

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

Submission to the Inquiry into Australia's Youth Justice and Incarceration System

Prepared and submitted by Praxis Youth



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Table of Contents

Table of Contents	2
Executive Summary	3
Submission to the Inquiry into Australia's Youth Justice and Incarceration System	6
<i>NSW Focus and Sources</i>	6
<i>Practice-Based Evidence</i>	6
An Overview: Youth Justice and Incarceration in Australia	7
Findings by Terms of Reference	8
<i>Use of Detention and Remand</i>	8
<i>First Nations Overrepresentation and Treatment</i>	9
<i>Human Rights of Children and Young People in Detention</i>	10
<i>Commonwealth International Obligations Regarding Youth Justice</i>	12
<i>Benefits and Need for Enforceable National Minimum Standards</i>	13
<i>Related Matters</i>	15
Recommendations	17
Conclusion	22
Appendix A	25
Appendix B	26
Appendix C	36
Appendix D	43
Appendix E	49

Executive Summary

Praxis Youth is a New South Wales (NSW)-based not-for-profit organisation working with children and young people impacted by the youth justice system. Our work spans prevention, diversion, intervention and post-custodial support, with a core objective of reducing criminalisation and custodial involvement through community-based, developmentally appropriate responses.

This submission responds to the Senate Legal and Constitutional Affairs References Committee's Inquiry into Australia's youth justice and incarceration system. It draws on three interrelated forms of evidence: (a) practice-based evidence from Praxis Youth's ongoing work with justice-involved young people; (b) lived experience knowledge embedded in organisational leadership and program design; and (c) analysis of publicly available data, reports and inquiries at state and national levels.

Lived experience evidence is used to illuminate how legislative, policy and operational settings function in practice, particularly where formal safeguards exist but are inconsistently realised. Public sources are used to contextualise these experiences and demonstrate that the issues raised are systemic rather than isolated.

Detention and remand are operating in ways that undermine rehabilitation. Public data demonstrates that the majority of children and young people in detention nationally are unsentenced, with remand now constituting the dominant form of youth detention. Praxis Youth's practice-based evidence indicates that remand frequently operates as a de facto punishment: young people experience prolonged uncertainty, limited access to education and rehabilitative programs, and heightened behavioural controls driven by classification and risk management frameworks. These conditions materially weaken the rehabilitative purpose of youth detention and can entrench further system contact.

Overrepresentation of First Nations children reflects structural failure, not individual deficit. The extreme overrepresentation of Aboriginal and Torres Strait Islander children in youth detention is a defining feature of the current system. Praxis Youth's evidence supports the importance of culturally specific, community-led programs; however, it also highlights how weak universal service provision can generate tension and misunderstanding within custodial environments. Effective reform requires both

strong universal standards and properly resourced, culturally safe responses led by Aboriginal communities.

Human rights risks persist through everyday operational practices. This submission identifies recurring mechanisms through which children's rights are compromised, including the use of separation and isolation-like practices, opaque decision-making, and limited avenues for review or challenge. While these practices are often justified as behaviour management or safety responses, their cumulative effect can be punitive and harmful, particularly where they are poorly defined, weakly monitored, or insufficiently scrutinised.

International obligations are not yet translated into enforceable practice. Australia's obligations under the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of Persons with Disabilities (CRPD), and the Optional Protocol to the Convention against Torture (OPCAT) require that detention be a last resort, for the shortest appropriate time, and subject to effective oversight. This submission identifies ongoing gaps between these obligations and operational reality, particularly in the absence of enforceable national standards, consistent data collection, and fully resourced independent monitoring.

National consistency is essential for accountability and reform. Jurisdictional variability in definitions, data, oversight and service provision continues to obstruct accountability. Without national minimum standards and common reporting frameworks, it is not possible to reliably assess conditions, track trends, or evaluate reform. The Commonwealth has clear constitutional and practical levers—through funding arrangements, intergovernmental mechanisms, national data architecture and treaty implementation—to drive consistent safeguards across jurisdictions.

Recommendations. The Recommendations section of this submission sets out a package of reforms that include:

1. Establishing enforceable national minimum standards for youth detention.
2. Limiting isolation and defining restrictive practices.

3. Reducing remand and raising the minimum age of criminal responsibility to at least 14.
4. Investing in community-led diversion and reintegration.
5. Creating a national linked youth justice data system.
6. Strengthening independent oversight and complaints mechanisms.
7. Guaranteeing education and health services in detention.
8. Embedding cultural safety and anti-racism through enforceable professional standards.
9. Setting national targets and enhancing transparency.
10. Withdrawing Australia's reservation to CRC Article 37(c).
11. Establishing enforceable transition accountability for children leaving detention.

Together, these measures are intended to realign youth justice practice with its stated rehabilitative purpose and with Australia's international human rights obligations.

Submission to the Inquiry into Australia's Youth Justice and Incarceration System

Praxis Youth is a NSW-based not-for-profit community organisation that works with young people involved in the youth justice system. Our work sits at the intersection of prevention, diversion, intervention and post-justice support with a primary focus of reducing criminalisation and custodial involvement through practical, community-embedded responses.

This submission draws on three complementary sources of evidence: (a) lived experience knowledge, including the CEO's direct experience of homelessness and youth incarceration, (b) practice-based evidence from Praxis Youth's day-to-day work alongside justice-involved young people and (c) synthesis of publicly available youth justice research and data. The evidence presented here reflects, in part, a synthesis of the narratives presented in the interviews with staff and clients of Praxis Youth (see Appendices B—E) to illuminate the lived impact of systems such as prolonged remand, limited access to education and rehabilitation, inadequate health care, staff culture and perceptions of cultural programs. We also present a range of other practice-derived material, which is based on de-identified, aggregated observations about the work of Praxis Youth in order to protect young people's privacy and safety.

NSW Focus and Sources

This submission presents evidence of youth justice practices within NSW, with national comparisons drawn from public data. Praxis Youth staff synthesised recurring themes from interviews conducted, which covered early life experiences, remand and sentencing, education, health, staff culture, cultural identity and post-release transitions. We used thematic synthesis, not formal qualitative coding, to identify recurring mechanisms.

Practice-Based Evidence

The narrative-based evidence presented here reflects the experiences of a small number of individuals and is regionally specific. This evidence is subjective and highly personalised, and while we see this as a strength of the insights we are able to provide, this kind of evidence should not be thought of as generalisable or relevant in the same way to all youth justice contexts. To complement the lived experience evidence, we triangulate the narratives with official statistics and reports from the Australian

Institute of Health and Welfare (AIHW), the Australian Human Rights Commission (AHRC), state inspectors of custodial services and parliamentary inquiries.

An Overview: Youth Justice and Incarceration in Australia

Youth Justice in Australia is administered primarily by state and territory governments. Each jurisdiction sets the minimum age of criminal responsibility, bail laws, sentencing options and operations standards for detention centres. The Commonwealth does not operate youth detention facilities but influences the system through several layers:

- **External affairs.** Implementing international treaties such as the CRC, CRPD and CAT under section 51(xxix) of the Constitution gives the Commonwealth power to legislate standards consistent with those obligations.
- **Funding.** Grants to states and territories can be tied to conditions relating to youth justice.
- **National data collection.** The AIHW and the Australian Bureau of Statistics (ABS) collect and publish youth justice data, enabling comparison across jurisdictions and informing policy.
- **Intergovernmental agreements.** The Council of Attorneys-General and other forums develop national policies and model laws; the Commonwealth can drive reform through these mechanisms.

There are a range of ways in which young people can be subject to incarceration in state and territory jurisdictions including upon arrest (in a watchhouse), when given a custodial sentence after conviction of a juvenile offence, and being placed on remand. Remand occurs when a young person is denied bail and detained pending trial or sentencing. Factors influencing remand include the seriousness of alleged offences, prior offending, risk of reoffending, legal representation, compliance with bail conditions and the availability of safe bail accommodation. In recent years, unsentenced detention has become the dominant form of youth detention, with 72 per cent of detainees unsentenced in the June quarter 2025 (AIHW, 2025b). Understanding this architecture is essential to identify where Commonwealth action can drive reform and how national standards might operate.

Findings by Terms of Reference

Use of Detention and Remand

Youth detention is associated with poor outcomes for many young people, including high rates of return to supervision, disruption of education and exacerbation of trauma.

Mechanisms Observed in New South Wales (NSW)

Lived experience evidence indicates that remand can extend for prolonged periods—sometimes approaching two years—and that the practical effect is often punitive, irrespective of legal status. The dominant mechanism observed was an overwhelming sense of uncertainty, often compounded by restricted access to rehabilitative resources, with classification settings, staff discretion and administrative barriers acting to significantly prevent participation.

