 23% reduction in domestic and family violence, a 31% increase in Year 12 student retention, a 38% reduction in charges across the top five youth offence categories and, for adults, a 42% reduction in days spent in custody.⁶⁴ The changes were estimated to result in a gross impact of \$3.1 million (with operational costs of \$0.6 million), of which 66% related to the justice system. KPMG concluded that the Maranguka Justice Reinvestment Project had a number of promising criteria for success compared to other crime prevention programs, and that the data driven and community led approach had the potential to address underlying causes of crime.

Case study: YouthBeat TAS

Mission Australia's YouthBeat program can be conceptualised as a very early intervention or prevention approach to youth justice. YouthBeat uses a mobile service delivery mechanism that enables young people to drop in and engage with a variety of services and support as needed. It is a one stop service centre that is visible and easily accessible, and has the added advantages of meeting young people 'where they are' in non-formal settings and providing outreach and case management supports to young people with complex needs.

YouthBeat TAS is fully funded by Mission Australia and offers a wide range of services and support to young people, including identifying and addressing anti-social behaviour, drug and alcohol misuse, referral and intervention for young people in crisis and assistance to access

additional services and social support networks. We foster strong relationships with police, community groups and local support services. The service currently covers Derwent Valley, Clarendon Vale, Blackmans Bay, Dodges Ferry, Lauderdale, South Arm and many other areas.

Early and targeted intervention can help young people avoid further contact with the youth justice system

Preventing initial and repeated contacts with the youth justice system provides an opportunity to help divert vulnerable young people from crime. Early intervention supports should be meaningful and aim for the early detection and mitigation of risk factors such as antisocial behaviour, substance misuse and disengagement from school. For example, the [Safe Me Dubbo](#) (NSW) program targets males aged 12–17 who are using, or at risk of using, violence toward females in family, peer, or dating relationships. Many participants present with significant risk factors associated with disengagement from education, early offending behaviours, intergenerational trauma, and exposure to violence. This and similar programs such as [My Journey, My Life](#) has strong relevance for Aboriginal young people, who are disproportionately affected by youth justice involvement and family and domestic violence. Case studies of programs focused on early intervention are presented below.

Case study: STAR (Strong, Together and Resilient)

The STAR Program in QLD works with young people who are at high risk of ongoing involvement with the youth justice system, and their families. STAR aims to build individual, family and cultural connections to enhance the protective factors against offending behaviour while also addressing the factors that increase the risk of offending.

STAR has helped young people like Jane (alias), aged 15, to set and achieve their goals for a positive and successful future. Jane was supported by our Indigenous Mentor to enrol and regularly attend Skill 360's "Taste of Trades" program. Jane successfully completed the course and has gained her Cert 1 in Construction.

Over 12 weeks (3 days per week) of practical training and theory, Jane received career mentoring and work placement support, work experience in local facilities, training for a variety of roles and access to industry employers for advice and work trials.

Jane is receiving further support from STAR to obtain identification to finalise her White Card and explore vocational and employment pathways now available to her. With practical support and mentoring from her caseworkers, Jane has significantly improved her confidence, self-esteem, prosocial attitudes, emotional regulation and future career opportunities.

STAR has also helped Lisa (alias), a 13-year-old Aboriginal girl with a complex history of offending and exclusion from mainstream education. Her caseworker has built a strong, trusting relationship with her through trauma-informed, strengths-based and culturally responsive engagement. This has enabled Lisa to participate in group and individual sessions, where she has shown early signs of improved emotion regulation and prosocial behaviour.

In response to Lisa's love of reading and strong desire to re-engage with education, her caseworker has provided culturally appropriate and age-relevant reading materials. To support Lisa and other young people facing exclusion, expulsion or long-term disengagement from school, STAR's Program Manager has collaborated with the Department of Education to develop an alternative education program based in Mareeba, QLD. Input from local Aboriginal community members and Elders will ensure the program's cultural safety and relevance.

Lisa has also engaged in activities that affirm her identity and heritage. Staff have worked with Aboriginal mentors and community leaders to ensure Lisa feels safe, respected, and valued. With continued support, Lisa is on a trajectory toward achieving her goals. Her case exemplifies the STAR program's approach to reducing reoffending through early intervention, personalised support, and connection to education, culture, and community.

