

Inquiry into Australia's youth justice and incarceration system

YSAS Updated Submission, 2025

Date: 19 December 2025

Submission made to: Senate Legal and Constitutional Affairs References Committee
Committee Secretary

Senate Legal and Constitutional Affairs References Committee
PO Box 6100 Parliament House
Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Submission made by: YSAS Youth Support and Advocacy Service

Submission authorised by: Andrew Bruun, YSAS Chief Executive Officer

Submission Prepared by:

Andrew Bruun, YSAS Chief Executive Officer

Bianca Johnston, YSAS Research and Evaluation Lead

Acknowledgement of Country

The Youth Support and Advocacy Service (YSAS) would like to acknowledge the First Nations people of Victoria for their ongoing connection to Country, custodianship and care for the land and waterways on which we live, work and rely. YSAS acknowledges the inherent cultural strength, wisdom and guidance of all Aboriginal and Torres Strait Islander Peoples and their vast experience in caring for the social, cultural and emotional wellbeing of their Community.

We are committed to supporting Aboriginal and Torres Strait Islander self determination

About YSAS

YSAS is Australia's largest, youth-specific community service organisation. Operating since 1998 as Victoria's flagship Youth Alcohol and Other Drugs (AOD) service, YSAS now employs over 350 skilled staff across 19 sites in metropolitan and regional Victoria.

While the prime focus of YSAS remains on effective Youth AOD Treatment and sector leadership, our organisation also provides a variety of programs, services and supports across areas including harm minimisation, crime and violence prevention, early intervention, youth mental health, social connectedness, research and advocacy.

YSAS - Youth Support and Advocacy Service

YSAS Head Office

Level 14, 242 Exhibition Street,

Melbourne Victoria 3000 Wurundjeri Country

<http://www.ysas.org.au>

Context to this current Submission

In 2024, YSAS provided a submission (Submission 95) to the Legal and Constitutional Affairs References Committee for the *Inquiry into Australia's Youth Justice and Incarceration System*. YSAS's submission was one of 225 submissions made by experts, individuals, community stakeholders and organisations nationally as a part of the inquiry.

YSAS recognizes that this Inquiry has been referred to the Legal and Constitutional Affairs References Committee to enable opportunity for the Committee to engage with and seek input from young people with lived experience of the youth justice system, and to seek evidence of effective alternative approaches to the incarceration of young people, including diversionary programs.

This current submission made by YSAS to the Committee is complimentary to and provides further evidence to support the initial submission made by YSAS in 2024. Our commitment to the recommendations of our initial submission remains steadfast.

During the period of 2024-2025, YSAS has completed a range of research projects including the *2025 Victorian Youth AOD Census*, an evaluation of the crime prevention and early intervention program YSAS Youth Support Service (YSAS YSS); and the completion of a partnership research project examining responses for young men who use intimate partner violence. We believe that the findings garnered from YSAS's recent research and evaluation projects may contribute to matters detailed in the Terms of Reference for the Inquiry. Further, we wish to provide two additional recommendations to the Committee.

We provide this update to our earlier 2024 submission in support of our commitment to advocating for the rights, dignity and needs of justice-involved children, young people, their families and communities.

Recommendations:

YSAS remains firmly committed to the 8 recommendations made by our organisation to the Legal and Constitutional Affairs References Committee during our 2024 submission to the *Inquiry into Australia's Youth Justice and Incarceration System*.

YSAS's submission was one of 225 submissions made by experts, individuals, community stakeholders and organisations nationally as a part of the Inquiry. In review of the findings of the interim and final report, other stakeholder submissions made to the Committee and YSAS's recent research and evaluation processes, we wish to provide the following additional recommendations:

9. Collaborative, coordinated, resourced and meaningful actions towards ending over-representation of children and young people from diverse and marginalised Communities in the youth justice and incarceration system.
10. The establishment of a set of enforceable minimum national standards to ensure the rights of children and young people involved in the youth justice and incarceration system are consistently upheld by all States and Territories.
 - a. Consistent to our obligations under international treaties.
 - b. Informed by humanity, dignity, human rights and evidence-informed practice and approaches.

