



Senate Committee report must drive national action to keep children out of detention

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National Legal Aid welcomes the Senate Legal and Constitutional Affairs References Committee's report on Australia's Youth Justice and Incarceration System, including Labor Senators' comments that youth justice is an urgent priority.

The report adds to the overwhelming body of evidence that the youth justice system is failing children, young people, and the broader community, and confirms what Legal Aid lawyers see every day: children experiencing trauma, disability, family violence and disadvantage are too often met with arrest, remand and detention instead of the help they need.

National Legal Aid Executive Director, the Hon Yvette D'Ath, said the report must be the beginning of accountable national action and Commonwealth leadership - not another inquiry that gathers dust.

"Children's safety, rights and futures should not depend on their postcode. We welcome the recommendations for national minimum standards for the treatment of children in the youth justice system and for a coordinated national taskforce.

"The Committee's report, together with Labor Senators' additional recommendations, sets out a practical agenda: intervene earlier; invest in First Nations community-controlled, therapeutic and diversionary responses; and ensure children can access safe bail accommodation and legal help at the point of custody.

"Real community safety comes from supporting children and families early, not from cycling children through custody. We must urgently end the unnecessary remand of children, including children who are detained simply because there is no safe place for them to go."

We urge the Commonwealth to use all levers available to it to drive urgent, comprehensive reform to Australia's youth justice and incarceration system, including through the development of national action plans - in genuine partnership with First Nations peak bodies and Aboriginal Community Controlled Organisations.

National Legal Aid reiterates its call to raise the minimum age of criminal responsibility to 14, make detention a genuine last resort, end harmful detention practices and guarantee every child timely access to culturally safe, independent legal help.

"National Legal Aid stands ready to work with governments, Aboriginal Community Controlled Organisations, communities and the legal assistance sector to drive urgent reform in line with Australia's human rights obligations. Children's lives and futures depend on it," Ms D'Ath said.

For comment, please contact National Legal Aid on via
NLA@nationallegalaid.org.au