



Policy Position Priorities

Youth Justice

2025



Commissioner for Children and Young People
Western Australia

Acknowledgment of Country

The Commissioner for Children and Young People proudly acknowledges and pays respect to the Traditional Custodians of the lands across Western Australia and acknowledges the Whadjuk people of the Noongar nation upon whose lands the Commissioner's office is located.

She recognises the continuing connection to culture, lands, skies and waters, families and communities of all Aboriginal peoples. The Commissioner and her team also pay their respects to Elders, past and present and emerging leaders. The Commissioner and her team recognise the knowledge, insights and capabilities of Aboriginal people, and pay respect to Aboriginal ways of knowing, being and doing.

A note about language

For the purposes of this report, the term 'Aboriginal' encompasses Western Australia's diverse language groups and recognises Torres Strait Islanders who live in Western Australia. The use of the term 'Aboriginal' in this way is not intended to imply equivalence between Aboriginal and Torres Strait Islander cultures, although similarities do exist.

Who is the Commissioner for Children and Young People?

Jacqueline McGowan-Jones is the Commissioner for Children and Young People in Western Australia (WA). She has an important statutory role to monitor and review written laws, draft laws, policies, practices, and services affecting the wellbeing of children and young people under eighteen. The Commissioner has a duty to regularly consult with children and young people about issues that affect them and to promote the participation of children and young people in the making of decisions that affect their lives. She also has responsibility to encourage government and non-government agencies to seek the participation of children and young people in their work.

More information about the Commissioner and the work of her office is available from:
ccyp.wa.gov.au.

Suggested citation

Commissioner for Children and Young People WA 2025, 'Policy Position Priorities: Youth Justice', Commissioner for Children and Young People WA, Perth.

Content note

This priority paper covers issues that may be distressing for some readers. Please read with care.

If any of the topics discussed raise issues for you, you may wish to contact:

- **Lifeline:** 13 11 14
- **13YARN:** 13 92 76
- **Kids Helpline:** 1800 551 800
- **Butterfly Foundation National Eating Disorders Helpline:** 1800 33 4673
- **QLife:** 1800 184 527






Message from the Commissioner

Since commencing as the Commissioner for Children and Young People in January 2022, my team and I have undertaken extensive consultation with over 11,000 children and young people in Western Australia (WA).

Their voices are critical in informing the work of my office. In 2023, these discussions resulted in the development of Policy Position Statements for Health and Mental Health, Education, Child Protection and Youth Justice. Discussion Papers were then developed and stakeholders (children and young people; government and non-governments; individuals) were also asked to provide submissions in relation to any evidence suggestions or concerns noted.

Following the extensive engagement, including focus groups with children and young people and a review of the 42 submissions received, we evaluated both the Position Statements and Policy Priorities.




I am pleased to provide you with our updated Policy Position Statements and Priorities.

I urge you all to consider these evidence-informed documents when creating policies, programs and services that are aimed at supporting WA children and young people to live in a better world where their voices and rights are valued and respected.



Thank you!

**to all of the children
and young people who
shared their voices.**



Priorities

The Commissioner for Children and Young People Act 2006 (WA) establishes that the Commissioner's paramount concern must be the best interests of children and young people in WA. The Commissioner undertakes research with children and young people to ensure their voices inform the activities and priorities of the Commissioner.

In line with national and international evidence, the Commissioner advocates for youth justice to be focused on the following six priorities:

1

Providing children and young people with specifically designed services and supports, ensuring they are treated differently to adults

Children and young people must be treated differently from adults in the justice system due to their distinct neurological and developmental vulnerabilities.ⁱ The current minimum age of criminal responsibility in WA is misaligned with international standards and does not prioritise the best interests of the child. Given the profound harm caused by detention, particularly for younger children, raising the age of criminal responsibility and detention to 14 is essential to align with the UN principles and a trauma-informed approach. Research highlights that detention at such a critical stage in brain development has lifelong negative consequences, reinforcing cycles of disadvantage rather than preventing future offending. The *Young Offenders Act 1994 (WA)* must be reformed to reflect these necessary changes.

Beyond raising the age of criminal responsibility, the elimination of other harmful practices, including mandatory sentencing, the transfer of young people to adult prisons at 18, and the use of solitary confinement, must also be urgently reformed to reflect international youth justice principles.ⁱⁱ In particular, urgent action is needed to close Unit 18, the juvenile wing within Casuarina maximum-security adult prison. The transfer of 18-year-olds convicted under the *Young Offenders Act 1994 (WA)* to adult prisons must be abolished, as it exposes young people to heightened risks of harm and recidivism. Instead of punitive approaches, investment should be redirected towards early intervention, prevention, and diversion programs that address the root causes of youth offending.

