Media Release

Law Council
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Punitive youth justice laws are failing us all: Law Council calls for federal leadership

Governments around the country have made youth justice laws tougher and more punitive, at a cost of more than $1 billion a year without evidence that it is making communities safer.

Appearing before the Senate Legal and Constitutional Affairs References Committee's hearing today for its Inquiry into Australia's Youth Justice and Incarceration System, the Law Council said the national picture has worsened since it last gave evidence to this inquiry and urged the Federal Government to exercise national leadership.

"Almost two years since this issue was first referred to the Committee we have gone backwards, not forwards," Law Council of Australia President, Tania Wolff said.

"We are locking up more children, for longer, at greater cost than ever before without evidence of a corresponding long-term improvement in community safety.

"The evidence on what works in youth justice is not lacking. It is being ignored. It is simply not rational to keep doing more of what demonstrably does not work."

Around the country a growing number of children as young as 10 are being detained, at great financial cost and with disproportionate impact on First Nations children and families.

"The Law Council acknowledges that children can and do commit crimes, and does not minimise the effects of those crimes on victims. But governments are choosing increasingly punitive measures that are inconsistent with the evidence of what works, and inconsistent with our international obligations," Ms Wolff said.

"I have personally seen the conditions in which children around the country are detained. Those conditions often fall short of Australia's obligations under the Optional Protocol to the Convention Against Torture, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

"The cost of detaining one child in Australia has reached more than $1 million per child annually, for a collective total of more than $1 billion per year. Community-based supervision costs far less and often delivers better outcomes. Redirected to diversion and support services delivered by specialists across justice, health and welfare, that funding could transform children's lives and deliver a lasting improvement in community safety,

"We have welcomed steps already taken by the Federal Government, including funding towards justice reinvestment and establishing the National Commission for Aboriginal and Torres Strait Islander Children and Young People.

“These efforts are crucial against the worsening national picture.

“There is more the Government can do, including on the federal minimum age of criminal responsibility, and through other legal, policy and funding levers we have set out to the Committee in our submission.

“We urge the Government to act on what we have presented to the Committee. The evidence is not the problem. The will to use it is.”

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law