Lived experience evidence indicates a sharp gap between formal access to minimum hours of education and practical, substantive learning that translated to job-readiness. Participants described routine education as a low-value activity that did not build skills or credentials, while meaningful pathways (e.g., senior schooling, vocational study or higher education) were described as exceptional, gated and dependent on approvals, individual persistence and risk settings.

Lived experience evidence indicates inconsistency in access and effectiveness of mental health services. Participants described mental health responses that felt weighted towards containment and medication rather than sustained therapeutic support, alongside concerns that information shared in therapeutic settings could flow into decision-making systems (including program access), which can discourage help-seeking. These conditions contributed to institutionalisation and anxiety about release.

Public Evidence

AIHW data (2025a) show that about 51 per cent of young people whose first sentence was detention returned to sentenced supervision before turning 18, compared to 41 per cent for those whose first sentence was community-based supervision. Around 72 per cent of detainees in June 2025 were unsentenced and the rate of unsentenced detention was 2.1 per 10 000 compared to 0.6 per 10 000 for

sentenced detention (AIHW, 2025b). These data suggest that detention, particularly remand, does not reduce reoffending and may contribute to further justice involvement.

Implications

Extended remand disrupts schooling, employment and family relationships while delivering little in the way of skill-building or therapeutic intervention when access is restricted by classification and discretionary gatekeeping. Lack of meaningful education and core rehabilitative programs undermines the rehabilitative purpose of detention. Reliance on unsentenced detention can erode trust in the justice system and disproportionately affect those without stable housing or support networks.

Commonwealth Action

The Commonwealth should act credibly and materially in the following ways: tie funding to state action on remand reduction, implement national measurement and transparency focused on remand and access, support bail accommodation and legal assistance programs and invest in practical alternatives that reduce remand, including early intervention and diversionary programs.

First Nations Overrepresentation and Treatment

First Nations young people are massively over-represented in detention due to historical and systemic factors.

Mechanisms Observed in NSW

Lived experience evidence indicates that young people notice when certain programs are targeted to Aboriginal young people and may interpret these differences through the lens of their own unmet needs. Some participants described Aboriginal cultural programs as appearing to be better resourced or more visible but did not imply that these programs should be reduced. All participants described cultural programs as highly effective and that they created a platform for understanding, empathy and learning between staff and young people.

Public Evidence

First Nations young people accounted for 56 per cent of detainees aged 10 and over and 60 per cent of detainees aged 10–17 in June 2025. They were 21 times as likely as non-Indigenous youth to be detained,

and 44 young people aged 10—13 were in detention, with the rate for First Nations children (4.0 per 10 000) 40 times higher than for non-Indigenous children (0.1 per 10 000) (AIHW, 2025b).

Submissions to the Senate inquiry attributed overrepresentation to deliberate and neglectful policies, systemic racism, the continuing effects of colonisation, intergenerational trauma and socioeconomic disadvantage (Senate Legal and Constitutional Affairs References Committee, 2025).

Implications

The scale of overrepresentation indicates that reform cannot be limited to within-centre practice changes. Without addressing upstream, systemic inequalities in policing, bail and sentencing practices and the lack of culturally safe, community-led detention alternatives, detention will continue as a default response for First Nations young people.

Custodial legitimacy is also a concern. Where universal services and programs are weak, targeted supports may be misread by non-Indigenous young people as preferential, undermining cohesion and compliance.

Commonwealth Action

Through the Closing the Gap justice targets, the Commonwealth should set measurable goals for reducing detention rates and support Aboriginal community-controlled organisations to lead diversion and rehabilitation programs. National standards should ensure high-quality universal services while mandating culturally safe practices. Funding agreements should prioritise bail accommodation and early intervention in First Nations communities.

Human Rights of Children and Young People in Detention

Many practices in youth detention fall short of human rights standards, including prolonged separation, inadequate facilities, opaque decision-making and restricted access to services.

Mechanisms Observed in NSW

Lived experience evidence indicates that case notes written by custodial staff can function as determinative records in classification, risk assessment and access to programs or health services.

Participants described these records as difficult or impossible to challenge, even when they believed them

to be inaccurate or subjective. Some participants described case notes as being treated as subjective truths that shaped future treatment rather than professional observations.

Participants also described experiences of disrespectful treatment and inconsistent rule enforcement, contributing to a sense that decisions were arbitrary rather than procedurally fair. The absence of clear explanations, review pathways or accessible complaints mechanisms meant that young people often felt they had no effective recourse when decisions affected their liberty, access to programs or wellbeing. Participants indicated that confidentiality boundaries in relation to mental health were not always clear. Several expressed concerns that information shared with mental health staff could be recorded in case notes and later used in classification or risk management processes, discouraging disclosure and undermining trust in therapeutic services.

These dynamics illustrate non-compliance with the human rights of young people even in the absence of overt abuse. All participants described varying levels of opaque decision-making, blurred boundaries between care and control and the accumulation of unreviewable discretionary judgements.

Public Evidence

The Queensland combined inspection report recorded that separation was frequently used to manage staff shortages and that suicide-risk observations and facilities were inconsistent (Queensland Ombudsman, 2025). The Western Australian Inspector of Custodial Services found that a unit used to house children within an adult prison was “not fit for purpose” and lacked necessary infrastructure (Inspector of Custodial Services [WA], 2025, p. 8). The AHRC’s review documented children being placed alone in cells for up to 23 hours a day and the use of restraint chairs (AHRC, 2025). The NSW Inspector of Custodial Services reported 428 enquiries and 390 complaints from youth justice centres in 2023-24, with common issues including food and diet, daily routine, education, phone access, unfair treatment and separation (Inspector of Custodial Services [NSW], 2024).

Implications

Frequent separations and isolation can amount to solitary confinement and are inconsistent with the CRC and United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules). Poor

facilities and disrespectful treatment undermine rehabilitation and may constitute cruel or degrading treatment. Lack of transparent decision-making and accessible complaints mechanisms leaves young people without recourse and erodes trust in detention as a rehabilitative environment. Where young people cannot understand, challenge or influence decisions that affect their daily lives and future opportunities, detention functions as an exercise of power rather than a rehabilitative response to offending.

Commonwealth Action

The Commonwealth has a clear role in ensuring Australia meets its international human rights obligations, and that minimum protections are realised in practice, not solely on paper. National minimum standards should define and prohibit solitary confinement and set minimum requirements for facilities. Standards should require that case notes and classifications be subject to procedural fairness and independent review. The Commonwealth should fully implement OPCAT by resourcing National Preventive Mechanism (NPM) bodies and ensuring they have access to youth detention centres.

Commonwealth International Obligations Regarding Youth Justice

Australia has binding obligations under international law to ensure that children deprived of their liberty are treated with humanity and respect, yet current practices risk breaching these obligations.

Treaty Framework

The CRC requires that detention of children be used only as a last resort and for the shortest appropriate period (Article 37(b)). It further provides that children deprived of liberty must be treated with humanity and in a manner that takes account of their age, and that they be separated from adults unless it is considered in the child's best interests not to do so (Article 37(c)).

The CRPD prohibits deprivation of liberty on the basis of disability and requires reasonable accommodations to ensure equal enjoyment of rights, including in custodial settings.

The CAT and OPCAT oblige Australia to prevent torture and other cruel, inhuman or degrading treatment and to establish independent preventive monitoring of all places of detention. Australia maintains a

reservation to Article 37(c) of the CRC (AHRC, 2011) and OPCAT implementation remains incomplete across jurisdictions (AHRC, 2025).

Interpretive Authorities

UN treaty bodies and experts have clarified that solitary confinement of children is contrary to the prohibition of torture and cruel, inhuman or degrading treatment and should be absolutely prohibited (United Nations Office of the High Commissioner for Human Rights, 2011). General Comment 24 of the CRC urges states to raise the minimum age of criminal responsibility to at least 14 years and to ensure that deprivation of liberty is truly a measure of last resort.

Current Compliance Gaps

Public reporting indicates ongoing risks of non-compliance with these obligations. Children have been held in adult prison units and police watch-houses, including Western Australia's Unit 18 (Inspector of Custodial Services [WA], 2025). Practices documented in inspection reports and the AHRC's review—prolonged isolation, restraint chairs and inadequate facilities—are inconsistent with treaty obligations (AHRC, 2025). The reservation to Article 37(c) weakens protections relating to separation from adults and delays in full OPCAT implementation limit the reach and effectiveness of monitoring across youth detention settings.