Children and young people have consistently expressed the need to be kept close to their communities, particularly Aboriginal and Torres Strait Islander children and young people, whose cultural identity and connection to Country are fundamental to rehabilitation and wellbeing. Thus, for Aboriginal and Torres Strait Islander children, incarceration comes with an additional consequence, their removal from Country, culture, and community. This compounds the trauma of detention, further disconnecting them from protective factors that support identity, healing, and rehabilitation. Addressing this requires a fundamental shift away from punitive approaches that lead to incarceration and displacement. Instead, investment must be directed towards culturally safe, community-led services and supports that prevent Aboriginal and Torres Strait Islander children and young people from entering the justice system in the first place. Providing children with specialised, trauma-informed interventions, delivered in their communities, will create genuine alternatives to detention.



2 Early intervention, prevention, diversion and support

Children at risk of entering the youth justice system often face complex and intersecting challenges, including socio-economic disadvantage, unstable family environments, homelessness, mental health issues, and disability.ⁱⁱⁱ Disengagement from education, particularly through multiple suspensions or exclusions, is also a significant risk factor. To prevent criminalisation and reduce youth offending, WA must prioritise family support, early intervention, and diversion programs that provide responsive, holistic support to at-risk young people.^{iv}

A whole-of-community approach is essential, with strong collaboration between community services and government agencies to ensure early intervention efforts are effective. This includes resourcing integrated service systems that focus on keeping children out of detention by addressing the root causes of offending. Additionally, building the capacity and responsiveness of government and community services is critical to support the urgent legislative reforms raising the age of criminal responsibility. Without these support structures in place, reforms alone will not be effective in preventing youth incarceration.

For those who do come into contact with the youth justice system, access to appropriately resourced and specialised legal representation is essential. No child or young person should plead guilty to defensible charges simply due to a lack of legal support. Increasing sustainable funding for culturally-safe, accessible child and youth legal services, including outreach and legal education programs, will strengthen diversion efforts and reduce recidivism.

By prioritising early intervention, diversion, and legal support, WA can shift its youth justice system away from punitive measures and towards a model that genuinely supports rehabilitation and positive long-term outcomes.

3 Approaches that privilege relationships and engagement

Children and young people highly value relationships that provide stability, guidance, and positive reinforcement, shaping their ability to engage meaningfully in all aspects of life. Opportunities to build and sustain positive relationships, with family, friends, mentors, and community members, serve as strong protective factors against criminalisation and reoffending.

Effective youth justice interventions must be rooted in relationship-based, therapeutic approaches.^v Youth justice practitioners should engage consistently and dependably with young people, providing support that is respectful, empathetic, and solutions-focused. This means working collaboratively with young people to address their challenges rather than enforcing punitive measures that further alienate them.



To strengthen these relational approaches, investment in cultural reform and capacity-building initiatives is crucial. Resourcing specialist training for youth justice staff will enhance their ability to build trust, support rehabilitation, and engage meaningfully with young people from diverse backgrounds, particularly those from Aboriginal and Torres Strait Islander communities. Additionally, implementing a Relational Security model, which focuses on understanding young people's needs, fostering trust, and ensuring consistency in care and supervision, will help create safer and more effective youth justice environments.

By prioritising relational engagement over punitive responses, we can reduce recidivism and improve outcomes for young people in the justice system.

4 Tailored responses for different cohorts

A 'one-size-fits-all' model does not adequately address the diverse and complex needs of children and young people in the youth justice system. Many of those who come into contact with the system, including children with neurodevelopmental and cognitive disabilities, children in out-of-home care, Aboriginal children, and children from culturally and linguistically diverse (CaLD) backgrounds, face multiple intersecting risk factors that heighten their vulnerability.

To ensure effective and equitable outcomes, the youth justice system must shift away from punitive models and instead resource tailored, evidence-based interventions. This requires significant funding reallocation from incarceration to prevention, early intervention, and diversion programs. Community-led approaches have been shown to be highly effective, yet inconsistent funding and fragmented service delivery undermine their long-term impact.^{vi} A coordinated, well-resourced system that adapts interventions based on individual needs is essential for breaking the cycle of disadvantage.

For children and young people with mental health conditions or neurodevelopmental disabilities, early identification and access to specialist support must be improved to prevent unnecessary contact with the justice system. Additionally, for Aboriginal children and young people, fostering strong cultural connections, through family, community, and Country, is critical for rehabilitation and long-term wellbeing.^{vii}

Language barriers also pose significant challenges, particularly in remote communities where English may be a second or third language. Many young people in contact with the justice system struggle to fully understand legal processes, agreements, and consequences, which compromises procedural fairness. Resourcing culturally and linguistically appropriate interpreters and liaison services across the justice system is essential to ensure justice is accessible and fair for all young people.