These recommendations are further to the eight recommendations made by YSAS's 2024 submission¹ to the *Inquiry into Australia's Youth Justice and Incarceration System*.

¹ YSAS, 2024. Submission 95, Inquiry into Australia's Youth Justice and Incarceration System.

YSAS Recommendations from 2024 submission² to the *Inquiry into Australia's Youth Justice and Incarceration System*.

1. That Australia's youth justice system centres and provides greater coordinated investment in prevention, early intervention and diversion approaches; and that such are accessible, evidence-informed, needs-responsive and appropriately resourced.
2. Self-Determined and meaningful action to end the over-incarceration of First Nations children and young people.
3. That no child is placed within the youth justice system, and that the age of criminal responsibility is raised across all Australian jurisdictions to the minimum age of 14 years old.
4. That detention is used only as a last resort, and further, that young people in custody and detention have access to programs, services and supports that centre their human rights and wellbeing needs.
5. That detention is used only as a last resort, and when so, it is provided through the wider use of small-scale, decentralised youth justice facilities.
6. That a set of standards, principles and advisory guidelines are established for media reporting on youth justice and offending related issues in Australia.
7. Deliver Intensive support to children and young people rather than use Electronic Monitoring.
8. That Youth Justice Assessments incorporate strengths and resilience-based assessment frameworks and principles.

² YSAS, 2024. Submission 95, Inquiry into Australia's Youth Justice and Incarceration System.

Introduction

As Australia's largest and Victoria's flagship youth alcohol and other drugs (AOD) organisation, YSAS has more than 25 years of direct experience engaging with children, young people, their families, communities and other stakeholders across Victoria. YSAS holds a vision “*to create a community where all young people are valued, included and have every opportunity to thrive*”. We believe that in order to achieve this vision, children, young people and their families require access to resources and support to meet their needs, so they can adapt to and overcome challenges.

YSAS believes that young people deserve access to early intervention, support and humane responses that recognise their dignity, humanity and human rights. Such rights are reflected through Australia's signed international obligations, including the United Nations Convention on the Rights of the Child (UNROC)³.

We note that, despite a significant and well-established body of local and international evidence demonstrating punitive approaches to youth justice are ineffective⁴, there are recent movements across many Australian States and Territories towards “tough on crime” approaches⁵. The adoption of a “tough on crime” stance has emerged as the cornerstone of a range of recent electoral campaigns, translating into custodial and sentencing changes adversely impacting children and young people⁶.

This shift has been observed in Queensland's “*Adult crime, adult time*” 2024 campaign⁷ as well as in the recent “*Adult time for violent crime*” campaign by the Victorian Government⁸ and similar punitive policy rhetoric in other jurisdictions⁹. As discussed in our prior

³ O'Halloran, 2024

⁴ Goldson & Cuneen, 2020

⁵ Walsh, 2025

⁶ Walsh, 2025

⁷ Queensland Government, 2025

⁸ Victorian Government, 2025

⁹ Walsh, 2025

Helping young people experiencing serious disadvantage to live healthy and fulfilling lives



submission to the Inquiry¹⁰; a politicized “youth gangs” crisis¹¹ involving harmful and stigmatizing¹² media coverage also emerged in Victoria during 2018. The periodic and cyclic politicisation of youth justice in State and Territory contexts stands in the way of nationally consistent, sustainable, long-term actions that prevent crime and promote positive development.

We refer to a range of 2024 submissions to the Inquiry, the Australian Human Rights Commission *“Help way earlier” How Australia can transform child justice to improve safety and wellbeing Report*¹³, our prior YSAS submission¹⁴, a well-established evidence base¹⁵ and the information contained in this current submission. These sources highlight the vulnerabilities, complex needs and difficult life histories and circumstances held by children and young people in contact with Australia’s youth justice system.

