

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Canberra ACT 2600

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2 October 2024

Re: Australia's youth justice and incarceration system

Thank you for the opportunity to provide feedback to this inquiry. It gives me an opportunity to support a child justice system that is based on human rights and underpinned by enforceable national minimum standards consistent with international obligations.

As the Commissioner for Children and Young People my mandate is to promote and advocate for the rights, interests and wellbeing of all children and young people in South Australia, including those whose voices are not often heard.

Australian research shows the social determinants that increase the chance of ending up in prison is greatly dependent on a persons' childhood. These include:

1. Having been in Out of Home Care and Foster Care
2. Receiving a poor school education
3. Being Indigenous
4. Having early contact with police
5. Having unsupported mental health and cognitive disability
6. Problematic alcohol and other drug use
7. Experiencing homelessness or unstable housing
8. Coming from or living in a disadvantaged location.¹

In respect to the child justice system, I am calling for systemic change that aligns with latest research and minimum international standards and rights. We want South Australian children to be kept away from the justice system; healthy, attending school, engaged in sports, hobbies and their community, and, if they need, getting the right supports and services in a timely manner.

I bring to your attention the following CCYP publications that go some way to cover the advocacy I have done in this area, including:

- [Making Change in Youth Justice Report](#) which provides insight from children with lived experience in the justice system and what they are asking for;

- [Child Rights Progress Reports 2023](#) that reports on South Australia's progress made in respect to the recommendations made by the United Nations Committee on the Rights of the Child;
- The Position Brief on [Bail Conditions for Children](#) describing a rights based approach, setting up children and young people on bail to succeed, not fail; and
- The Position Brief advocating why the government should be [Raising the Minimum Age of Criminal Responsibility](#).

I also support the findings and recommendations made in the recent Australian Human Rights Commission publication, '[Help way earlier! How Australia can transform child justice to improve safety and wellbeing](#)'. The Recommendations made support a rights-based approach that should result in an increasing number of children remaining safe in their homes, schools and community.

I would also ask that this inquiry consider how child and youth justice is portrayed in the media, especially the simplistic way the child justice matters are reported. In reality, the drivers and reasons behind child crime is far more complex than these children just being "fundamentally bad", and these complexities are often not addressed by the media. I would be asking for media guidelines ensuring children are better protected.

If you have any queries please do not hesitate to contact this office.

Your Sincerely

Helen Connolly
Commissioner for Children and Young People

¹ University of New South Wales. The social determinant of justice: 8 factors that increase your risk of imprisonment. Accessed at <https://www.humanrights.unsw.edu.au/research/commentary/social-determinants-justice-increase-risk-prison>.