

With us, not against us

A systemic inquiry to learn from
the experiences of children who
entered the criminal justice system
before 14



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

The Commission respectfully acknowledges and celebrates the Traditional Owners of the lands throughout Victoria and pays its respects to their Elders, children and young people of past, current and future generations.

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Suggested citation

Commission for Children and Young People,
With us, not against us: A systemic inquiry to learn from the experiences of children who entered the criminal justice system before 14 (Melbourne: Commission for Children and Young People, 2026).

Additional protection

Published by order, or under the authority, of the Parliament of Victoria

July 2026

ISBN 978-1-7635304-4-7

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COMMISSION FOR CHILDREN
AND YOUNG PEOPLE

CCYPD/26/3269

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Dear Ms Noonan and Mr McDonald

With us, not against us: A systemic inquiry to learn from the experiences of children who entered the criminal justice system before 14

We hereby request that *With us, not against us: A systemic inquiry to learn from the experiences of children who entered the criminal justice system before 14* be tabled in accordance with section 50 of the *Commission for Children and Young People Act 2012*.

We would be grateful if you could arrange for the report to be tabled in the Legislative Assembly and the Legislative Council on 30 July 2026.

Yours sincerely

A handwritten signature in black ink, reading 'Tracy Beaton'.

Tracy Beaton
Principal Commissioner

A handwritten signature in black ink, reading 'Dallas Widdicombe'.

Dallas Widdicombe
Commissioner for Aboriginal
Children and Young People

9 July 2026

Acknowledgements

The Commission would like to acknowledge and thank the many people who contributed to this systemic inquiry.

First and foremost, we thank the children and young people whose experiences and voices have shaped this inquiry and are woven throughout the report. We are so grateful for their trust and willingness to share their stories, insights and ideas about what is important to change to better support children and young people when they need it. Their contributions have informed our findings and recommendations and will continue to guide our advocacy for reform.

Thank you to the Commission's Youth Project Officers and Youth Council, young people with diverse experiences including in the child protection, out-of-home care and youth justice systems, whose thoughtful advice and ongoing guidance strengthened this inquiry. As always, their perspectives challenged our assumptions, informed our approach and helped ensure this work remained focused on what matters most to children and young people.

We extend our thanks to the people, including those who work with and support children and young people who come into contact with the criminal justice system, who generously contributed to the inquiry through interviews, submissions and roundtable discussions. We also thank the individuals and services who supported children and young people to participate in the inquiry's consultations and survey.

Content warning

Readers are warned that the content in this report may be distressing. The Commission respectfully recommends that readers exercise care so that the content in this report does not cause unintended harm.

Message from the Principal Commissioner

Children have one childhood, and the care, safety and wellbeing of children must remain at the centre of Victoria's laws, policies and service systems. A child's healthy development does not begin and end in the family home. It is shaped by their access to education, healthcare and stable housing, the strength of their family and community connections, and whether the systems around them respond to adversity with care, understanding and effective support.

When a child in Victoria comes into contact with police, appears before a court, or is placed in custody, it is a sign that something has gone seriously wrong. Children who engage in high-risk or harmful behaviours are not acting in isolation. Their behaviour is often a symptom of trauma, unmet need, exclusion and instability. Many of these children have experienced abuse, neglect, family violence, racism, disability, poor mental health, disrupted schooling and housing insecurity. Many are already known to services.

These realities require us to ask not only what has happened to a child, but whether the systems responsible for their care and support acted early enough, effectively enough, and in ways that upheld their rights and dignity as children. When a child enters the criminal justice system at a young age, it often signals that earlier opportunities to provide support were missed, or that the support offered fell short of what was needed.

Victoria has taken important steps in recognising the developmental needs of children, including raising the minimum age of criminal responsibility from 10 to 12. However, the decision not to proceed with raising the age to 14 means that children aged 12 and 13 remain exposed to policing, court processes and punishment at a developmental stage when they are especially vulnerable to harm. This is a significant missed opportunity to align Victoria's response with the overwhelming evidence, expert advice and



longstanding calls from Aboriginal communities and the child, family, health and legal sectors.

There is a substantial body of evidence demonstrating that punitive responses to children do not address the underlying drivers of their behaviour and do not improve community safety over the long term. Instead, early criminalisation can deepen disadvantage, entrench trauma and increase the likelihood of further justice system involvement. These impacts are not felt equally. In Victoria, Aboriginal children remain significantly overrepresented in child protection and youth justice systems, reflecting the ongoing effects of colonisation, intergenerational trauma and systemic racism. Other children facing multiple forms of disadvantage, including children from multicultural backgrounds and those in out-of-home care, and children with disability, are also disproportionately affected.

Government responses to children must be guided by evidence, not by fear, stigma or short-term political pressure. Public concern about community safety must be met with responses that are effective, proportionate and capable of producing lasting change. This requires sustained investment in prevention and early intervention, alongside therapeutic, culturally safe and developmentally appropriate supports for children and their families. It requires stronger responses across health, education, housing, disability, child protection and family violence systems. It also requires listening to children and young people themselves, whose experiences make clear both where systems are failing and what support can make a positive difference.

Victoria has the opportunity to build a more just and effective response for children – one that addresses harm without deepening it, and one that recognises children's capacity for growth and change. The best interests of children must be advanced through understanding development and trauma rather than applying an adult system to their behaviours. They are entitled to grow up in a society that protects their rights, recognises their developmental stage, and responds to adversity with humanity, intelligence and care. It is incumbent on all of us to ensure that our responses are evidence based and equal to that responsibility.

The children and young people in this inquiry know what they need. They need adults to show courage: the courage to reject simplistic narratives, to resist punitive impulses, and to insist on responses grounded in evidence, rights and humanity. They need governments to govern responsibly, not reactively. They need services that work together, not in silos. They need communities willing to see them as children first.

How we respond to children in distress is a measure of who we are as a society. If we continue to meet trauma with punishment and vulnerability with exclusion, we will keep failing those who most need protection, and we will fail the wider community too. But if we choose evidence over fear, prevention over reaction, and care over criminalisation, we can create safer communities and better futures for children.

Children cannot carry the burden of adult failure. That responsibility belongs to us.

Tracy Beaton

Principal Commissioner

Message from the Commissioner for Aboriginal Children and Young People

This report is focussed on children aged 10 to 13 years who come into contact with the criminal justice system. Children who are still developing – cognitively, emotionally, socially – and who are still dependent on adults around them for guidance and protection. Yet, this is the age at which too many Aboriginal children in Victoria have first encountered police, appeared before a court, and even experienced custody.

Although I have recently commenced in the role of Commissioner for Aboriginal Children and Young People, I am acutely aware of the issues outlined in this report. I know that early opportunities to divert children are being missed, and that Aboriginal children are over-represented in the criminal justice system in Victoria. Children deserve to be treated differently to adults—they deserve to be treated like children; with care, understanding, and support.