YSAS’s prior submission to the Committee outlined our understandings of the traumatic and criminogenic impacts of detention, over-representation of First Nations peoples, documented human rights concerns and significant implications and detrimental impacts of detention on children and young people’s life trajectories¹⁶. Given such issues, we believe that many characteristics of punitive “tough on crime” approaches¹⁷ place Australia at risk of infringement of our international human rights obligations¹⁸.

We believe that the *Inquiry into Australia’s Youth Justice and Incarceration System* is an important opportunity for the establishment of a coordinated national approach to youth justice that centres the rights of children and young people in systemic reform. This is

¹⁰ YSAS, 2024. Page 13. Pertains to YSAS *Recommendation 6: That a set of standards, principles and advisory guidelines are established for media reporting on youth justice and offending related issues in Australia*.

¹¹ Baker, 2019

¹² Puot, 2025

¹³ Australian Human Rights Commission, 2024.

¹⁴ YSAS, 2024, Page 5-9

¹⁵ Goldson & Cuneen, 2020; Armytage & Ogle, 2017; Baidawi, 2020.

¹⁶ YSAS, 2024

¹⁷ Walsh, 2025

¹⁸ O’Brien & Fitzgibbon, 2018; Malvaso et. Al., 2024

reflected in our additional recommendation to the Legal and Constitutional Affairs Committee that seek:

9. Collaborative, coordinated, resourced and meaningful actions towards ending over-representation of children and young people from diverse and marginalised Communities in the youth justice and incarceration system.
10. The establishment of a set of enforceable minimum national standards to ensure the rights of children and young people involved in the youth justice and incarceration system are consistently upheld by all States and Territories.
 - c. Consistent to our obligations under international treaties.
 - d. Informed by humanity, dignity, human rights and evidence-informed practice and approaches.

YSAS believes that minimum national standards are necessary to ensure that the rights, dignity and wellbeing of justice-involved children and young people are respected, safeguarded, maintained and embodied in ways that are consistent with our international obligations. Further we believe that such minimum standards can ensure that justice involved children and young people have consistent, ongoing access to a range of integrated services necessary for their safety, wellbeing, developmental and healing needs, and to further support their rehabilitative goals.

Justice-involved children and young people have complex needs and vulnerabilities

It is well established across a range of evidence bases that children and young people involved in the justice system have significant vulnerabilities, as well as complex experiences and needs¹⁹. Such vulnerabilities and complex needs may be further impacted when children and young people are placed in custody²⁰ or exposed to punitive responses and processes that do not respect their developmental age and histories²¹. The victimisation and challenges held by many justice-involved children and young people can be both obscured and denied by punitive “tough on crime” rhetorics. Further, as noted in YSAS’s earlier submission to the Committee – young people from a range of communities, histories and identities are over-represented in the Australian youth justice and incarceration system²².

The findings of our recent Victorian research YSAS 2025 Youth AOD Census²³ are a stark reminder of how challenging the lives of children and young people accessing community provided services are. Completed in partnership with Latrobe University, this research describes the needs and characteristics of 893 young people who accessed 13 organisations in the Victorian youth AOD sector. The YSAS 2025 Youth AOD Census identified that:

- Half of all young people entering youth AOD services (n=432, 48.4%) had been involved in the criminal justice system at some point in their lives.
- Around 3 in 5 young people disclosed having a mental health diagnosis (n=527, 59%).
- Over one third of young people entering youth AOD services were victim survivors of family violence (n=322, 36.1%) and one fifth were victim survivors of intimate partner violence (n=183, 20.5%).

¹⁹ Goldson & Cuneen, 2020; Baidawi & Sheenan, 2019;

²⁰ Clancey et. Al., 2020; Case & Haines, 2021

²¹ Walsh, 2025

²² YSAS, 2024. Page 5-9.