Case study: Youth on Track

Youth on Track (NSW) is an early intervention service designed to provide services to 10-17 year olds who are at risk of long-term involvement with the criminal justice system and their families. Youth on Track provides the police and schools with an opportunity to refer young people they consider to be at risk of re-offending to an offence-focused intervention without requiring a court order. Young people can opt into taking part in Youth on Track. Mission Australia currently delivers this program in the Riverina, and has previously also delivered in the Blacktown, Central West, Mid North Coast and Hunter regions. The service is funded by NSW Department of Communities and Justice.

Youth on Track provides case management and evidence-informed interventions designed to reduce a young person's risk of long-term involvement in the criminal justice system. Youth on Track uses the Changing Habits and Reaching Targets (CHART) behavioural intervention and Collaborative Family Practice for family intervention.

CIRCA's evaluation of Youth on Track found that the program had positive attitudinal and behavioural impacts on participants, improving their relationships with peers and community.⁶⁵ Similarly, people who participated in Mission Australia's Impact Measurement survey when exiting Youth on Track services during 2021 had experienced improvements

across all wellbeing domains, except health which remained stable. The biggest improvement was in how participants felt about their future security, which increased from an average score of 6.1 at entry to an average score of 7.5 at exit. Overall satisfaction with life as a whole increased from 6.5 at entry to 7.5 at exit. The average score for people exiting Youth on Track were within or above the Australian normative ranges for all domains except health.

A recent randomised controlled trial comparing Youth on Track with a control program found that Youth on Track participants were 6.2% more likely to be in employment at the end of the program and 1.5% less likely to be in out of home care.⁶⁶ Although not statistically significant, the Youth on Track cohort was also 3.5% less likely to enter custody within 24 months. While no statistically significant differences between the programs were found in relation to likelihood of reoffending within 12 or 24 months or in time to first reoffence, variable program implementation across sites and over time may partially explain these results. Further investigations of Youth on Track's effects on young people's reoffending, wellbeing, education, employment and relationship outcomes are underway.

Targeted interventions

The Targeted Youth Support Service (TYSS) in TAS is a vital service for young people aged 10-18 who are identified as having significant and/or multiple risk factors and who are likely to enter the child safety and/or youth justice systems without intensive support. It is a holistic intervention service offering intensive case management and therapeutic interventions. TYSS and the Support Youth Program (SYP) are well established programs that have the capacity to work more intensively with young people at increasing risk within the justice system. Adapting and expanding their scope, and providing additional funding and resources to include early intervention and diversion services, would enable them to deliver additional support to young people at risk of entering or escalating in the youth justice system.

Additionally, the TAS Lead Support Coordination Service (LSCS) model should be considered for development and implementation as a targeted intervention. It was originally funded by the Department of Communities as a pilot program from 2017-2019 and delivered by Mission Australia, Anglicare the Australian Red Cross and Baptcare. LSCS was designed to support vulnerable Tasmanians with multiple and complex support needs to navigate and access services from government and the community sector. It trialled a model of care where participants with complex needs worked with a Lead Coordinator to identify needs and match them to available services.

Mission Australia's experience of delivering LSCS was that it made a significant difference for many of the young people we supported. Some young people told us that they were engaging with 20+ services yet often felt more overwhelmed than before reaching out for support, despite the best intentions of service providers. The LSCS approach improved access to the supports young people needed while dropping the ones they did not, which in turn led to a greater sense of control over their lives and significant improvements in physical and psychological wellness.

This experience was reflected in an evaluation by the University of Tasmania, which found early signs of positive change for LSCS participants.⁶⁷ On average, participants' quality of life before the intervention was lower than Australian populations of people with chronic conditions including cancer, heart disease and severe disability. Over nine months of engagement with a Lead Coordinator this increased to nearly double the minimal clinically important difference for service or intervention evaluation, driven by statistically significant improvements in psychosocial health including in happiness, coping, relationships, self-worth and mental health. Participants also achieved over 50% of their goals, a particularly encouraging achievement given the brief timeframe of the intervention. The evaluation also found efficiencies in the use of a Lead Coordinator to advocate for and navigate the service system for their client. This client centred, holistic approach was found to reduce duplication and lead to more sustainable service engagement by clients.