We cannot consider Aboriginal children's experiences in the criminal justice system without acknowledging systemic racism. I care deeply about addressing the harm that systemic racism causes Aboriginal children, and the harm it causes children and young people from multicultural communities. The data for the 26 children under Youth Justice supervision in our file review for this inquiry shows that:

- 27 per cent of the children are Aboriginal, and
- 42 per cent are from multicultural backgrounds.

That means 69 per cent of the children whose files we reviewed are from communities that are subject to increased racism and marginalisation.

This report details children's experiences in an effort to bring greater understanding to the circumstances, needs and strengths of children who have early contact with the criminal justice system. This includes combatting the incorrect assumptions and stereotypes perpetuated in the public domain around youth crime. We must collectively dismantle harmful stereotypes about children and young people in order



to promote positive, meaningful change in their lives. For young people who experience the harms caused by racism and discrimination, this is even more urgent.

What Aboriginal children and young people told us in this inquiry was not complicated. They told us they want to be heard and listened to. They told us they want school to feel safe, engaging, and inclusive. They told us that prevention and early intervention support, like access to free sport and other activities, child and family services, community spaces, and healthcare would have made a difference in their lives.

We know that outcomes for Aboriginal children and young people improve when services are delivered by Aboriginal organisations. Aboriginal Community Controlled Organisations know what prevents children and young people from coming into contact with the criminal justice system, what protects them when they do come into contact, and what breaks

cycles of incarceration and supports them to reach their future potential.

We also know that when our children and young people come into contact with the criminal justice system, it is after they have been failed by other systems that were meant to protect them. All of the children we reviewed in this inquiry had child protection involvement. Most of the Aboriginal children lived in out-of-home care and were subject to a higher number of Child Protection reports. This highlights the critical importance of strengthening systems to meet the needs of children, families and communities as early as possible.

Education is a powerful protective factor for children and young people. It creates opportunities for positive social connection and development, and it motivates them to achieve their goals. We found that most of the children reviewed for this inquiry were chronically absent from school. Children and young people indicated in consultations that school was not always a safe space for them. This is especially compounded for children and young people living in out-of-home care and who have experienced instability in their placements. Education providers have a responsibility to engage students and create culturally safe learning environments for Aboriginal children and young people. When students stay connected with education, they are less likely to come into contact with the criminal justice system.

This report calls for us as adults to show up earlier in children and young people's lives to meet their needs, before contact with the criminal justice system ever happens. So, I want to be direct about what this report asks for. It asks us to show up at home, to show up in health centres, to show up in community spaces, to show up in schools. It asks that next time more punitive options are considered, we instead turn to what the evidence shows us works—early help and Aboriginal communities holding real decision-making

power for our young ones. This report asks that children be treated as children. For Aboriginal children, that means they deserve to be held by their families and communities, connected to their culture, and supported to thrive, far away from the criminal justice system.

Dallas Widdicombe

Commissioner for Aboriginal Children and Young People

Message from the Commission Youth Council

We, as the Commission's Youth Council, view this inquiry as more than a report, it is a call to action and we believe this inquiry should not have to exist. Children should not have to face the conditions that lead to them entering the criminal justice system, nor should they have to face the trauma of a punitive and outdated justice system that does not assist in their rehabilitation. We hope you learn from the experiences shared in this report about how we can change this together.

The energy that is poured into villainising and scrutinising these children should instead go towards asking the question of how they end up in the justice system in the first place. All too often, this question goes unasked due to the shameful truth in the answer; that we as a society are collectively failing our youngest and most vulnerable.

Some of us have personally experienced the justice system and acknowledge the impact of harmful actions on others. We also know too often that children and young people are defined by the decisions they make at a crossroads very early in their lives. People focus on the offence, the behaviour, or the mistake, but rarely stop to ask what happened early in our childhood. No one offered support when the signs were first there, and then later, no one considers what barriers existed or how the systems around us failed to respond when help was needed most.

When the onus is placed solely on the child or young person to do better, to be better, it ignores the reality that many are navigating challenges that no one should have to face. Young people are often living in survival mode, experiencing trauma, family violence, homelessness, racism, disconnection or being excluded from school, poverty, loss, and other injustices. The criminal justice system is currently an ineffective attempt to break children and young people's fall.

We need to start asking the harder questions. Could it be that the adults, services, systems, and communities around young people are failing them? Are we responding early enough? Are we creating opportunities for young people to heal, grow, and reconnect, or are we simply reacting when a crisis occurs?

Too often, we knowingly and unknowingly gravitate towards punitive responses rather than rehabilitation, prevention, and genuine support. But if we are serious about creating safer communities, then we must be serious about investing in children and young people before they enter the justice system and supporting them in circumstances when they do.

Throughout this report, children and young people share their experiences, insights, and recommendations. There are stories of heartbreak and tragedy, and stories that highlight what is not working, and what needs to change. We hope that when you read the report, you feel every word of every young person's story, and this fuels you to make change.

This inquiry is not a 'nice to have'. We all have a responsibility to get this right, and an obligation to uphold the rights, safety and wellbeing of children and young people and to create systems that support them. This is painstakingly clear, and now more than ever.

The question is not whether we can afford to make these changes. The question is whether we can afford not to. Children and young people are telling us what they need. Now it is time for us to listen and act.

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Executive summary

Looking back, I think things could have been different if I'd had the right support earlier. (Liam, 15)

All children have the right to grow up in a just society, one that treats them fairly and as children, in ways that recognise their dignity, worth, developmental stage and strong capacity for change. They also have the right to grow up in a safe, nurturing home, with access to the opportunities and supports they need to reach their full potential. These protective factors support children's wellbeing and contribute to strong and safe communities.

When a child engages in harmful or offending behaviours, this is often a signal that something has gone wrong and there may be more risk factors than protective ones in their life. These behaviours should prompt a response that reflects the evidence about what works, responds to the child's stage of development, circumstances and age, and provides the best opportunity to prevent harm from happening again. This helps to keep communities safe.

At the Commission for Children and Young People (the Commission), we see persistent systemic issues that lead to children being criminalised at an early age. This places them at a higher risk of repeating and escalating behaviours that harm others. Criminalising the behaviour of children is an ineffective, harmful and costly approach that creates cycles of disadvantage and forces children to become entrenched in the criminal justice system.

We established this inquiry to understand the experiences of children who entered the criminal

justice system before they turned 14. Sharing their experiences and amplifying their voices is critical to raising understanding of the drivers of high-risk and harmful behaviours and improving policy and service responses.