²³ Rintala, Johnston, Bruun, Bryant, Weir, Belotti & MacLean, 2025

- One in three young people were experiencing some kind of housing problem (n=180, 33.1%) with one-fifth (n=204, 22.8%) living in unstable housing such as couch surfing, short term/crisis accommodation etc.
- Approximately half of all young people (n=440, 49.3%) were not engaged in a meaningful activity in the form of education or employment.
- More than half of young people (n=469, 52.5%) had an extreme level of psychosocial complexity.
- Three-quarters of young people were experiencing concurrent high/extreme substance use and high/extreme psychosocial complexity (n=669, 74.9%).

The YSAS 2025 *Youth AOD Census* sheds light on the diversity and complexity that children, young people and families who access Victoria's youth AOD services are experiencing. It is our belief that justice-involved children and young people require responses that adopt holistic, developmentally sensitive approaches that are integrated with other youth focused service systems including mental health, legal and justice, AOD, Child Protection, housing, education and employment²⁴.

Effective early intervention, diversion and other alternatives to detention

As discussed in our prior submission to the Committee, it is our belief that detention should only be used as a last resort and that no child is placed within the youth justice system²⁵. There are a range of evidence-informed alternatives to the current structure of youth justice delivery in Australia, and we strongly advocate for enhanced investment in evidence-informed early intervention and diversionary practices, approaches and services.

²⁴ Rintala, Johnston, Bruun, Bryant, Weir, Belotti & MacLean, 2025

²⁵ YSAS, 2024. Recommendation 3. *“That no child is placed within the youth justice system, and that the age of criminal responsibility is raised across all Australian jurisdictions to a minimum age of 14 years old”*. Recommendation 5 *“That detention is only used as a last resort, and when so, it is provided through the wider use of small-scale, decentralized youth justice facilities”*.

Helping young people experiencing serious disadvantage to live healthy and fulfilling lives



Our recent 2025 evaluation report *Learnings from the YSAS Youth Support Service*²⁶ shares an example of effective, evidence-based crime prevention, early intervention and diversion service available to children, young people and their families. The YSAS YSS is characterised by an approach that provides:

1. Wrap around support for young people and families/caregivers
2. Addressing needs and promoting desistance
3. Linking and integrating other supports into young people's lives

Learnings from the YSAS Youth Support Service demonstrates the effectiveness of the YSAS YSS program in providing responses that promote positive development and prevent crime²⁷. Using mixed methods, this evaluation involved qualitative interviews with young people, their parents/caregivers and YSAS YSS workers alongside comprehensive case file reviews, case studies, database extraction and statistical analysis to determine that:

- There is high demand for the YSAS YSS, with a total of 1594 referrals being received by YSAS YSS in an 18-month reporting period.
- That the YSAS YSS program is effective in reaching and engaging 'at risk' young people early, and young people who engage in YSAS YSS achieve their goals.
- Of the 735 episodes of care²⁸ delivered during the 18-month reporting period, 96% were completed with goals either fully or partially achieved.
- That the YSAS YSS delivered significant progress/marked improvement in a range of criminogenic and responsibility needs connected to young people's justice system contact.

As raised in our earlier submission, recent reductions²⁹ in evidence-informed crime prevention and early intervention program funding³⁰ are estimated to have impacted 330 at-risk children and young people and their families from being able to access YSAS YSS

²⁶ Johnston, Bruun, Rintala, Hedge, Weir & Akoka, 2025

²⁷ Johnston, Bruun, Rintala, Hedge, Weir & Akoka, 2025

²⁸ YSAS YSS uses the term "episode of care" to indicate a period of involvement with the service.

²⁹ Page 8 & 9

³⁰ Wong, 2024; YSAS, 2024

Helping young people experiencing serious disadvantage to live healthy and fulfilling lives



support, early intervention and diversion - primarily from the Western and Northern Metropolitan region of Melbourne. Currently in Bendigo, Victoria, we are aware that more than 450 young people are unable to access or are on waitlists to receive YSAS early intervention services³¹.