Commonwealth Action

Under the external affairs power, the Commonwealth should legislate to give domestic effect to treaty obligations, work with states to withdraw the reservation to Article 37(c), complete OPCAT implementation by resourcing and coordinating the NPM and embed protections through national minimum standards.

Benefits and Need for Enforceable National Minimum Standards

Enforceable national minimum standards would translate Australia's human rights obligations into consistent, operational practice across youth detention systems.

Disparities Across Jurisdictions

Conditions vary widely. Queensland detention centres operated at almost full capacity and relied heavily on separation (Queensland Ombudsman, 2025) while Western Australia housed children in an adult prison unit deemed inappropriate for children (Inspector of Custodial Services [WA], 2025).

Definitions of separation, segregation and solitary confinement differ, making data incomparable (AHRC, 2025). This variability limits the ability of oversight bodies to assess compliance with human rights standards or to compare performance across systems.

Need for Common Definitions and Data

Without agreed definitions or reporting requirements, accountability mechanisms are weakened.

Jurisdictions cannot be meaningfully compared, trends cannot be tracked reliably, and reform efforts cannot be evaluated consistently.

Current national datasets focus primarily on returns to sentenced supervision and do not capture broader measures of recidivism, access to meaningful education or continuity of health and therapeutic supports.

A national minimum data set embedded within enforceable standards is needed to monitor outcomes and inform reform.

Oversight and Enforcement Gaps

OPCAT implementation gaps and limited resources for inspectors mean that rights breaches may go undetected. Enforceable standards would strengthen oversight by providing clear criteria for inspections, supporting consistent reporting and enabling consequences for non-compliance – particularly where failures are persistent or structural.

Benefits of Enforceable National Standards

Properly designed national minimum standards would operationalise treaty obligations; guarantee children have access to safe, decent conditions and services; and provide a framework for consistent data collection and public reporting.

Commonwealth Action

Through legislation under the external affairs power and intergovernmental agreements, the Commonwealth can establish minimum standards covering conditions, health, education, cultural rights,

procedural fairness and data reporting. Funding agreements can tie grants to compliance, and independent monitoring can verify adherence.

Related Matters

Youth Justice outcomes are intertwined with broader social determinants and systems, including trauma, disability, housing, child protection and age thresholds.

Health, Disability and Trauma

Lived experience evidence recounts exposure to domestic violence, unstable housing and trauma.

Participants reported that mental health support in detention was limited in scope and continuity, relying heavily on medication. Public sources note high rates of neurodevelopmental disorders, mental illness and acquired brain injury among young people in detention (Senate Legal and Constitutional Affairs References Committee, 2025). Without coordinated trauma-informed care and early intervention, these vulnerabilities increase the likelihood of criminalisation and repeated system contact.

Housing and Bail Accommodation

Lack of safe accommodation is a well-established driver of remand. Lived experience evidence indicates significant barrier to finding and securing safe, stable housing. Investment in bail accommodation and supportive housing would reduce unsentenced detention and decrease the rate of return to sentenced supervision.

Child Protection Crossover

Children in out-of-home care are disproportionately represented in detention. Instability in placements, criminalisation of behaviour in residential care and inadequate support contribute to justice involvement. Where child protection and youth justice systems operate in silos, detention can become an unintended endpoint of care failure rather than a proportionate legal response.

Minimum Age of Criminal Responsibility

International bodies recommend a minimum age of at least 14 years (UN Committee on the Rights of the Child, 2019). In the June quarter 2025, 44 young people aged 10–13 were detained, and First Nations children in this age group were detained at a rate 40 times higher than non-Indigenous children (AIHW,

2025b). Raising the minimum age would remove a cohort of children from the criminal justice system at a developmental stage where custodial responses are least effective and most harmful, and would shift responsibility towards health, child protection and community-based responses better suited to their needs.

Education and Employment Transitions

Detention disrupts schooling and employment pathways and without comprehensive reengagement plans, young people struggle post-release. Lived experience evidence emphasised the need for consistent caseworkers and transition support, reporting weak transition pathways that increase likelihood of re-contact with the justice system.

Commonwealth Action

Many of these issues fall within social policy portfolios where the Commonwealth has significant influence, including housing, education, disability, child protection and family support. Coordinated national strategies to provide early intervention, family support, disability assessment and culturally safe education can reduce the flow of children into the justice system.

Raising the minimum age of criminal responsibility requires uniform legislation across states; the Commonwealth can lead this through model laws, funding incentives and national agreements.

Recommendations

1. Establish national minimum standards for youth detention.

Terms of reference: (c), (d), (e).

Develop enforceable standards covering conditions, health, education, cultural rights, procedural fairness and data reporting. Legislate these standards under the external affairs power and negotiate complementary state legislation through the Council of Attorneys-General. Tie Commonwealth grants to compliance and publish regular compliance audits.

Success metrics: All jurisdictions enact and implement standards; inspections report compliance; data show increased time out of rooms, improved education hours and timely health assessments.

2. Limit isolation and define restrictive practices.

Terms of reference: (c), (e).

Prohibit solitary confinement and tightly regulate all forms of separation and restrictive practices through enforceable national standards that prioritise necessity, proportionality and independent scrutiny. Require that any separation beyond a short, defined threshold triggers independent external review, not solely internal approval, with clear limits on duration and cumulative use. Commonwealth funding should be conditional on demonstrated reductions in separation and verified use of non-isolating behaviour management strategies, rather than completion of staff training alone.

Success metrics: Independent review of prolonged separations; measurable reductions in duration and frequency of separation; publicly reported separation data demonstrating sustained decline; elimination of mechanical restraints and spit hoods.

3. Reduce remand and raise the minimum age of criminal responsibility.

Terms of reference: (a), (b), (f).

Set national targets to reduce the proportion of children on remand and commit to raising the age of criminal responsibility to at least 14 through a model law and intergovernmental agreement.

Fund bail accommodation, intensive family support and legal aid services so that children are not detained due to homelessness or lack of supervision.

Success metrics: Decline in the proportion of unsentenced detainees; elimination of detention for children under 14; reduction in median remand duration.

4. **Invest in community-led diversion and reintegration.**

Terms of reference: (a), (b), (f).

Establish a substantial, ongoing Commonwealth funding stream for community-led diversion and reintegration services, with consideration for Aboriginal community-controlled organisations to reduce reliance on detention and remand. Funded services should include bail support, culturally safe accommodation, intensive casework, mentoring, education and employment pathways and post-release continuity of care. Funding agreements should require co-design with local communities, lived experience, outcome-focused reporting and demonstrated impact on remand reduction, First Nations overrepresentation and return-to-custody rates. States should be required to partner with funded organisations and align referral pathways to ensure diversion and reintegration are operational rather than discretionary.

Success metrics: Reduction in remand driven by housing and support deficits; reduced First Nations detention rates; improved continuity in education, housing and support post-release.

5. **Create a national linked youth justice data system.**

Terms of reference: (a), (e).

Task AIHW and ABS with developing a linked dataset integrating police, courts, community supervision, detention and adult corrections records. Establish standardised variables (offence type, legal status, demographics, disability) and privacy safeguards. Require states to supply data under agreed definitions.

Success metrics: Annual publication of linked youth justice data; number of jurisdictions providing complete data; research outputs using the data to inform policy.

6. **Strengthen independent oversight and complaints mechanisms.**

Terms of reference: (c), (d), (e).

Fully implement OPCAT by resourcing NPM bodies and ensuring they have unfettered access to youth detention centres. Enhance the powers of the National Children's Commissioner to investigate detention conditions. Require states to legislate for independent inspectors and ensure children have confidential access to complaints and legal assistance.

Success metrics: Regular unannounced inspections conducted; reports published and acted upon; increased resolution of complaints; reduction in rights breaches.

7. **Guarantee education and health services in detention.**

Terms of reference: (a), (c), (e).

Enforce national minimum standards for education and health in youth detention through Commonwealth funding conditions, reporting requirements and inspection benchmarks. Require jurisdictions to demonstrate that all children, including those on remand, have meaningful access to accredited education pathways and timely physical and mental health care that is therapeutically appropriate, culturally safe and clearly separated from disciplinary and classification processes. Mandate continuity of education and health supports on release through documented handover arrangements, and require public reporting on access, delays and outcomes to verify substantive delivery rather than nominal provision.

Success metrics: Verified access to accredited education and therapeutic care regardless of remand status; reduced delays in service access; documented continuity on release.

8. **Embed cultural safety and anti-racism through enforceable standards.**

Terms of reference: (b), (c), (f).