Building on the well-established evidence on what is needed to improve outcomes for children, families and communities, this report makes six findings and 15 recommendations to achieve a whole of system approach to prevention and early intervention to address the underlying causes of harmful behaviour, while responding effectively to incidents when they occur, for the benefit of the whole community.

How the Commission approached this inquiry

We took a targeted approach to address the inquiry's terms of reference, which included:

- consulting with 41 children and young people who had been involved in the criminal justice system when they were under the age of 14
- a targeted file review for 26 children who were under Youth Justice supervision in 2023–24 and 2024–25 for offences committed or allegedly committed when they were under 14, representing 96 per cent of all children in this cohort
- consulting with community organisations and professionals that work with children, young people and their families, and researchers with expertise in this area
- analysis of data and information from the Department of Justice and Community Safety (DJCS), Department of Families, Fairness and Housing (DFFH), Department of Education (DE), Crime Statistics Agency and Victoria Police.

The evidence we gathered reinforced findings from previous research and inquiries.

A shifting policy context

This inquiry was conducted during a period of rapid and substantial changes in policy and legislation.

In August 2024, the Victorian Government passed legislation to raise the minimum age of criminal responsibility from 10 to 12, but also reversed its original commitment to further raise the age to 14, amid building public concern and media attention about serious offending by young people. The Government has introduced several initiatives to minimise children's contact with the criminal justice system, including reforms in the *Youth Justice Act 2024*, but also progressed a significant reform agenda comprising more punitive measures including policies that treat children aged 14 and above in the same way as adults in the criminal justice system.

This inquiry explores ways to prevent children's early involvement in the criminal justice system, as the younger a child is when they have their first contact the higher the chance of future offending. Preventing criminal justice system involvement and responding effectively to children under 14 is increasingly

important given the Government's recent changes that will result in more children and young people in custody, including adult prison, from the age of 14, creating a higher risk of their long-term entrenchment in the criminal justice system.

Children's experiences before contact with the criminal justice system

These children need to be seen as victims of crime themselves and treated appropriately and supported appropriately.
(Aboriginal Community Controlled Organisation)

The children and young people who informed this inquiry have experienced significant adversity and have multiple, intersecting needs. Many have experienced abuse, violence, harm and neglect, as well as moving in and out of systems and services intended to support them. Despite the intent of these systems, we heard from children and young people that their needs were not met in a meaningful way. Too often, they were forced to navigate adversity from an early age and on their own. Without access to appropriate and specialised supports, or supports that meet their actual needs, children's experiences of harm in their younger years can manifest into further harm and risk-taking behaviours as they get older.

The experiences of 26 children subject to Youth Justice supervision

The data for the 26 children in our file review showed that:

- Child Protection had been involved with all 26 children, receiving a total of 250 reports over the course of their lives that raised concerns for their safety and wellbeing. Twenty-one children had an open report at the time of our review.
- Over half of the 26 children (58 per cent) were the subject of reports before turning five. Over a third were the subject of their first report before turning one.
- Family violence was the most common protective concern raised in the reports overall, featuring in 122 reports (nearly one in every two reports) made

in relation to 22 of the 26 children. For 13 children, family violence was first raised as a protective concern before the age of five.

- Nineteen of the 26 children were placed in out-of-home care at some point, with over a third (seven children) before they turned five. Fifteen of the 19 children experienced multiple placements and 12 (63 per cent) lived in residential care at some stage.
- Most of the children were disproportionately recorded as chronically absent at school, with an average of 79 per cent absence since 2022. They also experienced a higher suspension rate, at an average of 27 per cent per year between 2019 and 2025 compared to the average statewide rate of three per cent.

Impacts of intergenerational adversity and instability in children's lives

We heard from children, young people and stakeholders about how patterns of intergenerational adversity can negatively shape the lives of children and young people who encounter the criminal justice system, including parents who had prior involvement with the child protection and criminal justice systems themselves. Drawing on the Commission's recent *Left behind* inquiry, this in part reflects the limited capacity of the child and family system – stretched by growing demand and challenged by the complexity of issues children and young people experience – to help families make positive and sustainable changes to their lives.

In some Aboriginal families, the statutory removal of their children has occurred across generations, reflecting the ongoing impacts of colonisation, dispossession and structural racism. Harmful government interventions have compounded these impacts, increasing the likelihood of Aboriginal children's contact with the criminal justice system.

We also heard that children, young people and their families from newly arrived communities and multicultural backgrounds are too often stereotyped, racially profiled and dehumanised in service systems. This contributes to the risk of criminalisation for these children and young people, particularly where cultural needs are not adequately understood or supported.

Overall, early trauma, compounded by instability and limited support – at home, in care and at school – has

lasting effects on children's development and wellbeing as evidenced by the children who informed this inquiry. When system responses are unable to meet children's fundamental need for safety, recognition and a sense of belonging, children may seek connection elsewhere. In some cases, this can leave children vulnerable to criminal and sexual exploitation. Together, these circumstances increase children and young people's risk of contact with the criminal justice system.

Children's experiences of the criminal justice system

Most children do not offend. Those who do, mostly engage in low-level anti-social behaviours and grow out of them as they mature, without the need for criminal justice system intervention.

The law presumes that, because of their stage of development, children under 14 are incapable of being held criminally responsible. However, this can be rebutted and does not stop children from experiencing police, courts and custody.

For most children under 14 who have contact with the criminal justice system, their experience begins and ends with police. A small proportion are charged, and very few have charges that are proven and receive a sentence. The small number who move deeper into the criminal justice system are most commonly children who have experienced significant adversity or trauma, instability, and unmet health and developmental needs.

Even though the numbers are small, too many children experience long-lasting harms from contact with the criminal justice system, including from negative and sometimes violent interactions with police or multiple episodes of remand (being held in custody before being found guilty or sentenced). This can deepen disadvantage and further entrench children in the system, without supporting positive changes.

Harmful experiences of police

They think ‘if we treat them like shit and rough them up then they won’t want to do crime’. But it just fucks us up even more. (Jimmy, 13)

Children under 14 make up a very small fraction of all people recorded in police data – around one per cent of recorded ‘unique alleged offenders’. A substantial proportion of children aged 10 to 13 in this category are also recorded by police as victims of crime or family violence, or both.

In consultations, most children and young people spoke about their experiences with police, describing interactions that were often violent, excessive, and harmful. They reported being stopped, questioned, or monitored in ways that were racist, disproportionate, and that, in some instances, escalated situations rather than resolved them.

We heard how prior negative experiences with police caused children and young people to feel unsafe and diminished their trust in police. Children and young people living in residential care shared that increased police involvement can impact their care experience, influence how they see themselves, and affect their sense of safety and trust in authority.

Youth justice supervision

A small number of children aged under 14 come under Youth Justice supervision. They are generally boys aged 13, most commonly on supervised bail in the community.