The benefits of youth-focused evidence-informed intervention when working alongside young people is further highlighted in the recent research *Improving responses to young men's use of intimate partner violence: Towards a best practice approach*³². Undertaken collaboratively between YSAS, No to Violence (NTV), Drummond Street Services, University of Western Sydney and Swinburne University of Technology – this project used a multi-stage, mixed-method, iterative research design to understand the service landscape of support available to young men who use intimate partner violence and youth victim survivors. Young people's use of domestic and family violence has previously been described as a "missing link" in understanding the intergenerational transmission of abusive behaviours³³. *Improving responses to young men's use of intimate partner violence: Towards a best practice approach*³⁴ found many young men seeking to change experienced a "referral with no hope", due to limited-service landscape and barriers in accessing supports³⁵. A number of key principles were identified by this research to guide and support service development³⁶.

Both the *Learnings from the Youth Support Service*³⁷ and *Improving responses to young men's use of intimate partner violence: Towards a best practice approach*³⁸ provide examples of developmentally geared intervention and diversionary responses designed for working alongside children, young people and their systems to support meaningful change.

³¹ Najjar, 2025

³² Nicholas, Hanckel, Kilvington-Dowd, Johnston, Mills & McGregor, 2025.

³³ Boxall, Pooley & Lawler, 2021

³⁴ Nicholas, Hanckel, Kilvington-Dowd, Johnston, Mills & McGregor, 2025.

³⁵ Nicholas, Hanckel, Kilvington-Dowd, Johnston, Mills & McGregor, 2025. Page.44

³⁶ Nicholas, Hanckel, Kilvington-Dowd, Johnston, Mills & McGregor, 2025.

³⁷ Johnston, Bruun, Rintala, Hedge, Weir & Akoka, 2025

³⁸ Nicholas, Hanckel, Kilvington-Dowd, Johnston, Mills & McGregor, 2025.

Conclusion

YSAS has a long history of working alongside children, young people, their families and communities to provide respectful, inclusive, strengths-based and effective support and intervention for a range of challenges, including those who are in contact or at risk of contact with the youth justice system.

YSAS recognizes that youth justice straddles a junction between public safety and preventing harm goals, that are simultaneously consequentialist, retributive and rehabilitative³⁹. We believe that youth justice in Australia can be done differently, in ways which recognize and respond to children and young people's complex needs whilst adhering to and respecting their inherent human rights and dignity.

For this reason, we provide the following additional recommendations to our original submission:

9. Collaborative, coordinated, resourced and meaningful actions towards ending over-representation of children and young people from diverse and marginalised Communities in the youth justice and incarceration system.
10. The establishment of a set of enforceable minimum national standards to ensure the rights of children and young people involved in the youth justice and incarceration system are consistently upheld by all States and Territories.
 - e. Consistent to our obligations under international treaties.
 - f. Informed by humanity, dignity, human rights and evidence-informed practice and approaches.

We believe that our recommendations to the Committee will support the rights of children and young people involved in the criminal justice system, and serve to:

- Resist and prevent the periodic and cyclic politicisation of youth justice.

³⁹ Zine and Mears, 2023

- Enable national consistency to our obligations under international treaties.
- Allow for sustainable, ongoing evidence-informed practices and approaches to preventing crime and promoting positive development that respect children and young people's dignity, humanity and human rights.

We would like to thank the Committee for the time taken to consider the recommendations made by YSAS in the Inquiry into Australia's Youth Justice and Incarceration System and hope that our submission contributes important perspectives, opportunities and considerations in the work of the Committee.

We welcome any discussion or request from the Committee to discuss our submission in more detail and look forward to the findings of this inquiry.

List of References

Armytage, P., & Ogloff, J., 2017 Youth Justice Review and Strategy, Meeting Needs and reducing offending *Department of Justice and Community Safety Youth Justice Review and Strategy meeting needs and reducing offending | Department of Justice and Community Safety Victoria*

Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing. Sydney: Australian Human Rights Commission *'Help way earlier! How Australia can transform child justice to improve safety and wellbeing | Australian Human Rights Commission*

Baidawi, S., (2020) Crossover Children: Examining Initial Criminal Justice system contact among child-protection youth. *Australian Social Work* 73:3 280-295 DOI: 10.1080/0312407X.2019.1686765

Baidawi, S., & Sheenan, R., (2019) "Crossover kids": offending by child protection-involved youth. *Australian Institute of Criminology Trends and Issues* *'Crossover kids': Offending by child protection-involved youth (aic.gov.au)*

Baker, N (2019) *How the Victorian Liberal Party's focus on 'African youth gangs' backfired | SBS News* Published 20 November, 2019.

