



# FIRST NATIONS YOUTH JUSTICE

The Australian Greens will work with First Nations peoples to take urgent action on youth justice issues in Australia, especially in the Northern Territory. We have a human rights approach and support First Nations peoples having control over the development, design and implementation of youth justice policies.

## OVERVIEW

First Nations young people are 25 times more likely to be in detention than non-Indigenous young people and 17 times more likely to be under youth justice supervision<sup>1</sup>. Some of the underlying reasons young people are interacting with the justice system include systemic racism, intergenerational trauma, high rates of poverty, high rates of mental illness, and high rates of involvement in the child protection system<sup>2</sup>. The Greens are committed to long-term, evidence-based policy approaches that address the reasons young people are overrepresented in the justice system.

We will invest in primary prevention and early intervention programs, including community legal education, outreach, therapeutic and restorative justice approaches, as well as resources for young people and their families.

### **ONE: MAKE THE DETENTION OF YOUNG PEOPLE A LAST RESORT**

The majority of young people in detention around Australia, and particularly in the Northern Territory, are on remand, which means their matters are still in court and they have not been found guilty of any criminal activity. These young people should not be held in detention. In cases where a young person is sentenced to a term of detention, the Greens want to ensure that detention is only ever used as a last resort for any person up to 17 years.

The Greens are calling for the Don Dale and Alice Springs Youth Detention Centre's in the Northern Territory to be decommissioned immediately. We support investing in a new model of youth justice based on a therapeutic model, in line with recommendations from the Royal Commission into the Detention and Protection of Children in the Northern Territory.

### **TWO: END THE USE OF RESTRAINTS, FORCE AND ISOLATION**

The use of physical restraints, force and isolation can cause physical and psychological harm and risks re-traumatising young people. The Greens believe the use of restraints, force and isolation on young people should be prohibited, unless there are specific legislated exceptions which make such an intervention lawful, for example, to prevent a child from imminently

<sup>1</sup> Australian Institute of Family Studies, 2018, 'The intersection between the child protection and youth justice systems', <https://aifs.gov.au/cfca/publications/intersection-between-child-protection-and-youth-justice-systems/export>

<sup>2</sup> Australian Institute of Family Studies, 2018, 'The intersection between the child protection and youth justice systems', <https://aifs.gov.au/cfca/publications/intersection-between-child-protection-and-youth-justice-systems/export>

harming themselves or another person. We will work to prohibit the use of restraints, force and isolation as a form of punishment or discipline.

### **THREE: RAISE THE AGE OF CRIMINAL RESPONSIBILITY**

Across Australia, the age of criminal responsibility is currently set at 10 years, meaning that children are being charged, brought before courts, sentenced and imprisoned. Apart from being inconsistent with international human rights law, criminalising young and vulnerable children creates a vicious cycle of disadvantage and entrenches children in the criminal justice system<sup>3</sup>. The Greens will work to raise the age of criminal responsibility to 14 years across Australia, as a minimum.

### **FOUR: INVEST IN DIVERSION PROGRAMS**

We know that contact with the formal justice system increases the likelihood of future contact with the criminal justice system. Diversion programs operate outside the formal court system to help reduce the risks of further offending and can involve health, treatment, education, training and cultural programs on country. The Greens strongly support First Nations community-controlled organisations developing and operating youth diversion programs in remote, regional and metropolitan communities. We will ensure diversion programs are supported with holistic service delivery by adequately investing in mental health, drug and alcohol services, and housing for young people.

### **FIVE: MAKE BAIL MEANINGFUL**

In some parts of Australia, including the Northern Territory, New South Wales and Tasmania, young people are subject to the same bail legislation as adults. This must be changed so that young people across Australia have special bail conditions that take their age and circumstances into consideration. Many young people who end up in detention are further re-criminalised for minor breaches of bail that should not be dealt with through the criminal justice system. The Greens will decriminalise breaches of bail where no further offending has occurred.

### **SIX: EMPLOY HIGHLY QUALIFIED, SPECIALISED STAFF**

Staff working in youth justice must have expertise in youth development, trauma, de-escalation, therapeutic and rehabilitative approaches. We support a significant increase in the number of First Nations staff working in youth justice and building up the cultural competency of existing staff. We also acknowledge the importance of hiring permanent staff to give young people the best chance of building trusted relationships.

### **SEVEN: PROMOTE JUSTICE REINVESTMENT**

Evidence from Australia's first major justice reinvestment project in Bourke is showing the positive impacts of justice reinvestment, including an 18% reduction in the number of major offences reported and a 39% reduction in the number of domestic violence assaults reported<sup>4</sup>. The Greens strongly support reinvesting money from the criminal justice system into primary prevention programs that reconnect young people to culture. We recognise these programs must be developed by community, with community, and led by First Nations young people. As part of our plan, we are providing \$10 million over four years to establish an independent

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<sup>3</sup> Human Rights Law Centre, 2018, <https://www.hrlc.org.au/factsheets/2018/2/8/explainer-raising-the-age>

<sup>4</sup> Just Reinvest NSW, <http://www.justreinvest.org.au/new-evidence-from-bourke/>