Some groups of children are more likely to be under Youth Justice supervision. Of the 26 children in our file review, 27 per cent identified as Aboriginal and 42 per cent were from multicultural backgrounds. Data indicated that 88 per cent of the children lived with disability.

In the data we reviewed, from 2019-20 to 2024-25, no child under 14 was sentenced to a custodial order. However, children aged 11 to 13 did experience a period, or multiple periods, of youth justice custody, on remand. Remand is widely recognised as the most damaging part of the system: it can severely disrupt a child’s development and access to education, family and community connections, compound trauma and

health issues, expose children to unsafe environments and unhealthy peer influences, and increase the likelihood of entrenching offending behaviour. These risks are particularly acute for children under 14.

Our file review found that 12 of the 26 children experienced remand before the age of 14, spending an overall average of 61 days in custody before turning 14. One child spent nearly a year in custody in total, over 11 episodes of remand. At least half of the 12 children did not receive a sentence, because the *doli incapax* presumption applied or the charges were withdrawn or dismissed. This means they were exposed to the harms of custody without ultimately being found guilty of an offence.

Harms in custody

Entered custody at 14. Made me go down the wrong path even more... (Cameron, Aboriginal, 16)

Children and young people are exposed to significant and compounding harms in youth justice custody, undermining their capacity for positive and sustained changes.

The Commission has long raised concerns about the impact of certain practices in youth justice custody on children and young people’s safety, health and wellbeing, particularly the use of isolation and lockdowns (‘security isolations’). Fifteen of the children in our file review experienced periods of isolation in custody, ranging from 15 minutes to 11 hours. Collectively, they experienced 530 episodes of behavioural isolation and 2,509 lockdowns, from January 2023 to June 2025. One child experienced 273 behavioural isolations. Another child experienced 714 lockdowns (totalling 1,136 hours).

There are growing pressures in Victoria’s youth justice custodial centres, which are adversely impacting children and young people’s safety and rehabilitative needs. These include increasing numbers of children and young people in custody, workforce capability issues, infrastructure constraints, and children and young people presenting with greater levels of complexity. The *Youth Justice Act 2024* includes strengthened safeguards regarding the use of isolation and other restricted practices in youth justice custodial

centres, scheduled to commence in September 2026. Implementation of these safeguards must be monitored closely, given the increased number of children and young people who will be incarcerated following the Victorian Government's recent changes to sentencing laws.

A largely ineffective response

Despite significant efforts made across services, it is already well-established that early contact with the criminal justice system increases the likelihood of children having continued and more intensive contact over time. The data and files we reviewed were consistent with this evidence: since 2017, most children who came under Youth Justice supervision before the age of 14 continued to have contact with the system after turning 14.

These patterns may reflect broader challenges within current service systems, including that they may not be adequately meeting children's needs. It also highlights the limited effectiveness of the criminal justice system in responding to children, particularly those under 14.

Solutions

We need to reframe the question to centre on what children need...
(Community Service Organisation)

Children under 14 do not belong in the criminal justice system. They need safe, stable relationships, access to early support and opportunities that enable them to grow, learn and thrive. When they engage in high-risk and harmful behaviours, they need timely, evidence-based, therapeutic and developmentally appropriate responses.

The Commission recommends a continuum of solutions to keep children out of the criminal justice system and to promote strong and safe communities. The recommendations seek to strengthen collective responsibility across the Victorian Government to meet children's needs and achieve a whole of system approach to prevent and respond earlier to the underlying causes of high-risk and harmful behaviours.

Our recommendations build on previous inquiries, including the Commission's *Left behind*, *Let us learn* and *Our youth, our way* reports, as well as the *Yoorrook for Justice* report and the *Report of the South Sudanese Australian Youth Justice Expert Working Group*. Several recommendations build on new initiatives, including the Supporting Strong and Stable Families Scheme and the Violence Reduction Unit. Importantly, our recommendations reflect the views of children and young people who have a right to be involved in decisions that impact them.

Children and young people told us what would make a positive difference to their lives. They spoke about having access to more activities, programs and services; support from friends, families and mentors; and care and understanding from their teachers and Child Protection and Youth Justice workers. Ultimately, they told the Commission they want to be heard and listened to.

These themes are reflected in our recommendations, including that schools support ongoing connection and learning for children and young people experiencing vulnerability and coordinate early support where needed; and greater investment in place-based youth hubs to provide children and young people with better access to recreational activities and community services.

The evidence highlights the importance of interventions that build on children's strengths and culture, are appropriate for their age and development, respond to their needs and experiences of trauma, support their healthy development and uphold their rights. These child-centred principles are central to our recommendations in this inquiry, and several from our recently published *Left behind* systemic inquiry that call for increased government investment in child and family services, family violence services and youth-specific services. The Victorian Government's implementation of these *Left behind* recommendations is an important part of the solution to prevent and reduce the criminalisation of children.

Our recommendations also seek to provide children with tailored, supportive and coordinated responses when incidents occur, because this is the best way to address the causes of harmful behaviour and prevent it from happening again. The Commission recommends, once again, that Victoria's minimum age of criminal responsibility be increased to 14,

without exceptions. Consistent with this position is the need to prevent children's contact with police through an alternative first responder model, and to replace a criminal justice response with an effective, integrated service response when children display high-harm or offending behaviours.

We make recommendations to make youth justice custody safer and more rehabilitative, because the children and young people who are held in custody need this urgently. This requires providing children and young people with a structured day; a skilled, confident and trauma-informed workforce to improve behaviour management; and strategic governance within DJCS to ensure the centres deliver the outcomes that support children and young people's rehabilitation.

Improved long-term outcomes for children, families and the communities can be achieved, through a whole of system approach grounded in child-centred principles and care, and responses that address a child's needs, culture and context. This includes prioritising prevention, early support and strengthening families' capacity to support their children's healthy development. This requires government departments and service systems working together and directly with children and young people. As 'Sean' told us:

*What would actually help is simple:
work with us, not against us... Sit down with us...
(Sean, Aboriginal, 19)*

We urge you to read Sean's story, and the stories of 'Liam', 'Cameron', 'Abby', 'Johnny' and the many other young people whose voices are throughout this report. Read their stories, learn from their experiences, see their strengths, and join their calls for Victoria's systems to do better for children and young people, working with them, not against them.

Findings and recommendations

Findings

Finding 1:

Evidence shows that prevention and early intervention deliver the strongest positive outcomes for children and young people and the greatest gains for long-term community safety.

A substantial body of evidence shows that early contact with the criminal justice system increases the likelihood of reoffending and an escalation in offending behaviours. Children already experiencing instability, vulnerability and disadvantage are disproportionately impacted by early criminal justice system involvement. Prevention and early intervention are the most effective strategies to reduce children and young people's engagement in high-risk and harmful behaviours and strengthen long-term community safety.

