

'Help way earlier!'

How Australia can transform child justice to improve safety and wellbeing.



Report summary

Led by the National Children's Commissioner, this report is a guide for governments across Australia to reform our child justice and wellbeing systems to reduce child offending, protect the human rights of children and keep communities safe. The focus of the report's 24 recommendations is on elevating child justice and wellbeing to be a national priority, coordinating action across Australia's federation, and ensuring reform of our child justice systems is based on evidence and human rights.

Key recommendations for national reform

- Federal, state and territory governments should establish a National Taskforce for reform of Australia's child justice systems, and develop a 10-year cross-portfolio National Roadmap for reform. This Taskforce should report to Ministers responsible for child justice and child wellbeing across jurisdictions.
- The Australian Government should appoint a Cabinet Minister for Children, with responsibility for the human rights and wellbeing of children in Australia.
- The Australian Government should establish a Ministerial Council for Child Wellbeing, chaired by the Minister for Children, and reporting to National Cabinet.
- The Australian Government should incorporate the Convention on the Rights of the Child into Australian law through a National Children's Act alongside a federal Human Rights Act.

Other recommendations include:

- Improve support for children and families with more affordable housing, increased income support and integration of health, education and social services in local communities.
- Provide culturally safe prevention, early intervention and diversionary programs including free and accessible sport, music, social and cultural programs.
- Improve the current child justice systems by investing in restorative justice programs and child-specialist courts, providing better training and support to the workforces, improving data collection, and investing in services and responses led by Aboriginal and Torres Strait Islander Community-Controlled Organisations.
- Improve protection of children's rights by raising the age of criminal responsibility in all jurisdictions to 14 years, banning the use of solitary confinement, implementing nationally consistent monitoring of child detention facilities, and fully implementing relevant provisions of international human rights treaties.

Report methodology

The report's findings and recommendations are based on submissions, interviews and consultations involving hundreds of stakeholders across Australia, including 150 children and young people who are, have been or are at risk of contact with the child justice system, including those in youth detention. Family and community members were also involved in the consultation process. Organisational stakeholders included youth justice departments, police, judicial officers, First Nations organisations, state and territory children's commissioners and guardians, academics and relevant NGOs.

Key findings

- Vulnerable children and their families told us they need “help way earlier.” The basic service systems of health, education and social services are fragmented, uncoordinated and not fit-for-purpose. Those who most need help are unable to get the help they need.
- The children who come into contact with Australia’s justice systems are living with poverty, insecure housing, domestic, family and sexual violence, health and mental health problems, disabilities, systemic racism and intergenerational trauma. Many are in contact with the child protection systems or living in out-of-home care.
- Currently we are waiting until there is a crisis or a crime, and our policy responses – being punitive rather than preventative – fail to address the underlying causes.
- If vulnerable children are given the necessary support – earlier in the community, while in detention, and when released from detention – they are less likely to get involved in criminal activity, keeping them and our communities safe.
- Media sensationalism about ‘youth crime’ demonises vulnerable children, hardens community attitudes against children and young people, and encourages politicians to take populist ‘tough on crime’ solutions which do not work to keep children or our communities safe.

Key stats | 2022 -23 | Aus. Bureau of Statistics

Children proceeded against by police

- **48,014** children across Australia had legal proceedings against them initiated by police (6% increase on 2021 – 22)
- Of these, **80%** were aged 14 – 17 | The most common age was 16 (22%) | 1% aged 10 | 1.9% aged 11 | 5.4% aged 12, and 11.3% aged 13

Detention and supervision

- On an average day, **4542** children across Australia were under youth justice supervision (28% decrease over 5 years)
- **82%** were in community supervision programs | **18%** were in detention facilities (80% were unsentenced)
- **57%** were First Nations children
- First Nations children were **23 times** more likely to be under supervision and 28 times more likely to be in detention than non-First Nations children
- Almost **1 in 4** First Nations children in detention have an intellectual disability as opposed to 1 in 12 non-First Nations children
- Children from the lowest socio-economic areas are **7 times** more likely to be under supervision than children from the highest socio-economic areas
- Boys are **4 times** more likely to be under supervision than girls
- Children in the child protection system are **12 times** as likely to be under supervision than the general population

Return rates

- **85%** of children released from supervised detention were returned to sentenced supervision within 12 months
- **57%** of children released from community-based supervision were returned to sentenced supervision within 12 months (73% for those aged 10 – 13 | 53% for those aged 16)

Find out more

- <https://humanrights.gov.au/our-work/childrens-rights/publications/help-way-earlier>