Embed cultural safety and anti-racism in youth justice practice through enforceable professional standards, accountability mechanisms and partnership with Aboriginal and Torres Strait Islander organisations, rather than reliance on training completion alone. Require that cultural safety expectations are reflected in staff accreditation, performance frameworks and complaints handling, with Aboriginal organisations involved in governance, delivery and evaluation.

Commonwealth funding should be contingent on evidence of practice change, including reduced complaints, improved staff-young person relationships and meaningful participation in culturally safe programs.

Success metrics: Evidence of improved cultural safety in practice; reduced discrimination-related complaints; strengthened Aboriginal organisational involvement in governance and delivery.

9. **Set national targets and enhance transparency.**

Terms of reference: (a), (b), (e).

Through intergovernmental agreement, set measurable targets to reduce detention numbers, remand duration, First Nations overrepresentation and returns to supervision. Publish annual progress reports with state-by-state data and analysis. Link funding to progress against targets.

Success metrics: Measurable progress towards targets; improved data quality; evidence of targets driving policy reforms.

10. **Withdraw Australia's reservation to CRC Article 37(c) and ensure separation from adults.**

Terms of reference: (d), (f).

In consultation with states and territories, withdraw the reservation that permits children to be detained with adults. Develop a transition plan to ensure all children are held in youth-specific facilities with appropriate supports and increased family contact. Provide capital funding for facility upgrades and alternatives to accommodate separation.

Success metrics: No children held in adult prisons or police watch-houses; completion of new or upgraded youth facilities; increased family contact and improved wellbeing.

11. **Establish enforceable transition accountability for children leaving detention.**

Terms of reference: (a), (e), (f).

Establish national transition accountability requirements to ensure that children leaving detention are not released into service gaps that increase the risk of re-contact with the justice system.

Require jurisdictions to demonstrate that every child has a documented transition plan prior to release covering stable housing, education or employment, health and disability supports and

community-based supports. The Commonwealth should fund and mandate transition coordination functions, requiring reporting on post-release continuity and link funding to verified transition outcomes rather than release alone.

Success metrics: Proportion of children released with verified transition plans; continuity of education, housing and health supports post-release; reduced returns to custody linked to transition failure.

Conclusion

This inquiry confronts a youth justice system in which detention—especially remand—can operate in ways that are practically punitive, developmentally harmful, and inconsistent with rehabilitation and Australia's international obligations. Praxis Youth's practice-based and lived experience evidence illustrates recurring mechanisms by which young people experience prolonged uncertainty, restricted access to programs and education due to classification and discretionary gatekeeping, and opaque decision-making that can shape daily liberty and long-term opportunity.

Public evidence cited in this submission indicates that unsentenced detention now constitutes the majority of youth detention nationally, and that First Nations children and young people remain massively overrepresented. Where detention is used widely and inconsistently, isolation-like practices persist, and accountability depends on variable local standards and opaque internal records, rehabilitation becomes contingent rather than assured.

The Commonwealth cannot manage youth detention operations directly, but it can materially shape national practice. The external affairs power, intergovernmental mechanisms, funding conditions, and national data infrastructure provide pathways for enforceable reform.

Praxis Youth urges the Committee to treat national minimum standards and enforceable accountability as the centre of gravity for reform. Without enforceability, variability will persist; without consistent data, reform cannot be measured; without independent oversight, rights breaches remain structurally difficult to detect and remedy; and without transition accountability, children will continue to be released into predictable service gaps that drive re-contact with the justice system. The recommendations in this submission provide a practical pathway to reduce detention and remand, improve safety and rights compliance where detention occurs, and create durable systems of transparency and responsibility across jurisdictions.

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Appendix A

Overview of Lived experience Interviews

Interviews were conducted to support the collection of lived experience narratives from young people who have experienced youth justice detention (see Appendices B—E). The purpose of these interviews is not to conduct academic research, but to document first-hand accounts that illustrate how youth justice policies and practices operate in practice, and how they affect young people's lives.

These narratives are used to support and contextualise Praxis Youth's recommendations by providing evidence that is rarely visible in administrative data, official reporting, or academic literature. The accounts reflect personal experiences and insights into systemic issues, including harms, gaps, and examples of effective practice, that cannot be meaningfully extrapolated from quantitative research alone.

Appendix B

Interview of Participant 1 (Formerly Incarcerated)

Personal Context and Pathway into Youth Justice

Interviewer:

What was your life like before you first came into contact with the youth justice system?

Participant:

I left home at about 14 years old. Pretty soon after, I left school and was hanging out with people who had also disengaged from school. We were committing small crimes at first, things like breaking into cars, drinking and taking drugs constantly. Things escalated quickly after I left home. I think a big motivator was money – I had to support myself, and making money through drugs, crime – that gave me a sense of control that I was lacking. I was around very negative peer groups. There was really intense conflict between my mum and dad as they were separated. I was almost like I was being used as a pawn in a game they were playing with the courts. It left me feeling really powerless. The only way I could escape all that conflict, or at least the only way I knew how, was through drugs and alcohol, trying to disassociate, remove myself from that situation. It was really difficult. Before I was kicked out of school, I was on a scholarship with very high expectations placed on me. As a young kid, I didn't know how to process all the things and feelings that were going on and I felt like I'd failed. So, before I became involved with the youth justice system, I was already in a spiral of negative behaviours.

Interviewer:

Can you talk us through how you first became involved with the youth justice system?

Participant:

My living situation was very inconsistent between 14 to 16 years old, just sleeping where I could, hanging out with negative peer groups. Lots of drugs and alcohol. Crime started with small things but became bigger and bigger. I was around gang members and much older people all the time, and over the next few years, I become really desensitised to antisocial behaviours, criminal activity and violence. All of these

things built up to a point where I was in a really negative space, physically and psychologically. When I was 16, I ended up being locked up for a serious GBH charge.

Experiences of Remand

Interviewer:

What was being on remand like and what impact did it have on you?

Participant:

I didn't really know anything about the court system or how things worked, apart from what friends had told me – friends that had been to goal. No one really explained the system to me while I was inside. I learned from people around me, bits of information here and there. There were court dates every so often, but I didn't really know what they were for. I thought, OK, I'll plead guilty straight away. Take responsibility and that would be it - but it wasn't that simple. It dragged on for months, then years. I ended up being on remand for close to two years. Because of classification rules, I couldn't drop below a certain risk level while on remand, which restricted the programs I could access. If I'd been sentenced to be released after two years with time served, I would never have accessed any core rehabilitative programs at all. Remand classification rules meant I wouldn't have been allowed to do them.

The mental health impact of being on remand is also huge. There's so much uncertainty. As a young person, you don't understand the processes. I was often told with less than 24 hours' notice that I had court the next day. Then, all you can do is sit in your cell for the next 12 hours, anxious and stressing about what's going to happen. You're lucky to get a five-minute phone call with your lawyer beforehand. You're alone, with nothing to distract you, no one to talk to. Judges, lawyers, prosecutors are making decisions that affect your life, and you don't know what's happening. That uncertainty, powerlessness and lack of understanding have serious mental health effects.

In term of goal setting, you can't plan because you don't know how long you'll be there. You can start education and be released with one day's notice, leaving you with nothing – no qualifications, no job-readiness. That uncertainty makes real rehabilitation and casework extremely difficult.

Once you're sentenced, it's like a switch is flipped. Suddenly you can apply for leave, programs, activities. Physically and psychologically, nothing has really changed – only your legal status. For most young people I saw, 75% or more of their time inside was spent on remand. Most never accessed rehabilitative programs at all.

Interviewer:

What are your thoughts on remand?

Participant:

I think it's a deeply flawed system. So many people are released – either on bail or through sentencing – without access to programs. Caseworkers and community organisations can't plan effectively. You can't line up employment or housing when you have no idea if someone will be released tomorrow or in two years. The classification system is also flawed. The implications of classification based on legal status are significant, and the fact that risk levels are determined based on your legal status creates a bottleneck that blocks rehabilitation.

Day-to-Day Life in Detention

Interviewer:

What was education like while you were in detention?

Participant:

I was one of the few fortunate ones to make the most of education. I was approved to be in a distance education class at [XXXX Youth Justice Centre]. I did Year 10 though this class and really struggled. I hadn't been to school in two years and failed most subjects. There were only 4 people in that class doing distance education. Before that, I was in general classes with everyone else. We mostly did colouring in, crosswords and lounged around. I would barely classify it as education. After transferring to [XXXX Youth Justice Centre], I completed Years 11 and 12 in custody and sat my HSC exams, scoring very well. That pathway was extraordinary and unprecedented. Chaplains spent time helping me with writing and critical thinking. An English teacher delayed his retirement to help me. Over 4 years of incarceration, fewer than 5 people, either that I was with or had heard of, completed their HSCs. I still say, to this day,

it's one of the hardest things I've ever done. Work was completed on paper, mailed to Sydney for marking. You might get a one-hour Zoom call with a teacher who didn't know your circumstances or your learning gaps. These often took weeks to get approved. We only had a few hours a day on restricted laptops. Printing was limited. Teachers, Youth Justice staff and managers often subtly discouraged education, maybe because it created more work for them, or they just didn't like seeing kids education? I'm not too sure. It often felt like they wanted you to feel bad for wanting to learn.