When harmful or offending behaviour occurs, common features of effective responses include multidisciplinary assessment, developmentally-appropriate, therapeutic and trauma-informed supports, family engagement and culturally responsive supports delivered through community organisations.

Finding 2:

Children who were engaged in the criminal justice system from an early age often grew up facing significant, complex, and overlapping adversities.

The 26 children who were supervised by Youth Justice in 2023–24 and 2024–25 for offences or alleged offences when they were under 14, were collectively the subject of 250 Child Protection reports that raised concerns for their safety and wellbeing. Family violence was the most common protective concern for the children. Nineteen children were removed from their families due to serious harms and abuse.

More than a third of the 19 children entered out-of-home care before turning five (seven children) and two-thirds lived in residential care (12 children). Seventy-nine per cent (15 children) experienced multiple placements. Instability is also reflected in the children's educational experiences, with 79 per cent chronically absent from school since 2022.

Finding 3:

Cumulative disadvantage shapes children's development, constrains their access to protective factors and heightens their risk of criminal justice system involvement.

When children and young people experience trauma early in their lives followed by instability and limited support – at home, in care and at school – it has lasting effects on their development, wellbeing, sense of self, and behaviour. These conditions increase the risk of children and young people encountering the criminal justice system, particularly when their sense of belonging is undermined and they seek connection in unsafe environments.

Finding 4:

The criminal justice system disproportionately impacts boys, Aboriginal children, children from multicultural backgrounds and children with disability.

The 26 children supervised by Youth Justice in 2023–24 and 2024–25, for offences or alleged offences when they were under 14, were all boys. Twenty-seven per cent identified as Aboriginal, and 42 per cent were from multicultural backgrounds. Eighty-eight per cent of the children were living with disability.

This reflects the broader body of evidence that consistently highlights that these groups make up a disproportionate percentage of the criminal justice and youth justice custodial systems.

Finding 5:

The criminal justice system response to children under 14 does not effectively respond to children’s developmental and rehabilitative needs, with early involvement being associated with poorer individual, social and justice outcomes.

Very few children under 14 receive charges that go to court, and even fewer have charges proven and receive a sentence. Despite this, too many children still experience long-lasting harms that arise from contact with the criminal justice system, from negative and sometimes violent interactions with police to multiple episodes of remand.

Supervised bail was the first contact with Youth Justice for over half of the 26 children under Youth Justice supervision in 2023–24 and 2024–25, but for nine of the children, remand was their first experience of Youth Justice supervision.

Early contact with a system that does not effectively recognise children’s developmental and holistic needs is linked to continued engagement with the criminal justice system. Of the 26 children supervised by Youth Justice in 2023–24 and 2024–25, 75 per cent had further alleged offending after turning 14.

Finding 6:

Children and young people are exposed to significant and compounding harms in youth justice custodial environments, undermining their capacity for positive and sustained changes.

Most children aged 12 and 13 who enter custody do so on remand. Remand significantly disrupts children’s lives, interrupting access to education and other support. Twelve of the 26 children under Youth Justice supervision in 2023–24 and 2024–25 experienced remand before the age of 14, and on average, they experienced 3.7 episodes of remand, 17 days per episode, and 61 days overall.

Children experience harmful and restrictive practices in custody including isolations and lockdowns. Fifteen of the 26 children had experienced periods of isolation while in custody. Collectively, they experienced 530 episodes of behavioural isolation, 2,509 security isolations (lockdowns) and 15 episodes of self-isolation from January 2023 to June 2025. One child experienced 273 behavioural isolations. Another child experienced 714 lockdowns (1,136 hours).

Of the 26 children, 10 experienced a period of isolation in custody while under the age of 14, (including one child who was confined to their unit 354 unique times for ‘security isolation’ purposes).

Recommendations

Recommendation 1:

Centre children and young people's experiences and voices in solutions

That the Victorian Government engage with children and young people as part of its response to this report and in implementing this inquiry's recommendations.

Recommendation 2:

Improve outcomes for children and young people through collective systems action

That under the Supporting Stable and Strong Families (SSSF) Scheme, the Victorian Government have a focus on improved outcomes for children and young people at risk of or in contact with the criminal justice system (under the justice outcome area), including to prevent and reduce the criminalisation of those children and young people. Each SSSF partner should use this inquiry's final report to inform development of their action plan to achieve the outcome measures.

Recommendation 3:

Strengthen joined-up approaches for children and young people in child protection and criminal justice systems

That the Department of Justice and Community Safety and the Department of Families, Fairness and Housing review the currency and adequacy of their joint approach to children and young people who are the subject of both Child Protection and Youth Justice orders to ensure they create the optimal environment to minimise further progression into the criminal justice system. This should include review of:

- data capture and information sharing
- interdepartmental agreements
- governance
- operating guidance.

Recommendation 4:

Rebalance investment through rigorous cost-benefit analysis

That the Victorian Government rebalance investment through rigorous cost-benefit analysis to increase funding for proven and cost-effective initiatives that support children, young people, families and communities and prevent the criminalisation of children and young people.

Recommendation 5:

Ensure the Violence Reduction Unit has a focus on prevention and addressing early risk factors

That the Violence Reduction Unit embed an ongoing priority focus on primary prevention and early intervention that promotes initiatives for children and young people, including in the early years, to have the best start in life and address the drivers of violence.

Recommendation 6:

Improve support for students when interviewed by police at school

That the Department of Education update the *Police and Child Protection Interviews* policy and relevant guidance to support students in a child-centred and trauma-informed way during their interactions with police on school grounds, whether the child is a victim, witness or alleged offender.

Recommendation 7:

Improve service coordination in primary schools

That the Department of Education formalise an expectation, and provide appropriate support for implementation, that Victorian primary schools provide a service coordination function for students where needed to support their holistic needs and sustained educational engagement.

Recommendation 8: Invest in place-based youth hubs

That the Victorian Government fund the development and operation of place-based youth hubs in priority locations across Victoria. Each hub should involve local children and young people in its design to ensure they are tailored to their needs, supporting their access to recreational activities, community services and engagement in education. Priority should be given to identifying and adequately resourcing existing youth hubs.

Recommendation 9: Undertake a scoping project for an alternative first responder model

In recognition that preventing children's contact with police is critical to minimising the risk of criminalisation, the Victorian Government conduct a scoping project to examine the feasibility of an alternative first responder model that enables appropriately funded services to respond to and support children under the age of 14 years.