Additionally, children and young people have raised concerns about bullying in schools, particularly related to racism, disability, and diverse sex, sexuality, and gender. Addressing these issues requires building the capacity of students and teachers to challenge systemic social barriers and prioritise student safety. We recommend developing and implementing comprehensive anti-bullying and anti-racism educational programs, including professional development for teachers focused on cultural competency, conflict resolution and trauma-informed practice. We also encourage the adoption of recommendations from the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability to ensure inclusive education practices are fully integrated across all schools.

Education supports should be developed in collaboration with children, young people, and their caregivers to ensure they are effective and responsive to individual needs. While some students may benefit from specialised learning programs, others prefer mainstream education with tailored support. Schools and teachers must be adequately resourced, including access to expert guidance, to foster truly inclusive education environments.

5 **Therapeutic, trauma-informed approaches**

There is a high prevalence of trauma and complex needs among young people in the justice system, making it essential to adopt trauma-informed approaches that prioritise stability, predictability, and agency in young people's daily lives. Justice system practitioners must be trained to understand the underlying causes of problematic behaviour, ensuring responses are therapeutic rather than punitive.^{viii}

Evidence overwhelmingly shows that therapeutic interventions, such as social skills training and cognitive behavioural therapy (CBT), are far more effective at reducing chronic reoffending than punishment-based approaches. Maximising young people's control over their daily choices within structured environments builds self-regulation and resilience, ultimately fostering long-term behavioural change.^{ix}

When detention is necessary, restrictive practices such as solitary confinement and punitive control measures are unacceptable. Instead, individualised, trauma-informed interventions should be embedded within youth justice facilities, ensuring consistent, quality throughcare services that support young people during and after their time in custody.

Providing ongoing critical training and support for youth custodial officers and justice staff is crucial to enable effective, individualised engagement with young people who have multiple, high, and complex needs. Sustained investment in therapeutic and throughcare models will ensure that all young people have access to continuous, structured support as they transition back into their communities.



6

Rehabilitative, reintegrative and restorative approaches

Embedding rehabilitative, reintegrative, and restorative approaches within youth justice must be a legislative and policy priority. Punitive responses have repeatedly failed to reduce youth reoffending, whereas restorative justice provides a more effective, community-centred approach.

Research from the Australian Institute of Criminology highlights that restorative justice programs are at least as effective as formal criminal justice responses and often result in higher satisfaction levels for both young people and victims.^x These approaches reduce formal contact with the justice system for low-risk cohorts while fostering community and family involvement in the justice process.^{xi}

A diverse range of rehabilitative options must be available for young people, including diversion programs that address substance use, mental health needs, and cultural healing.^{xii} These programs provide meaningful pathways out of the justice system while ensuring young people receive holistic support that addresses the root causes of their offending behaviour.

To sustain these approaches, formalised interagency agreements between key government departments, including Justice, Education, Communities, Health, and Training and Workforce Development, are essential. Cross-sector collaboration will ensure that restorative justice models, rehabilitation programs, and reintegration services remain accessible, well-resourced, and effective in supporting young people to build positive futures.



References

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- ⁱⁱⁱ Social Reinvestment WA, *Blueprint for a Better Future: Paving the Way for Youth Justice Reform in Western Australia*, Edition 1, August 2022, available at <https://static1.squarespace.com/static/59c61e6dbebafb0293c04a54/t/6479a143b7c66b235b7468d0/1685692774891/Blueprint+for+a+Better+Future.pdf>.
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- ^v Australia & New Zealand School of Government, *10 Pillars of Youth Justice*, 14 December 2021, accessed 15 November 2023.
- ^{vi} Justice Reform Initiative, *State of Incarceration – Insights into Imprisonment in Western Australia*, May 2022, accessed 15 November 2023.
- ^{vii} Australia & New Zealand School of Government, *10 Pillars of Youth Justice*, 14 December 2021, accessed 15 November 2023.
- ^{viii} Liddle M, Boswell G, Wright S et al, *Trauma and Young Offenders: A Review of the Research and Practice Literature*, Beyond Youth Custody, 2016, accessed 19 December 2023.
- ^{ix} Liddle M, Boswell G, Wright S et al, *Trauma and Young Offenders: A Review of the Research and Practice Literature*, Beyond Youth Custody, 2016, accessed 19 December 2023.
- ^x Larsen, J, *Restorative justice in the Australian Criminal Justice System*, Australian Institute of Criminology, 2014, accessed 10 December 2023.
- ^{xi} Australia & New Zealand School of Government, *10 Pillars of Youth Justice*, 14 December 2021, accessed 15 November 2023.
- ^{xii} Royal Commission into the Protection and Detention of Children in the Northern Territory, *Final Report – Volume 2B*, 17 November 2017.