TAFE courses existed but were limited and often not job relevant. Nowadays, they are all completed digitally, which made them extremely difficult to do. In the latter half of my time, I began to see more practical skills being taught such as woodworking, metal work, specialist courses delivered by external providers. The problem was that none of them provided any type of real, formal qualifications. They did not make young people more employable. A young person I knew completed a two-day bricklaying course. He was released and ended up returning in about 3 months. He told me, "They told me I could get a bricklaying job and that there's huge demand. When I got out, nothing. There's no jobs."

I later began university via correspondence while still in custody. That process was both unprecedented, and extremely difficult. During my time, I never met or heard of anyone else doing university from youth justice.

As a general summary, it felt like education was treated as a box-ticking exercise, very much an optional extra. It's not encouraged, if anything it's subtly discouraged. Taking the easy path because it was required. Anything meaningful education-wise, you had to push so hard for opportunities.

Interviewer:

How were your physical and mental health needs handled while you were in detention?

Participant:

Physically, healthcare was good. Nurses were available, but access to dentists and specialists in regional centres was difficult. I remember not seeing a dentist in two years while in a regional centre. At times it was difficult to get things like Panadol and Nurofen, but you can understand the strict requirements around accessing medication.

Mental healthcare was much harder. In Sydney, access was better. In regional centres, it was clear that psychologists were overloaded. The major problem though, was confidentiality. It didn't work the same as outside. Information shared could be used in risk assessments, court reports, CSM meetings. It made it very dangerous to be honest - what you said could directly affect the quality of your daily life.

Psychology became something you had to navigate carefully, rather than a support.

Most mental health support came from other young people. Personally, some Youth Justice staff were amazing mental health supports, but there was always a risk of information being case noted or shared, then used in a way that might negatively affect you. So yeah, when I didn't have good boys around me, it was a big struggle. You didn't have any other option but to keep things bottled up.

Interviewer:

How would you describe the way you and other young people were generally treated by staff?

Participant:

I still say, the best and worst part of youth justice is the staff. Some absolutely changed my life. I would not be here today without their support. Others created real, lasting trauma. There was a toxic work culture in every centre I was in. There were multiple times where I witnessed staff being reprimanded for "caring too much" for young people, being told, "that's not our job".

Your treatment depended heavily on whether individual staff members liked you. Power imbalances were extreme. Staff are the only adult role models you see – they are with you 24/7. The influence they have is massively underestimated. When you're a young person that has only known a life of trauma, crime and abuse, you don't know what a normal, functioning adult looks like. So, staff end up being your primary source of learning. This twisted relationship of officer to detainee, it doesn't support young people in learning how change and be a pro-social member of society. The job description does not adequately describe the role that staff have, particularly as role models for young people. They have a hugely influential position, and when that influence is misused, there are severe implications for young people. Physically, safety with staff was more than reasonable. Although there were cases where I saw abuse of force, this became increasingly rare during my time. Psychologically, it was very unsafe. Verbal and

psychological abuse occurred daily, in particular, disgusting instances of staff taking advantage of vulnerable young people. The most common circumstance was a disparity in young people's ability to communicate compared to workers. An officer could write case notes about any sort of interaction and be able to completely spin it however they like. There was no accountability. A young person lacking the ability to communicate effectively had no chance.

Case noting in general was a massive issue. They were treated as undisputed fact, despite being written by staff who, by human nature, are not unbiased or objective. As they were meant to be confidential, as a young person, you had no idea what was being said about you. As case notes were "small" things by themselves, there was no opportunity to dispute any negative case notes, nor was there anyone telling you that they even existed. In my experience, you would receive "good" case notes from workers that liked you, and "bad" case notes from staff that disliked you. "Bad" case notes had a huge effect on your internal risk assessments and access to programs. It was a very flawed system.

First Nations Experience

Interviewer:

Do you identify as Aboriginal or Torres Strait Islander?

Participant:

No.

Interviewer:

What did you observe about how Aboriginal and Torres Strait Islander young people were treated in youth justice settings?

Participant:

Many young people were Aboriginal or Torres Strait Islander, particularly in regional centres. There were specific cultural programs available which was positive, but it also created a level of animosity for non-Indigenous young people. There needs to be equivalent cultural programs made available for non-Indigenous young people. Then again, some of the most positive moments were the cultural activities that

we shared together. Sharing culture was one of the rare things where staff, young people, everyone were brought down to the same level. Engaging in culture, not just my own, made you feel more human. There was a lack of quality Aboriginal staff. More are needed, both youth justice staff and external program providers – people who can be positive role models, cultural supports and that can do their jobs well.

Health, Disability, and Trauma

Interviewer:

Do you think the justice system is equipped to respond appropriately to things like trauma, disability and mental health issues?

Participant:

The system is most certainly not equipped to deal with trauma. Most trauma goes undiagnosed and untreated. Responses are reactive, not proactive. Trauma-informed training exists on paper but is not applied on the floor. The thing is, trauma is the cause of many negative behaviours and incidents in youth justice, but existing trauma informed training is just not adequate. Applying training to the real job - it just doesn't happen. That can actually be said about training in general. Staff would go through regular professional development, as well as the initial, I believe, 6-week initial training program. A new staff member I had a conversation with while I was inside, they were telling me about how on one of their first buddy shifts, that is, observation shifts, an older staff member was telling them how they just needed to get through the training, it was all *****, and that once you actually get on the floor, you'll learn from older staff how things actually work.

That was the trend I observed – you're taught all this theory through initial training, but when you get on the floor, none of that translates to the actual work. In my opinion, reform is needed. There needs to be a real good look at responses to health and trauma by staff in custody. Not to mention, early intervention, diversion. It's a difficult issue – on paper, staff are trained. In reality, there are many existing staff that should never be allowed near vulnerable young people.

Long-Term Impacts

Interviewer:

Are there impacts of youth justice that people underestimate or do not talk about enough?

Participant:

I think that you learn a false sense of reality inside youth justice. This becomes trauma in and of itself. Call it institutionalisation if you like. The staff [officers] are the people you spend the most time around, and they are the only way you can learn about what the real world is like. They have a huge amount of influence, as I've mentioned. So, coming out, and to this day, it's still a struggle to move past those times. When I first came out – not having anyone telling me what to do, making decisions by myself. There is a huge discrepancy between life inside and life outside. Something needs to change. Being able to socialise is also a significant long-term impact. You're put with a bunch of other young people with trauma, who've been involved in criminal life. It's very difficult to escape that culture. It took me two years to be able to sit at the dinner table and listen to a young person tell a story about stealing a car and realise internally that this isn't normal. It's not ok to normalise, glorify and boast about crime. Most young people never learn how to talk about experiences they've been through with a sense of remorse and reflection. It either continues to be glorified, or gets bottled up, suppressed, with a damaging sense of shame. So, back to socialisation, it's very hard to create positive, diverse support networks when you have no idea how to connect and relate to people that don't understand your background.

The Positives

Interviewer:

What positive supports were available and what did you find helpful while in youth justice?

Participant:

I think one of the best things was the [XXXX external program]. They were an external program, run by guys with lived experience of the justice system running mentoring programs through fitness. That was huge. They were the first people that actually knew what I was going through. They'd not just been through it, but had come out the other side, giving me a glimpse at what life could be like, that there was hope. It was primarily due to their mentorship that I went on to do the HSC and go to university.

External programs like that, people with lived experience, or even just willing to help with a kind heart – very impactful in a youth justice setting.

Services-wise, there was barely anything, so not a lot to say there, just many empty promises. There was no post-release support whatsoever.

In terms of staff, there were really good staff like I mentioned. But they were rare. For every good staff member, there were 10 trying to bring you down. But there were good people that changed my life.

Interviewer:

What things do you wish were available to you?

Participant:

Housing is number one. The single biggest struggle I faced was trying to get [internally] approved, then logistically figuring it out. There was pressure from all levels - community caseworker, internal caseworker, management – everyone was saying to go back to your dad's place, it was just not a safe environment. This was not just something I faced. Systemically, young people are sent back to the same housing environments in which they offended in the first place. Less than two people I knew were able to move into their own, independent housing.