Recommendation 10: Build on the Supporting Children at Risk of Justice Engagement model

That the Victorian Government:

- resource, conduct and publish a robust independent evaluation of the SCRJE pilot to:
 - understand uptake of the services, and the characteristics and needs of the children and families who have received support
 - assess matters including its implementation, effectiveness (including as an integrated service model), outcomes, and how well it provides culturally safe and responsive support
 - identify opportunities to strengthen the model
- expand the capacity of the current SCRJE pilot, with appropriate funding, so that it can be accessed by all children aged 12 and 13 found *doli incapax* who meet the eligibility criteria
- commit to developing and delivering an expanded model to respond effectively to high-harm behaviours by children aged 12 and 13, instead of criminal justice responses. The model should

build on the lessons from the SCRJE pilot (including through the recommended evaluation) and be informed by the Independent Expert Panel's report and consultation with children and young people, the sector and communities. This must involve Aboriginal-led organisations and other organisations that support multicultural communities.

Recommendation 11: Establish strong systems and practice oversight

That the Victorian Government:

- establish a whole-of-government monitoring and oversight approach for responses intended to support children under 14 involved with, or at risk of involvement with, the criminal justice system. This approach should include oversight of the Supporting Children at Risk of Justice Engagement (SCRJE) pilot as well as other responses for this cohort across the child and family, education, violence reduction, family violence, justice and community safety, police, disability, health and mental health service systems. Key objectives of the approach should include addressing system barriers and service gaps, analysing performance and outcomes data, and identifying opportunities to build and scale successful, integrated responses.
- ensure that the SCRJE pilot has clear practice and service governance and oversight that reports to the whole-of-government monitoring and oversight approach.

Recommendation 12: Raise the age of criminal responsibility to 14

That the Victorian Government raise the age of criminal responsibility from 12 to 14, without exceptions. Until this occurs, no child under 14 should be held in youth justice custody.

Recommendation 13:
Ensure children and young people have a structured day in custody

That the Victorian Government, through the Department of Justice and Community Safety, improve delivery and oversight of the structured day through:

- developing practice guidance for staff that establishes expectations for delivering on the objectives of the ‘meaningful and structured activity’ custody operating principle
- implementing appropriate direction and oversight to ensure custodial staff are consistently facilitating young people’s participation in daily scheduled activities, including getting young people up and ready in the morning
- developing data and analytic capability to monitor delivery of structured activity at the individual and system level
- reporting on the hours and types of structured activity young people participate in, and the hours of lockdowns they experience.

Recommendation 14:
Improve how behaviour is managed in custody

That the Victorian Government, through the Department of Justice and Community Safety, improve behaviour management in custody through:

- re-examining Youth Justice custodial staffing structures and behaviour management approaches to strengthen staff capability to provide consistent expectations, communication and responses. These approaches will enable young people to be engaged in positive, structured daily routines.
- expansion of restorative practices in the custodial operating model, drawing on external restorative practice expertise to support continued delivery of high-quality evidence-based practice.

Recommendation 15:
Strengthen strategic governance to deliver positive outcomes for children

That the Department of Justice and Community Safety establish a monitoring framework to strengthen strategic governance and evaluate the extent to which implementation of reforms in the *Youth Justice Act 2024* (Vic) relating to the operation of youth justice custodial centres are achieving:

- the defined outcomes in the Department’s operating philosophy
- the purposes of the Act to support children and young people’s rehabilitation and positive development, to reduce their offending and promote community safety.

Liam's story

'Liam' is a 15-year-old young person who we consulted for this inquiry. His story reflects what he shared with us.

Growing up, it felt like it was either you hurt people or people hurt you.

I lived with my father from when I was four until I was nine. My father – he is an abuser, and he is a pig and a paedophile. And he beat me for many, many years of my life. I never really got to feel safe or relax. I was always on edge. That just became normal.

When I was nine, I moved to my grandparents' house. Me and my grandparents, we always had our difficulties and we still do, but we work on them. But one day I lost my temper because I have severe anger issues. I just fired out and I started breaking things and I couldn't control myself. I hit my grandma and then my grandfather threw me across the room. My grandparents called the police, which I understand – in that moment I had no idea what I was doing, I was a nine-year-old kid in a rage.

That day, I was removed from my grandparents' care and put into foster care. The place they took me was five hours away – away from all my family and the people I knew. I lived in foster care from the age of nine to 11. And I had so many different placements in that time. After being in a place for like a couple of months, I would feel too comfortable and I wouldn't like it. I've never liked being comfortable, I've always had to move. I guess with my father, because he bashed me and all that, I was never comfortable and I never got to, like, relax properly. And so if I started to relax in foster care, I would panic, and then I would start losing my shit again and losing my mind, so I would get moved into another unstable place until I got stable and

comfortable, and then it would happen all over again. And I continued to do that to the age of 11.

When I was 11, I went back to live with my mum. She was with her partner and her partner's kids at that time. Before that, my mum didn't believe in hitting. That changed when she met her partner. One day, just after my twelfth birthday, they backhanded her kid across the face, knuckles and everything. It was hard. She ran to me screaming and I stood up for her. I couldn't stand there and do nothing. After that, Mum and I left. We were living in motels for a while. My mum has been in and out of prison for a lot of her life. There were times I couldn't see her. Times I didn't know where she was. My mum is my world, so that's always been hard.

School wasn't safe either. I was getting bashed a lot. People jumped me. One day, two people came at me with knives and tried to stab me. After that, I stopped going most of the time. I just didn't feel safe there. On multiple different occasions, I had my head punched in. I have been hospitalised a few times because of being bashed.

My first real interaction with police was when I was nine. When they arrived at my grandparents' house, they treated me like I was a horrible person. Like what I'd done was the worst thing imaginable. They didn't see a nine-year-old kid who had lost control and made a mistake. They just saw a bad kid. They made it seem worse too. My grandma bruises easily because she's on blood thinners, so her arm looked really bad. The photos made it look even worse. She told them she was okay, but it didn't matter. From that day on, I had no respect for police. I think if they had treated me differently, I would've

seen them differently. But instead, I was labelled as the problem. The bad kid. The abuser. No one wondered why I reacted like that, why I was so angry. No one looked at all the shit that had happened to me before that.

Later on, when I was in residential care, my interactions with police got worse. The police who come into resi already have an idea about you. They treat you like you're trouble before you even say anything. Like you don't matter. May as well charge a kid the day they move into resi, just to get it done with, not wait for the kid to do damage, or get caught up in other shit with the other kids living there.

Looking back, I think things could have been different if I'd had the right support earlier. When I was nine, after everything that had happened, I should've had therapy. Anger management. Someone to actually help me deal with what I'd been through. I was just left to deal with all the shit I copped from my dad as a young kid. But anyway, they did no such thing. Instead, I was moved around and left to deal with it on my own. Even now, at 15, I'm still fighting to get proper support. It's hard just to get a few hours of therapy a month. It's therapy, for fuck's sake. Like, it's meant to help me. I've started doing equine therapy. I love animals. Always have. I'd never hurt an animal. Being around them helps. I just wish I'd had that earlier.