Although the evaluation recommended ongoing funding for LSCS, it did not advance beyond the pilot stage. The original LSCS model was not focused on justice, but offers a promising approach that could easily be revived and adapted into a program for young people at risk of entering the youth justice system, who often have multiple needs and interact with a range of services. A Lead Coordinator could be responsible for developing an individualised case plan which would include elements of justice, wellbeing, mental health, housing and any other necessary wraparound supports for the young person.

Diversion strategies and programs reduce recidivism and minimise long-term involvement with the youth justice system

Diversion strategies and programs are alternative approaches to traditional criminal justice processes that aim to reduce a person's exposure to the criminal justice system. Ample evidence demonstrates the positive impacts of diversion on youth recidivism and long-term involvement with criminal justice agencies.^{11,49} For example:

- An analysis of police diversion rates and youth reoffending across NSW and VIC between 2005 and 2019 found that regions with higher diversion rates had significantly lower levels of youth reoffending⁶
- Young people referred to a NSW mental health court diversion service who were granted diversion were significantly less likely to reoffend within 12 and 24 months¹⁷
- Compared with more traditional youth justice responses, restorative justice programs are associated with statistically significant, small-to-moderate reductions in future youth offending, and these approaches meaningfully increase perceptions of satisfaction and fairness for both victims and youth offenders⁶⁸

In addition, a growing body of literature is investigating the characteristics of effective youth diversion programs for Aboriginal and Torres Strait Islander young peoples. Research suggests nine principles of good practice in diversion, including that strategies and programs should:

- Be Aboriginal and Torres Strait Islander-community developed, owned and driven, and incorporate young peoples' voices (self-determination)

- Be available at all points of the criminal justice system and discretion to access them should not sit solely with police
- Ensure cultural safety and security
- Incorporate elements of Aboriginal and Torres Strait Islander custom and law
- Deliver family-centred support based on a holistic view of Aboriginal and Torres Strait Islander health and wellbeing
- Include built-in education, training and employment pathways alongside needs-specific mentoring
- Be trauma-informed and involve healing plans specific to the needs of Aboriginal and Torres Strait Islander peoples
- Be appropriately funded and evaluated
- Reduce the reach of criminalisation of children and young people, primarily by raising the minimum age of criminal responsibility⁶⁹

Coordinated, multidisciplinary diversionary programs are needed for all young people and must include a community service provider as the lead. The non-government sector should play an integral role in delivering youth diversionary programs in collaboration with the local community, schools, youth organisations and other relevant stakeholders.

Where a young person receives a community order or their circumstances otherwise escalate through the justice system, this should become part of the overarching plan, not a trigger to evict young person from the program. Whereas existing service contracts direct a young person whose justice circumstances escalate to be removed from the program, we believe it is important that they remain in the program so that they do not lose their supports.

Holistic services are required to address underlying social issues, build resilience, assist young people to take responsibility for their actions and enhance their prospects for their future. Mission Australia's approach to those who have come to the attention of the criminal justice system is to work with the young person, their families and on some occasions their peers across a range of life domains (education, health, daily living personal and social skills) and support them to build new skills and stronger connections with their schools and communities. Youth Crime Prevention (VIC), the Juvenile Justice Joint Support Program (NSW) and Act Now Together Stronger (NSW) are promising models for such collaboration that could be expanded, as outlined in the case studies below.

Case study: Youth Crime Prevention

The Youth Crime Prevention program (also known as PIVOT) is part of the Victorian Government's response to youth offending, particularly recidivist offending. It tackles the issue through the proven strategy of strengthening the ability of local communities to intervene early and divert young people from criminal behaviour. The program works with young people aged 15-22 years, identified by statutory bodies, to address risk and protective factors through tailored support delivered by a Guide and a Community of Support using individual and group modalities. Mission Australia is a consortium partner, delivering services in greater Dandenong, Frankston and Casey.

