



Youth Justice Senate Inquiry: Interim Report Analysis

Interim Inquiry report [here](#), released on 28 February 2025.

The Senate's interim report exposes the harsh and, at times, disgraceful realities of Australia's youth justice system. The evidence presented reveals a system that not only fails to uphold basic human rights, but actively harms the very young people it claims to rehabilitate. These conditions are unacceptable in any society that values justice and dignity.

The voices of legal experts, advocacy organisations, and individual Senators make it clear that the current approach is not working. Amplifying the voices of children must be central to this effort in order to better understand the conditions and failure. While the Senate's recommendations are a critical starting point, they must be followed by concrete action, attention, and accountability.

Following the release of the interim report, National Children's Commissioner Anne Hollonds of the Australian Human Rights Commission [responded](#) "I sincerely hope this interim Senate Inquiry report will be a turning-point for

systematic change, after decades of neglect of our youngest citizens.” As Hollonds suggested, Australia exemplifies how poor the conditions in youth detention can become, and this international disgrace underscores the urgent need to prioritise human rights. In response, the Senate has put forward two recommendations to continue to work towards change.

Firstly, the committee recommends that the Senate in the 48th Parliament continues the inquiry into the incarceration of children in Australia. They further recommend considering the Commonwealth’s responsibilities in relation to addressing the disproportionate incarceration of First Nations children, upholding international obligations relating to the detention of minors, and responding to the recommendations of the National Children’s Commissioner’s report.

Consideration isn’t enough. The committee heard clear evidence showing that the states and territories are failing Youth Justice; therefore, the Commonwealth must take action to enforce these human rights on a federal level.

The strength of the evidence presented to the inquiry has prompted these recommendations, indicating a clear consensus that further investigation is necessary. These proposals provide a foundation for future inquiry into how Australia can improve its youth justice system. Addressing these human rights issues requires attention and dedicated action.

The interim report also highlights contributions from relevant stakeholders, including state commissioners, NGOs and individuals, many of which focused on the mistreatment of First Nations youth and the broader failures of the system to protect their human rights. A recurring theme in the evidence was the need to align Australia’s youth justice practices with its international human rights obligations, including the *Convention on the Rights of the Child*.

The report emphasised the obligation to uphold compliance with international standards. As per the Commonwealth Constitution, it is the Commonwealth's responsibility to uphold provisions outlined in international treaties and conventions. As Tony McAvoy, in the National Indigenous Times, says Australia has the opportunity to directly confront and address these systemic injustices.

Tony McAvoy SC, a prominent Indigenous NSW barrister [stated](#):

“The Commonwealth could legislate; the Commonwealth could develop policy; the commonwealth could direct funding towards activities which promote and facilitate observation of Australia's international human rights obligations”

The Commonwealth cannot avoid these responsibilities. Alongside the media reports and recommendations, additional statements from individual senators reiterate the need for change.

Senator David Shoebridge (pg. 129) says that:

“The Commonwealth, as a party to international instruments including the Treaty on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous People, has an obligation to ensure these rights are respected and complied with.”

Panel members addressed how basic human rights must be respected in order to ensure successful rehabilitation and reintegration. They emphasised that when children feel isolated from their support networks, such as family and friends, it becomes even more critical that their rights are upheld, they are

treated with dignity, and can reconnect with society, rather than feel like delinquent outcasts.

Similarly, the Guardian of Children & Young People (SA) said that there remain significant systemic issues in the youth justice system that hinder this process. They [stated](#) (pg. 38):

“Rehabilitation is an aspiration rather than a reality, with containment of children being the dominating functional goal of these facilities...[K]ids say to me, 'Instead of helping us to reconnect to society, it's mainly alienating us and making us think that because we've done crime we are always outcasted and always segregated”

This sentiment is echoed at the federal level. As Senator Lidia Thorpe has emphasised, systemic problems persist, particularly with the incarceration of First Nations youths, and is a pressing concern for the Senate. On page 131, Senator Thorpe [stated](#):

“First Nations child removals, policing, and incarceration are the continuation of colonialism. From the early missions and reserves government institutions have always been about controlling, punishing, and removing First Nations children from their families and Country funnelling them from child protection into prisons.”

(pg.141) “Establish a mechanism to provide national oversight and monitoring of the implementation of the reports referred to in Recommendation 6 in all Jurisdictions. Minimum standards must be developed in partnership with Aboriginal and Torres Strait Islander people, and in line with this country’s international human rights obligations.”

The Community Justice Coalition (CJC) and Justice Action (JA) were quoted in several sections of the report and provided insight on protecting human rights justice reinvestment. On page 35, their comments highlight the significance of investing in community-based solutions over punitive approaches. Later, on page 38, their advocacy for basic human rights within detention, particularly regarding access to telecommunications in cells, emphasises the importance of maintaining family connections and restorative practices.

“It makes an enormous difference for a person to be not isolated from family. Everyone’s talked about how important it is to have a family. Everyone’s talked about how important it is to have restorative justice and access to lawyers and counselling. All of those things are achievable, very simply and very easily, with a computer in cells. But the kids have been deprived of that.”

The CJC and JA were cited with references to the issues of rehabilitation and reintegration (pg. 40), representing the voice of children and young people (pg. 123), and the critique of “tough on crime” policies that fail to keep the community any safer (pg. 133).

Media Reports:

Aracy: [March 6, 2025](#)

Lawyers Weekly: [March 4, 2025](#)

Justice Reform Initiative: [February 28, 2025](#)

National Indigenous Times: [February 28, 2025](#)

Australian Human Rights Commission: [3 March, 2025](#)

Centre for Excellence in Child and Family Welfare: [March 11, 2025](#)

2 Key Recommendations by the Senate

The Senate provided two recommendations based on the hearing, these being:

Recommendation 1:

The committee strongly recommends that the Senate continues to pursue an inquiry into the incarceration of children in Australia given the significant and disturbing evidence received by the committee as detailed in this interim report and the issues raised in the report of the National Children's Commissioner entitled 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing.

Recommendation 2:

The committee recommends that the Senate in the 48th Parliament considers whether to refer to the Senate Legal and Constitutional Affairs References Committee an inquiry into Australia's child justice and detention system, with particular reference to the Commonwealth's responsibilities as they relate to:

- a) the incarceration of children, including the disproportionate incarceration of First Nations children;*
- b) compliance with international obligations relating to the detention of children*
- c) responding to the recommendations of the National Children's Commissioner's report entitled 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing; and*
- d) any other related matter.*

Evidently, the Senate have provided these two recommendations as there is a belief that the evidence provided was strong enough to suggest further inquiry into the incarceration of youths. It recognises the difficult nature of this task but the recommendations are a basis for future inquiry into how, as a nation, we can improve the youth justice system.

However, as previously stated by media reports, these recommendations do lack true direction. The Senate must ensure that these are not absent-minded recommendations with no potential for actual change.