I also think diversion can be a good thing. It gives young people another chance. But only if you actually engage with it. It has to mean something.

For me, what makes the biggest difference is when people actually communicate and follow through. Like, if a worker says they're going to organise an appointment and they don't, it's no skin off their nose, but that affects my

entire life. When someone says they're going to do something, it matters that they do it. Otherwise, it just feels like no one's really listening.

If I'd had the right support at the right time, things might've turned out different.

Chapter 1: **Our inquiry**



*It's about asking the bigger question – why are they doing it?
No one is asking that question (Johnny, 19)*

Every child has the right to grow up in a safe, nurturing home, with access to the opportunities and supports they need to reach their full potential. This includes quality education and healthcare necessary for their development and community and social supports to help them thrive. These protective factors support children to grow and contribute to strong and safe communities. Their effectiveness depends on sustained government prioritisation and investment across social service, education and health systems.

Children have the right to grow up in a just society, one that treats them fairly and as children, in ways that recognise their dignity, worth, developmental stage and strong capacity for change.

These rights are enshrined in the Convention on the Rights of the Child.¹ Under this treaty, Australian governments have a duty to ensure that all children in Australia enjoy these rights without discrimination, to prioritise their best interests, and to provide special care, assistance and legal protections, including when children cannot live at home or if they engage in behaviours that harm other people and the community.

Most children do not engage in harmful or offending behaviours. We know that when they do, this is often a signal that something has gone wrong and there may be more risk factors than protective ones in their life. These behaviours should prompt a response that reflects the evidence about what works, responds to their stage of development, circumstances and age, and provides the best opportunity to prevent harm from happening again. Preventing future harm is a critical element in keeping communities safe. It requires responses that acknowledge and support victims while at the same time address the underlying causes of harmful behaviours to reduce the likelihood of them reoccurring.

In Victoria, there are circumstances when children experiencing significant vulnerability and unmet needs are criminalised early in their lives rather than offered supports that are known to help. In turn, they are placed at a higher risk of experiencing harm, repeating and escalating behaviours that harm others, and becoming entrenched in the criminal justice system in later adolescence and adulthood.

At the Commission for Children and Young People (the Commission), we see persistent systemic issues that lead to children and young people being criminalised at a young age. We established this inquiry to understand the experiences of children who have come into contact with the criminal justice system before they turned 14, many of whom have significant adversity in their lives and complex and intersecting needs.

This inquiry seeks to add to the existing evidence base by elevating the experiences and voices of children and young people involved in the criminal justice system, a group whose perspectives are generally absent from the public discourse, systems design and government decision making. In doing so, this inquiry aims to improve understanding of the drivers of high-risk and harmful behaviours and the most effective, humane and fiscally responsible solutions.

This inquiry illustrates the critical need for a whole of system approach to prevention and early intervention to address the underlying causes of harmful behaviour, while responding effectively to incidents when they occur, for the benefit of the whole community.

¹ Convention on the Rights of the Child 1989.

1.1 Children must be treated differently to adults

Children and young people are developmentally distinct from adults and have a unique capacity for rehabilitation and positive change when properly supported.² It is widely recognised in evidence that children's behaviours are linked to brain development and maturation.³ As a result, it is normal for children under 14 to be impulsive, struggle to regulate their emotions, and have reasoning skills that are not fully developed or physiologically mature. This impacts their ability to apply reason, impacts their judgement and limits their capacity to consider the consequences of their actions.

International law recognises that, because of their ongoing development, children need special safeguards and care, including appropriate legal protection. The United Nations Committee on the Rights of the Child recommends the minimum age of criminal responsibility be at least 14 years, with anything lower being unacceptable.⁴

Treating children and young people differently to adults is recognised in Victoria's *Youth Justice Strategic Plan 2020–2030*⁵ and guiding principles in the *Youth Justice Act 2024*.⁶ The guiding principles seek to promote community safety; minimise and reduce offending by children and young people; and support children and young people's rehabilitative and positive development.⁷

Despite this, the dominant public discourse surrounding children continues to dismiss their vulnerability in the criminal justice system. It also ignores the often complex and intersecting needs of children and young people overrepresented in the system, related to experiences including poverty, abuse, neglect, racism, school exclusion, and health,

care and developmental needs not being met, often over long periods.

If we instead treat children as children, respond based on the evidence of what works, and have services that deliver support in an integrated way and place children at the centre of service delivery, then we can create safety not just for children, but for the entire community.

1.2 Policy and legislative context and developments during the inquiry

Until recently, Victoria's age of criminal responsibility was set at age 10, which is still the case for most of Australia. For decades, Aboriginal communities, developmental experts and other child and human rights advocates have called for Australian Governments to 'raise the age' to 14.

These collective efforts were recognised in Victoria in 2023, when the Victorian Government accepted the evidence and announced it would be the first state in Australia to raise the minimum age of criminal responsibility from age 10 to 12, and further raise the age to 14 by 2027, subject to an 'alternative service model' being developed. The Government's media release stated:

*Helping young people, who show harmful behaviours, turn their lives around with rehabilitative support services that stop further offending while holding them to account is not only good for them, it makes the community safer in the long term.*⁸

Raising the age of criminal responsibility to 12 was one of several key reforms legislated in the *Youth Justice Act 2024*.⁹ Key elements of the Act aim to embed a differentiated response to children and young people in the criminal justice system, including strengthening diversion of children and young people

² *Youth Justice Act 2024* (Vic), s18(1)(d).

³ This evidence is discussed in chapter 2.

⁴ UN Committee on the Rights of the Child (CRC), *General comment No. 24 (2019) on children's rights in the child justice system*, 18 September 2019, CRC/C/GC/24.

⁵ Department of Justice and Community Safety (DJCS) (2020) *Youth Justice Strategic Plan 2020–2030*, Victorian Government, p. 10.

⁶ *Youth Justice Act 2024* (Vic), s 18(1).

⁷ *Youth Justice Act 2024* (Vic), s 16.

⁸ Premier of Victoria, Hon. Daniel Andrews MP, *Keeping Young People Out of The Criminal Justice System*, 26 April 2023, accessed 9 July 2026.

⁹ *Youth Justice Act 2024* (Vic). The Act received Royal Assent in September 2024. The age of criminal responsibility increased on 30 September 2025.

from the system, particularly those aged 12 and 13.¹⁰ Developed over several years, the Act was informed by comprehensive policy development and consultation, and incorporates evidence-based approaches and principles that reflect effective youth justice responses.