Service providers need to improve. There is a bottleneck in actual access to young people. The only housing support that reached out to me had to do so via my caseworker, who only saw me once per week for 30 minutes. [XXXX service provider] ended up promising me housing, then I never heard from them again. Really, post-release support needs to become available and consistent across the board. It is dismal as is.

System Reform and National Standards

Interviewer:

From your experience, was there consistency in youth justice?

Participant:

I think it is an extremely inconsistent place. That is my summary of youth justice. There are many, many policies, SOPs, the Act. There are so many rules. But at the end of the day, what actually goes on comes

down to the three or four staff that are rostered on, and the person that's leading that team. In this sense, it is very tricky.

You can have a great morning where you're chatting with staff, you're going to school, you're doing programs, maybe playing footy – and then have an absolutely miserable afternoon, just because the staff change over and it can be a completely different vibe.

There's inconsistency in treatment. Why aren't more young people being offered to do the HSC? Why aren't there more people in TAFE? Programs, including education, are offered based off risk assessment, but also off if staff like you. So, a lot of the time, access to programs was not a matter of need, it was a popularity contest. Rehabilitative and restorative programs, that is, housing, education, employment, mental health and social connection – all of these should be available to every young person, regardless of their situation, background or traumas.

Appendix C

Interview of Participant 2 (Formerly Incarcerated)

Personal Context and Pathway into Youth Justice

Interviewer:

What was your life like before you first came into contact with the youth justice system?

Participant:

What was my life like? It was kind of like a book. A fiction. I experienced a lot of things while I was young; I was born in Australia and Mum was in [immigration detention] when she gave birth to me.

Then Mum took me back to China. I was granted with the Australian passport birth certificate. I stayed there till age 12, then came back to Australia. I finished my year six in China, but high school was not an option for me for financial reasons. Also, other complications issues followed - the Australian government was going to cancel my passport up so mum sent me back to Australia by myself.

She thought I would only stay in Australia for a few months and then she'd able to come as well. Well, it wasn't the case. Things really changed. I came to this country without any English. I didn't know the place. I hardly knew anybody. Things got very tough, my passport was surrendered and I was stateless. I don't have any identity with me. I only had a piece of paper saying I was born in Australia, that's it. I had to call immigration every three months to renew my visa so I could stay. So that I could go to school and have a life. I was only 12 years old at this time. I was only 12 years old, and these kinds of things were happening to me. I didn't have family in Australia. I didn't have anyone to talk to. I was isolated because my carer didn't want me to talk to my mum. They weren't great to me at all. There was violence and abuse. I was very scared.

Later, after a year of care, I went to another carer because Mum found out. So many things happened that you know, it is very traumatic for me to think about. I remember between age 12 to 16 I had 4 carers. I was very scared and wasn't able to trust people. I had to just escape. School was difficult, there were bullies due to culture and language differences and I started abusing drugs, drinking alcohol, fighting at school, trying to escape, trying to be cool so people didn't look down on me. It was just a mess for me. A

lot of mess. Immigration was still there, Mum was in a relationship and there was domestic violence happening back in China, and I was by myself in Australia and didn't have anyone to talk to about it. The school found out about abuse from my carers and DCJ got involved. However, the caseworkers – very temporary. Accommodation - temporary. I had to spend one night at one place, then two weeks and another, three weeks, three months. I had to travel two hours to go to school, and two hours back. Even though I was around kids that are all misbehaving, I still had a goal. I wanted to do good in my life. But it was very chaotic, traumatising and I saw a lot of things I shouldn't see. DCJ put me into a semi-independent living program because they believed I was old enough to look after myself at 16. I couldn't get Centrelink and lived off \$60 a week. There would be weeks when I had no food. When I could shop, I would get a bag of noodles for \$5, cook and eat once a day just to stay alive for two weeks. This was while still in school, even though my grades weren't good, I was still going. But immigration was still happening, they would call me and tell me they were going to lock me up as soon as I turned 18. It seemed to me like I'm just going to go to gaol. And I was questioning myself: what did I do to deserve this? I ended up dropping out completely to work full time. The stress built up. There were no counsellors or family I could talk to. Drugs became the only way to escape because that was the only way I knew how. I started to be involved in criminality and in 2018, I was locked behind bars.

Experiences of Remand

Interviewer:

What was being on remand like and what impact did it have on you?

Participant:

Personally, it was very difficult. I have no idea what would happen. Or how long I'm going to be sentenced. You're waiting for the court to sentence you, and you go through all these processes, remand, hearings, sentencing. I get that it is part of the process, but it was terrifying. There are a lot of [rehabilitation] programs that you cannot attend because of classification. While you are on remand, you can't go below a certain classification. There are so many things that are restricted, there are lots of limitations. Also, your mentality changes once you are sentenced. You know the date, you know what's

going on, you can plan out goals. While on remand, you have to just take it day by day. You never know, your lawyer may give you a call, or you might get bail the next day, you're just waiting. And you never know the day when change will come.

Day-to-Day Life in Detention

Interviewer:

What was education like while you were in detention?

Participant:

Education is provided. It is limited. However, it is... provided. The reason I'm saying this is - it's more like ticking a box. For example, in my personal circumstance, I was very keen to go to school. I did my HSC while I was a detainee. Why? I wanted to progress to higher education. But it is very limited. There are limited resources, no decent teachers or education supporters that had capacity or were capable of answering my questions. I needed to analyse textbooks by myself – very difficult. I would usually get only 2 hours with a computer per day. Everything is all paper, you can't even organise them because you can't have staples. The whole situation was very, very outrageous and very difficult to handle. But even in that situation, I was still able to complete my HSC. But I do believe that I could have done so much better.

There was limited education for other people. TAFE courses were not appropriate, they need job ready qualifications. I remember one kid was doing a certificate in WHS. Even then, it was very uncommon for people to do TAFE courses, university or HSC. Very rare. I think the setting is a factor. It is very poorly managed. The resources are very limited and you don't have the support.

Interviewer:

How were your physical and mental health needs handled while you were in detention?

Participant:

The physical help was provided because there are medical centres and nurses on site 24 hours a day. Mental-health-wise it is very much up to the individual. Some counsellors are very capable and are willing to help. They do have empathy and they want to help the kids rehabilitate, find out issues and

what's caused their situation. But others don't care. Most of the time, [mental health support] is just up to people that are willing to help, passionate about helping kids and want to change lives.

Interviewer:

How would you describe the way you and other young people were generally treated by staff?

Participant:

There was always conflict between the two sides. Youth justice shouldn't be like gaol, it should be for rehabilitation. It is a consequence, but also a platform for people to understand and have the opportunity to change. Staff don't always see this, and generally just don't have respect for you due to their position. There's a lack of understanding, lack of respect and lack of responsibility. Through my time, three years of being detained, I see many people who were willing to listen, help, provide a safe setting and a path for growth. But many individuals, they're just showing up to work to make money. There were great people, but there's people who just lack empathy, understanding and are just abusive, there to tick boxes.

First Nations Experience

Interviewer:

Do you identify as Aboriginal or Torres Strait Islander?

Participant:

No.

Interviewer:

What did you observe about how Aboriginal and Torres Strait Islander young people were treated in youth justice settings?

Participant:

They make up a large percentage of the population even though they are a minority population in Australia. I really think they're mistreated because of assumptions, judgements and stereotypes. You have generational trauma, inconsistent support, lack of support, inconsistency of understanding. You have people that are very willing to help out and listen, understand. But others lack awareness, are ignorant or just don't want to be present. No understanding given.

Health, Disability, and Trauma

Interviewer:

Do you think the justice system is equipped to respond appropriately to things like trauma, disability and mental health issues?

Participant:

I don't think so. These kids, most of them have extensive trauma. They need extra support. I know there's a reason they have been put behind bars. But that should not shape their whole future. They need a chance and they're still kids. They have come from very difficult situations, difficult things and experiences. The staff are just not trained to cope with, or to have that understanding of how to support them. They are just there to keep them behind bars.

Long-Term Impacts

Interviewer:

Are there impacts of youth justice that people underestimate or do not talk about enough?

Participant:

I think institutionalisation. They're put behind bars and see things they shouldn't see. A lot of people will say, oh, they deserve that because they are criminals. But it just makes things worse because the place isn't built to rehabilitate. It ends up punishing, shaping them into a criminal. The situation usually ends up making them a worse person because that's all they know and all they see. If you take someone who's traumatised, bullied, going through hardship as a child, then you put them inside, you're shaping them into a person that only knows criminal activities.