Case, S., Haines (2021) Abolishing Youth Justice Systems: Children First, Offenders Nowhere *Youth Justice* 21(1) 3-17 DOI: 10.1177/1473225419898754

Clancey, G., Wang, S., Lin, B., (2020) Youth Justice in Australia: Themes from recent inquiries *Australian Institute of Criminology : Trends and Issues* ISSN: 1836-2206

Goldson, B., Cunneen, C., Russell, S., Brown D., Baldry, E., Schwartz, M., and Briggs, D., (2021) 'Enduring violations: Youth justice, penalty and human rights', in *Youth Justice and Penality in Comparative Context*, Routledge, United Kingdom, DOI:10.4324/9781351242134-4.

Goldson, B., & Cunneen, C. (2020). *Youth justice and penalty in comparative context* (1st.). Routledge. <https://doi.org/10.4324/9781351242134>

Johnston, B., Bruun, A., Rintala, J., Hegde, V., Weir, S., Akoka, N., (2025) *Learnings from the YSAS Youth Support Service (YSS), Promoting Positive Development and Preventing Crime*. YSAS Research — YSAS

Helping young people experiencing serious disadvantage to live healthy and fulfilling lives



Malvaso, C., Day., A., McLachlan, K., Sarre, R., Lynch, J., Pilkington, R., (2024) Welfare, justice, child development and human rights: a review of the objects of youth justice legislation in Australia *Current Issues in Criminal Justice* DOI: 10.1080/10345329.2024.2313784

Najjar, J., (2025) Want to cut youth crime? Help the 500 people who can't get into this service. *Bendigo Advertiser* 19.11.2025. [Funding strain hits Bendigo's youth support service YSAS | Bendigo Advertiser | Bendigo, VIC](#)

Nicholas, L. Hanckel, B. Burgin, R. Kilvington-Dowd, L. Johnston, B. Mills, X. & McGregor, J. (2025). Improving responses to young men's use of intimate partner violence: Towards a best practice approach. Western Sydney University. DOI <https://doi.org/10.26183/0rct-m487>

O'Brien W and Fitz-Gibbon K (2018) 'Can Human Rights Standards Counter Australia's Punitive Youth Justice Practices?', *The International journal of children's rights*, 26(2):197–227, doi:10.1163/15718182-02602004

O'Halloran K (2024) 'International legal framework', in *Children, the Law and the Welfare Principle*, Routledge, DOI:10.4324/9781003415770-13.

Puot, C., (2025) Do "African Gangs" Exist in Melbourne? The African Australian Narrative. *Criminal Justice and Behaviour* 52 (7) <https://doi.org/10.1177/00938548251319721>

Queensland Government (2025) [Adult Crime, Adult Time | Making Queensland safer | Queensland Government](#)

Rintala, J., Johnston, B., Bruun, A., Bryant, J., Weir, S., Belotti, K. & MacLean, S., (2025). The 2025 Youth AOD Census: Technical Report. YSAS, Melbourne, Australia. [Youth AOD Census — YSAS](#) also available via [Research — YSAS](#)

Victorian Government (2025) [Adult Time For Violent Crime | Premier](#) of Victoria. 12 November 2025

Walsh, T., (2025) 'Making Queensland Safer'? A New Wave of Punitive Populism in Youth Justice *Youth Justice* 25(3) 282-288 DOI: 10.1177/14732254251388790

Wong, L (2024) [Victorian government winds back funding for Melbourne youth crime prevention program - ABC News](#)