

Tuesday, 19 May 2020

## Statement on drop in the rates of youth in detention by Law Council President, Pauline Wright

Any drop in the rates of youth justice supervision should be cause for celebration, but the report of a slight reduction over the past five years in the [Australian Institute of Health and Welfare's \(AIHW\) Youth Justice Report](#) only serves to highlight systemic problems.

The detailed statistics from the AIHW's report continues to paint a picture of an Australia where being Indigenous, coming from a remote area, or growing up in low socioeconomic circumstances increase a child's likelihood of contact with the youth justice system.

Indigenous children continue to be alarmingly overrepresented in the youth justice system.

On an average day in 2018-19, Indigenous children aged 10-17 were 16 times more likely than their non-Indigenous counterparts to be under supervision, rising to 21 times more likely in some states and territories. Indigenous children are 22 times more likely to be in detention and 15 times more likely to be under community-based supervision.

We are also concerned that there has been no improvement to the rates of children in detention awaiting the outcome of their legal matter or sentencing. In 2018-19, about 3 in 5 (63 per cent) young people in detention on an average day were unsentenced, with similar rates reported in 2017-18. This is particularly disturbing given that when they do come to court, many of these children will not be sentenced to any time in detention.

More needs to be done and the Law Council calls on federal, state and territory governments to:

- increase the minimum age of criminal responsibility to at least 14;
- put in place early preventative and diversion services to enable this to happen, with a focus on investing in Indigenous community-led solutions, and particularly in remote and very remote areas;
- expand and fund justice reinvestment trials, which have had promising results so far in diverting young people out of the system; and
- ensure that the COAG Closing the Gap Refresh process includes a strong youth justice target (and adult justice target) as part of its revised targets.

The Law Council believes that complementary Closing the Gap Refresh targets are also critical, with an aim to reduce the proportion of Indigenous children entering out-of-home care, which often provides a pathway into the youth justice system.

The Law Council calls on governments to address the lack of appropriate bail accommodation which leads to many children being held in detention unnecessarily.

ENDS

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