You see it when they come out into society – smoking, gambling, don't have the skills to get a job. Don't have the ability to go to education. Or things like how to do taxes. I didn't know how to do taxes when I came out because no one taught me.

The Positives

Interviewer:

What positive supports were available and what did you find helpful while in youth justice?

Participant:

I think the helpful part for me, that changed me as a person, is cultural programs. You have Pacific Islander, Aboriginal, all kinds of things for specific cultures. You're putting people together, giving them chances, a platform to communicate. Not just the detainees, but staff as well. It allows a bridge between the detainees and staff that gives them the ability to communicate, to talk about how things are going, and how things can get better. You're together in the same shoes, working on the same page. You know, learning from each other instead of fighting and conflict.

Fitness is also very important. There was opportunity for fitness. Counsellors can be tricky. Some are very supporting, but some will mislead you, or misuse your information and make the situation harder for you. Although it was very difficult education was positive.

Interviewer:

What things do you wish were available to you?

Participant:

I think more community projects. I remember when I was in [youth justice], there was a community project that was training guide dogs for the blind. So I was able to look after a dog for myself, and this taught me responsibility, time management and also gave me a sense of normality. I feel like I was still in society despite being in a very intense, very panicked situation and environment.

There was also a community garden when I was in [youth justice]. I was able to plant my own vegetables, and it was very meditative for me. It helped with mindfulness and with my mental health. Also, there needs to be more community involvement rather than isolating kids away from society.

Closing Questions

Interviewer:

Is there anything that we haven't touched on that you would like to add?

Participant:

I think I think one thing that I mentioned is that there's lack of transparency in the system. There's no kind of time sheet or information, website, there needs to be something for [families] to understand what life is

like in the justice centres. This caused a lot of panic – the lack of awareness. You don't really know what's going on unless you're in there, right? There are people in the community willing to help, but the process is very complicated with paperwork, many management systems, and a lack of transparency so people don't really know what's going on.

Appendix D

Participant 3 (Formerly Incarcerated)

Personal Context and Pathway into Youth Justice

Interviewer:

What was your life like before you first came into contact with the youth justice system?

Participant:

Life was “simple” the way I say it, but it wasn't normal. Casual domestic violence, unstable housing, like moving houses, hopping around, area-hopping, no money to buy the necessities and inconsistency of hot plates at night. Yeah, there was a lot of that before I was actually incarcerated. But what sort of led me down that way was when my mum lost a partner – a partner left her, but this partner was abusive towards me and my mother.

Interviewer:

Can you talk us through how you first became involved with the youth justice system?

Participant:

So what sort of led me down that road was my identity and not wanting to be home as much, due to how everything was at the time. I wanted to fit in. We area-hopped, so I went from the [South Sydney] to straight out west. I knew nothing about this place. It was a whole new world to me. I was just going in Year 7, going to a new high school, no friends. There were Islanders there, and there weren't as many Islanders where I was from. So I knew I was an Islander and I was trying to fit in with these guys, but they just wouldn't accept me. The islander boys were sort of up to the stuff that I eventually [was incarcerated] for, and I'd do anything just to fit in with them. That's where identity came into play. The second thing was not being home. My stepdad would lock me in my room for hours at times. It was just- it was messed up. And the third thing was when he left, there was no money. We lost the house within two weeks. Everything changed within two weeks for my family. I was already living that isolation, but seeing my family like that, I thought I could do something.

The boys at school were making a bit of money, so I thought I'd give it a go. I started doing what they were doing – going through cars, stealing cars, whatever.

Experiences of Remand

Interviewer:

What was being on remand like and what impact did it have on you?

Participant:

For me, the impact was mainly on the mental side of things. When I went in, I thought I was untouchable. But when you're inside, you've got no one. You're mixing with people you've had dramas with, or just mixing with everyone – and on top of that, you've got to worry about staff and fitting their expectations. There are expectations, but you don't know what they are when you first go in. When you don't meet them, you're getting locked in your room or spoken to like ****. So yeah, my experience on remand wasn't the best. When you're sentenced, that's when everything changes.

It either makes or breaks you, you meet more like minded offenders or otherwise you're scared. The main impact was that what the system was slowly doing to me, it was automating my day with every same task every day. The only difference would be, different lunch and dinner, maybe an extra program of an afternoon. [It felt like] being a robot and essentially making me reoffend after release due to stress and having 0 coping skills.

Interviewer:

What your thoughts on remand?

Participant:

They way you get treated on remand versus when you're sentenced should change. If the court already knows someone is doing long time, there should be early intervention straight away – not waiting until they get sentenced. Sometime a boy does three years and only starts programs when he's got two months left. What does that help? Who does that help? Another big thing is psych services. When you're at your all-time low – and everyone hits that point- the instability of psych support is a massive issue. You talk to

one person, then next week it's someone else asking you the same questions. That throws you off opening up. That's why boys bottle things up. That's a big issues across all centres, not just remand.

I didn't really care about ****, I just wanted my sentence to hurry up. It was a slow process, the longer it dragged on the longer I came to more sense and understanding why I'm in here and how I'm planning to change.

Day-to-Day Life in Detention

Interviewer:

What was education like while you were in detention?

Participant:

Education was actually pretty good. I don't really have anything bad to say about it. That's probably where I did a lot of my learning and fixing myself up. A lot of opportunities. The teachers were very good.

Interviewer:

How were your physical and mental health needs handled while you were in detention?

Participant:

When I first went in, I already had depression, anxiety, bipolar. When you try to do something about it, they just throw you on meds. That's cool, but where's the actual fix? You're drugged up inside, you can't do anything and no one really takes you seriously. The people who say they care are paid to say they care and to give you the drugs. I was on antidepressants and risperidone. I put on a lot of weight and asked about side effects. They said no, just take it and you'll feel happier. When I gained weight, they didn't help. They upped the dose. We shouldn't just be fed meds inside to be happy. There should be programs and other things going on.

If your needs are never met, if you're having mental health issues, you have to ask you staff to put you on a waiting list for a GP or psychologist that comes in once every 2 weeks if you're lucky. [Most times] workers tend to forget which leads to frustration or not being heard, then this [escalates].

Interviewer:

How would you describe the way you and other young people were generally treated by staff?

Participant:

There's a lot of politics inside. A lot of cultural stuff that creates division. Sometimes cultural programs would only favour certain groups. That goes for Aboriginal and Islander stuff. It creates division overall.

[XXXX Youth Justice Centre] was different. You were treated more like a number. [XXXX Youth Justice Centre] was a good centre. You were treated more like a human. When you're treated like a human, you want to do better. It's hard to explain unless you've experienced it.

There's always unnecessary force going on. Certain staff just don't like kids. I've seen it happen plenty of times. I don't even know where to start with that.

First Nations Experience

Interviewer:

Do you identify as Aboriginal or Torres Strait Islander?

Participant:

No.

Interviewer:

What did you observe about how Aboriginal and Torres Strait Islander young people were treated in youth justice settings?

Participant:

They had a lot- sometimes too much- support. Aboriginal boys had more resources, more programs, more time out of their rooms, better caseworkers and Aboriginal courts. It felt unfair when everyone's done the same offence, but some people get a lot more support than others.

Health, Disability, and Trauma

Interviewer:

Do you think the justice system is equipped to respond appropriately to things like trauma, disability and mental health issues?

Participant:

Disability – yes. Trauma – no. Mental health – no. Mental health is just meds, trauma isn't dealt with. Psych services don't really care – you can tell. They're watching the clock, and once time's up, they're gone. They spend money on walkways or new murals or other useless programs, distracting kids from the actual programs. If you actually direct the money into a proper team of psychologists, maybe things would start to work. All that [kids are taught] is that pills fix your mood. When you get out, that's the mindset and attitude [you maintain]. It keeps adding to the problem.

Long-Term Impacts

Interviewer:

Are there impacts of youth justice that people underestimate or do not talk about enough?

Participant:

When you're incarcerated for a long time, you come out not knowing how to live normally. You're used to being told what to do everyday, then suddenly there's nothing. There's no follow-up, no help. That messes you up long-term.

The Positives

Interviewer:

What positive supports were available and what did you find helpful while in youth justice?

Participant:

Outside, Praxis Youth, Centrelink, Parole, not really. Inside, sport and gym programs helped me. Especially at [XXXX Youth Justice Centre] – I could do that everyday. Really, Nothing was available [beside] a bunch of useless flyers, on taking me to a ***** appointment. No job avenues, no housing efforts, just a bunch of flyers.

Interviewer:

What things do you wish were available to you?