Case study: Act Now Together Strong (ANTS)

Mission Australia has collaborated with Youth Justice NSW and Monash University in the Western NSW region for several years in the delivery of the [Act Now Together Strong \(ANTS\)](#) program. Based on the Collaborative Family Work model, ANTS is an evidence-based 6-8 week program focusing on the development of prosocial and communication skills within the family unit and learning and practicing techniques to deal with problems.

The model has been evaluated in Dandenong, VIC with a youth justice population. Approximately 95% of clients indicated the model was either 'totally successful' or 'mostly successful' in meeting their family goals, 74% of families indicated that the family was 'getting on much better' after the intervention, and 80% of families suggested the target problem was 'a lot better' after intervention.⁷⁰

A pilot study in NSW compared recidivism outcomes between young people who completed a family work intervention based on this model with those who did not complete the intervention, those who declined to participate in the intervention and those who were not offered the intervention.⁷¹ It found a significantly longer time to first reoffence for young people who had completed the program compared to the control conditions, and promising but non-statistically significant reductions in reoffending at six and 24 months and receipt of a custodial sentence within two years of completing the intervention. Encouragingly, young people who identified as Aboriginal and Torres Strait Islander were significantly less likely to reoffend within two years of completing the intervention.

Case study: Casework Support Program

The target group for the Casework Support Program (NSW, also known as the Youth Justice Joint Support Program) is young people under the supervision of Youth Justice NSW within the community who have been assessed as having a medium to high risk of offending. The program seeks to emphasise outcomes, flexibility and a continuum of service delivery between Youth Justice NSW and funded service providers through strong collaboration and case management processes, client-focused strategies and regular review meetings to ensure target outcomes are being achieved.

Casework support complements Youth Justice NSW's case management, which centres around addressing the criminogenic needs of young offenders. Case workers work with Youth Justice NSW to support young people to achieve the goals outlined in their Youth Justice case plan. Relationship Intervention, funded by the NSW Department of Communities and Justice, is a short-term intervention that addresses relationship difficulties and conflict related to offending behaviour. The Relationship Intervention worker focuses on strategies to improve relationships, reduce conflict, mediate solutions and encourage collaborative problem solving between the young person and the significant people in their lives.

Mission Australia delivers the Casework Support Program in the Wollongong and Central and Far West regions of NSW. We deliver the Youth Justice Joint Support Program in the Far North Coast, Far West and Nowra regions, and bail and accommodation support services in the Central West and Riverina regions.

Case study: Intensive key worker models

Intensive key worker models with a coordinated approach to service delivery for young people have been estimated to have significant cost benefits. One proposal put to the TAS Government was the "YouthSafe" model, designed to divert at-risk young people away from offending behaviours and break the offence/detention cycle by securing an appropriate and stable accommodation arrangement and deploying an integrated approach to personal skill development and service connection. In line with individual plans, young people would be supported to transition to independent living or back to family. A cost-benefit analysis undertaken as part of the proposal estimated that approximately \$3.06 would be saved for every \$1 invested.

Australia should explore further options for enhancing the rehabilitative function of the youth justice system

Alongside the range of evidence-based prevention, early intervention and diversion programs outlined above, Australian jurisdictions can also consider the following options to reduce the negative effects of the youth justice system on young people.

Piloting alternatives to youth detention centres

Previous reports and inquiries^{3,20} have noted the criminogenic nature of youth detention centres and the lack of alternatives, which undermines Australia's international obligation to only use detention as a measure of last resort (UNCRC Article 37). Australian jurisdictions could adapt and trial international examples of alternative detention and rehabilitation approaches such as those currently in use in the Netherlands, Spain and the United States.⁵³ These are typically small residential facilities that offer therapeutic treatment, routine, and connection to their family and local community (e.g. through being close to the young person's home and engaging families where appropriate) through individualised care plans, access to a range of services and supports, and activities designed to develop life skills alongside formal education. These models show promising evidence of effectiveness including improved educational attainment and reducing reoffending rates over time, and do not evidence widespread use of practices such as restraint, force or solitary confinement.⁵³ Although some Australian jurisdictions have expressed interest in these models (e.g. Spain's Diagrama model was deemed applicable to the NT in 2019)⁷² there appear to be no plans to implement them.