Participant:

Proper caseworkers that take your case seriously. I have witnessed so many false caseworkers. I witnessed a caseworker say to my friend who was about to be released that he has housing ready,

Centrelink sorted and a potential job. When he got out it was straight lies, this man really wanted to try when he got out of juvie after 3 years, but instead the system and a bunch of caseworkers lied and gave empty promises.

System Reform and National Standards

Interviewer:

From your experience, was there consistency in youth justice?

Participant:

No. None whatsoever. Everything was different week to week.

Appendix E

Participant 4 (Formerly Incarcerated)

Personal Context and Pathway into Youth Justice

Interviewer:

What was your life like before you first came into contact with the youth justice system?

Participant:

Well, to be honest, I grew up most of my life in Brazil until I was about 13 years old, then I moved to Australia with both my parents, and then COVID started pretty much straight after we moved here. So it was tough times, you know – just moving to a new country, adapting to a new environment, didn't really know anyone here. And then, yeah, I started consuming drugs and alcohol, and then that turned into an ambition to make money. And then, yeah, it just went downhill from there.

Interviewer:

Can you talk us through how you first became involved with the youth justice system?

Participant:

Well, the first offence that I got charged with was a break and enter at a bottle shop. I was 14 at the time. We decided to go there and steal drinks so we could resell it to make some money off that. That was my first contact with the youth justice system.

Experiences of Remand

Interviewer:

What was being on remand like and what impact did it have on you?

Participant:

Look, it's really tough to put it, because it varies. I've been on remand for like six months, but also been on remand for like a week or two. So it's like – I feel like the court system, the more serious the charges, they tend to leave you on remand for longer. But I feel like being on remand, not just for me, but speaking for every young person – it's very stressful because you just don't know what's going to happen to you.

You have no certainty of what your future will look like because you don't know how long you're going to be locked up for. So it does that a massive toll on your mental health and all of that stuff.

Interviewer:

What your thoughts on remand?

Participant:

I personally think, this is my personal opinion, it's understandable that the court system needs time to work on a matter or whatever. But I think there should be a limit on how long a young person can be on remand for, just so it's fair and even treatment for everyone.

Day-to-Day Life in Detention

Interviewer:

What was education like while you were in detention?

Participant:

Look, particularly in my case, I was one of the very few that was able to do actual school in there. So the general population of custody, the school that they go to, it's not like a normal school. They don't really teach anything at all there. It's more just doing paintings and all of that stuff. If you want to do you High School Certificate like I wanted to, or even if there's cases of people doing uni inside, you've got to actually apply, and it's a very hard process for you to get accepted into a class, which is called the Sydney Distance Education class. You're allowed computers in [that class] so it's considered a high-risk class. So you have to go through the whole process of approvals and everything just to achieve some sort of schooling in there. It's tough but I feel like there's a lot of room for improvement in regard to education in custody.

Interviewer:

How were your physical and mental health needs handled while you were in detention?

Participant:

Regarding mental health, I feel like that's one of the main positive points in custody. They have a lot of support, psychiatrists, psychologists which are allocated for each unit. So there's about 10 sites and

they're always on site. Also, if it's urgent, you can just request one of the officers to call them down, they'll come down so you can have a chat to them. I was having fortnightly appointments with my psych, which helped me a lot. Then a psychiatrist as well – you can make a referral and then they'll see you. And they can put you on medication and whatever needs you really have.

In regard to physical health, they have nurses there every day, so they help. But if it's a serious problem you've got to go to the hospital. But that's another thing that I feel like they could improve – because for you to go to the hospital, you need to be risk assessed and it can be a very lengthy process for you to be approved. So the shift supervisors, the managers there, they try to avoid you going to the hospital as much as possible, so it's less paperwork for them, which I feel like is quite unfair. If a young person needs to go to the hospital, it should be easier for them to access that.

I do feel like I was taken seriously, but more so because I had a pretty good relationship with most of the workers there and got along with them pretty well. So it's all about that, you know what I mean? Inside there, it's like they'll help who they want to help. And if you don't get along with the workers they won't hesitate to say no if you ask for help or assistance. It can be quite unfair, the treatment.

Interviewer:

How would you describe the way you and other young people were generally treated by staff?

Participant:

Me in particular, I was treated pretty nice because I was nice to them and we had a good relationship. But I've seen cases where young people weren't treated as fairly or as nicely as they would hope to be treated by staff. And it happens more often that you'd like to see, which is a shame. There's no real explaining as to why they do it. Sometimes they might just not like a kid, or have some sort of resentment towards them, and they just treat them like nothing.

It's hard to feel safe- you're in gaol at the end of the day, it is incarceration. There's no- like "safe". Like I didn't feel like anyone would abuse me or anything, but you're always on edge in there just because the environment – it's only natural that you stay on edge. At the end of the day, you are in gaol, so it's only natural for you to not feel 100% safe.

First Nations Experience

Interviewer:

Do you identify as Aboriginal or Torres Strait Islander?

Participant:

No.

Interviewer:

What did you observe about how Aboriginal and Torres Strait Islander young people were treated in youth justice settings?

Participant:

Aboriginal and Torres Strait Islander young people inside custody – they do have a lot more attention [compared to] another young person that's not of Aboriginal background. They're treated with respect, they have a lot of support and programs, particularly focused on their culture. I was never a person to feel [annoyed, frustrated]. I've had some Aboriginal colleagues in there also. I learned to respect and accept that that is their culture. They should be able to learn and empower that.

Health, Disability, and Trauma

Interviewer:

Do you think the justice system is equipped to respond appropriately to things like trauma, disability and mental health issues?

Participant:

I don't think inside, particularly, is the ideal place for you to be treated for traumas and everything like that. But then again, I don't think they are equipped. But at the same time, I don't think it is their role to be dealing with that.

Long-Term Impacts

Interviewer:

Are there impacts of youth justice that people underestimate or do not talk about enough?

Participant:

I feel like- just being incarcerated is a trauma within itself. It's not the ideal environment for any young person to be in. So I feel like that within itself can be a trauma that a person may carry with them for their lives. I mean... it's very funny because I feel like a lot of young people do trust the system more than anything else. It's a sad reality because they grew up in the system- they grew up in and out of incarceration. That's all they know, so therefore, they end up having huge trust in the system. It's sad to say, but they see that place like their home, and they, like me, they enjoy being there, which I feel like it's hard [to say] what needs to change. I wouldn't say it needs to be harsh inside, but at the same time it's a very tricky question.

I'd split it into two sections. So... the actual juvenile justice centres – I personally feel like they're trying. They try their best to help a young person to the standards that they can meet. They provide you the support that they can – psychologists, there's food, the workers try to reach out to you. But there's only so much they can do, and I feel like the things that they do inside to try and help you, they conflict a lot with the court system. And that's where I feel like it has a negative impact on young people- the court system. Like the long waits of young people on remand, the uneven sentences that you see in multiple cases, the Young Offenders Act, which, in my opinion, it's simply – it's stupid. Like how are you going to judge every single case, which has specifically different details, by the same Act? ... It's hard for one [system] to help the other when there's a court system that that overlooks everything. [The Youth Justice Centres] can't just be like, "yeah, we work with this kid, improve them and then we'll just let them out when we want." It's not up to them.

The Positives

Interviewer:

What positive supports were available and what did you find helpful while in youth justice?

Participant:

When I was in, I was always a young person that put my hand up to go to as many programs as I could. And it's really up to a young person – if you're well-behaved inside and you want to participate in programs, they'll do anything to put you in those programs, and be really helpful at times. But if you're

not well behaved, you don't get to participate in those programs. It's really a form of incentive for you to be participating in such programs.

There are some programs – the essentials – that should be equal access to each and every single young person. But then of course there are some other programs which I feel like it's fair enough that they are used as an incentive.

Interviewer:

What things do you wish were available to you?

Participant:

I would 100% have more interactions between the boys that are gang affiliated – put them in a room to make them talk it out, sort it out – because I feel like that would be very beneficial for them.

System Reform and National Standards

Interviewer:

From your experience, was there consistency in youth justice?

Participant:

I would say they try their best. ... But then again, you've got to split the justice system in two. The actual juvenile justice centres- I feel like they do apply consistency. For example, if you get in a fight, the confinement – it's always the same, it's always going to be the same amount of hours. They're not going to discriminate. It's always the same. ... In regard to the court system though, I see a huge amount of inconsistency, especially in delivering sentences for young people. You see young people coming in for extremely serious charges and then they get such a short amount of time. And then you may see, let's say, an Aboriginal young person that comes in for not as serious a charge, and they'll end up getting more time, or even the opposite. Sometimes an Aboriginal kid may be favoured by the system and get less time than another kid for the same crime. So, [regarding] the court system, there's huge inconsistency.