Even if Australian governments do not adopt these models in full, they could apply certain components to strengthen the rehabilitative aspects of the existing youth detention centres. One vital element is ensuring that consistent, applicable and appropriate education is provided to young people in youth detention centres, because:

- Educational difficulties are a risk factor for involvement in the youth justice system^{2,3,5,11}
- School or vocational education provide structure and routine for young people⁵³
- Young people can receive personalised support and learning plans, or content that is tailored to their interests and developmental, literacy or numeracy level^{2,11,73}
- Young people can gain the skills needed to obtain employment upon release¹¹
- Higher educational engagement and attainment lower reoffending rates⁵³

Building the evidence base for effective youth offender programs

Despite decades of research, there is still debate about the most empirically effective approaches to reducing recidivism. While no single intervention will work for all young offenders in all contexts, the common features of programs that effectively reduce reoffending are:

- Program theory: Theories of change that are based on existing evidence are more likely to implement activities that effectively reduce reoffending

- Risk of reoffending: Targeting high-risk young people produce greater net benefits (although programs targeted at high-risk young people are more likely to detect an effect than those focused on low-risk offenders, who are likely to stop reoffending of their own accord)
- Risk, needs and responsivity assessments: Interventions that use these assessments to match services to a young person's individual needs were more likely to reduce reoffending through better classification and allocation of resources
- Cultural sensitivity: Programs designed for Aboriginal and Torres Strait Islander young peoples are more effective than mainstream programs at reducing reoffending among Aboriginal and Torres Strait Islander young peoples
- Fidelity: Programs implemented with high levels of fidelity are more likely to reduce reoffending
- Dosage: The number of hours per session and the number of sessions per intervention that a young person receives must be matched with the risks, needs and responsivity of individual participants and logic underpinning the program to have the best chance of success
- Practitioner–client relationship: Positive and collaborative working relationships that focus on a young person's strengths are more likely to increase positive responses to treatment and program completion
- Intra- and inter-agency collaboration: Coordinated and accountable service delivery that reflects the complex needs of young people is associated with better service delivery
- Evaluation: Ongoing, rigorous and comprehensive program evaluation enables iterative changes that improve program effectiveness⁷⁴

These elements should be taken into account when designing and evaluating all programs in the youth justice sector, not only those that aim to reduce reoffending. Careful and rigorous program design coupled with robust outcome measurement is critical to achieving the best outcomes for justice-involved young people.

Embedding a lived experience workforce within the youth justice sector

In our experience, staff with lived and living experience provide invaluable support to the people we serve in the housing, homelessness, mental health and employment sectors. They deliver support in a way that suits service users' needs and allows service users to feel more comfortable with, and better understood by, their workers. People with lived experience of the youth justice system can serve a similar function for young people. For example, a lived experience workforce could be embedded among youth justice teams, or work alongside them, to advocate for young people in community, court and custodial settings. This role could also provide justice-involved young people with a career pathway upon exiting the youth justice system, and could also inform career education and interest assessments in detention settings, further enhancing detention-based education programs. We note that for a lived experience workforce in the youth justice setting to be embedded and effective, it will be necessary to find ways to carefully negotiate the requirements and expectations of criminal record checks for people with criminal histories to achieve meaningful and productive employment.^{26,31}

Recommendations

All Australian governments should:

- 13.** Initiate a shift in youth justice system investment towards prevention, early intervention, targeted intervention and diversion so that crime does not occur or persist
- 14.** Consider replicating successful, cost-effective and evidence-based prevention programs such as Pathways to Prevention and justice reinvestment approaches in other jurisdictions, and funding outreach-based services such as YouthBeat
- 15.** Implement and fully fund meaningful early intervention programs that target at-risk young people, their families and communities. This should include working with the community sector to develop strategies to identify young people at risk and ensure that they are provided with necessary support to resolve issues and prevent them from escalating
- 16.** Increase the use of evidence-based diversion programs wherever possible, particularly those which employ culturally appropriate practices for Aboriginal and Torres Strait Islander young peoples and communities
- 17.** Explore additional options for improving the rehabilitative functions of youth justice, including piloting international alternatives to youth detention centres, improving the provision and quality of education provided in detention, developing and rigorously evaluating evidence-based youth offender programs and embedding a lived experience workforce within the youth justice sector

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