Around the time the Act was passed, the Victorian Government reversed its commitment to raise the age to 14, amid building public concern and media attention about alleged offending by young people. As concerns continued to increase during 2025, about serious and repeated offending behaviour by a small group of young people, the Government progressed a ‘significant community safety reform agenda’¹¹ which included:

- changes to the *Bail Act 1977* to increase the likelihood that more children and young people can be remanded (incarcerated before being found guilty and sentenced), instead of being granted bail¹²
- establishing a two-year electronic monitoring trial for up to 50 young people on bail¹³
- reopening the Malmsbury Youth Justice Centre to meet demand in incarceration of children and young people¹⁴
- changes to legislation so that children and young people aged 14 and above charged with certain serious offences can have their matters heard in adult courts, face adult sentences and be eligible to serve life sentences.¹⁵

In effect, these policy decisions treat children in the same way as adults, contradicting the overwhelming evidence that underpins the need for special

safeguards and specific protections for children in the criminal justice system. This includes evidence presented in the Commission’s 2021 *Our youth, our way* inquiry,¹⁶ and in Victoria’s subsequent Aboriginal Youth Justice Strategy, *Wirkara Kulpa*, which aims to see no Aboriginal child or young person under youth justice supervision by 2032.¹⁷

This inquiry explores ways to improve policy and service responses and prevent criminal justice system involvement in children’s lives. Achieving this is critical, considering the implications of the recent policy and legislative changes, which will result in more children and young people in custody, including adult imprisonment, and a higher risk of their entrenchment, potentially lifelong, in the criminal justice system. Relying primarily on punitive strategies that result in the incarceration of children is ineffective and costly, requiring significant investment in youth justice custody infrastructure, workforce and oversight without improving long-term outcomes.

The Victorian Government’s decisions of 2025 are not the primary focus of this inquiry but have informed the Commission’s deliberations. The Commission is closely watching the impacts of those decisions through our monitoring of youth justice custody and the conditions in which children and young people are held. Some of these impacts are highlighted in this report.

¹⁰ The Act is due to commence in full on 30 September 2026.

¹¹ Information provided by DJCS to the Commission on 29 May 2026.

¹² This included removing the fundamental principle that ‘detention is a last resort’ for children and introducing the ‘toughest bail test yet’ to increase the likelihood that bail for children is refused. See Premier of Victoria, Hon. Jacinta Allan MP, [Tough bail laws to keep Victorians safe](#), 12 March 2025.

¹³ Attorney General Hon. Sonia Kilkeny MP, [Electronic monitoring to keep bailed youths on track](#), 22 April 2025.

¹⁴ The Hon Enver Erdogan MP, [More prison beds to deal with violent offending](#), 28 October 2025.

¹⁵ This involved moving five offences from the jurisdiction of the Children’s Court of Victoria to the County Court for all children and young people aged 15 and above, making it more likely that they will face adult sentences. Children aged 14 will have their matters uplifted to the County Court for the same five offences unless there are substantial and compelling reasons for the matter to stay in the Children’s Court. Further, 14- to 17-year-olds who are charged with carjacking will also be uplifted to the County Court unless there are substantial and compelling reasons for the matter to stay in the Children’s Court. Source: Information provided by DJCS to the Commission on 29 May 2026. Maximum penalties for several offences were also increased, including life imprisonment for aggravated home invasion and aggravated carjacking. See Attorney General Hon. Sonia Kilkeny MP, [Adult time for violent crime is now law](#), 4 December 2025. These laws came into effect in February 2026.

¹⁶ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria’s youth justice system](#), Commission for Children and Young People, Melbourne.

¹⁷ Victorian Aboriginal Justice Agreement (2024) [Wirkara Kulpa—Aboriginal Youth Justice Strategy 2022-2032](#), Victorian Government.

Recent policy initiatives to support children and young people

Alongside the above measures, the Victorian Government has announced some initiatives that focus on preventing or minimising children's contact with the criminal justice system. This includes the *Supporting Children at Risk of Justice Engagement* (SCRJE) service model for 10- and 11-year-olds, to accompany the age of criminal responsibility increasing to 12, and the establishment of the Violence Reduction Unit (VRU). The VRU's purpose is to reduce violence through a public health-based approach, using 'data and evidence to target violence prevention and early intervention initiatives to address the root causes of violent crime'.¹⁸ The Government also expanded the Community Forensic Youth Mental Health Support service, which provides specialist treatment and care for vulnerable and at risk children and young people.¹⁹

The Victorian Government has also established the Supporting Stable and Strong Families (SSSF) Scheme under the *Supporting Stable and Strong Families Act 2026*, which will commence from 30 September 2026. The Act introduces a new model of shared responsibilities across the Victorian Government for children and young people at risk and their families to improve outcomes and avoid statutory intervention. The SSSF scheme will initially focus on children and young people who are engaged with Child Protection, in out-of-home care and care leavers up to the age of 25.²⁰ The children who are the focus of this inquiry will also be served by the Scheme (as demonstrated in Chapter 3).

1.3 Building on previous work

This inquiry builds on the existing evidence base, including research and previous inquiries, such as the work of the Yoorrook Justice Commission (Yoorrook) and this Commission about what is needed to prevent children and young people's contact with the criminal justice system. In this previous work, recommendations have been made to the Victorian Government to reform aspects of the justice, child protection, out-of-home care and education systems to achieve better outcomes for children and young people. Many of these recommendations are relevant to this inquiry.

Yoorrook Justice Commission

Yoorrook was the first formal truth-telling process into the historical and ongoing injustices experienced by First Peoples in Victoria.²¹ Yoorrook was established in May 2021, and it collected extensive evidence on the systemic injustices experienced by Victoria's First Peoples. Regarding First Nations children and young people, Yoorrook found:

*Many vulnerable children are channelled into the criminal legal system due to a failure to identify and support their health and disability needs or to understand the link between challenging behaviours and trauma.*²²

Yoorrook made a broad range of important findings and recommendations across several reports to the Victorian Government, including the need to urgently introduce legislation to raise the minimum age of criminal responsibility in Victoria to 14 years without exception.²³ The *Yoorrook for Justice* report is most relevant to this inquiry given its focus on reforms to the child protection and criminal justice systems. The Victorian Government accepted only four of the 46 recommendations in the *Yoorrook for Justice* report in full,²⁴ contradicting its own commitments to *Wirkara Kulpa* and previous support of recommendations in *Our youth, our way* (as noted below).

¹⁸ Information provided by DPC to the Commission on 21 May 2026.

¹⁹ The expanded program will offer more clinical assessments, treatment and assertive outreach to young people at high risk of offending so they can get the targeted, early intervention mental health care they need. Source: Information provided by DJCS to the Commission on 29 May 2026.

²⁰ *Children, Youth and Families Amendment (Supporting Stable and Strong Families) Act 2026* (Vic).

²¹ Yoorrook Justice Commission, [About the Yoorrook Justice Commission](#), accessed 16 April.

²² Yoorrook Justice Commission (2023) [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), p.316.

²³ *Ibid*, p. 37.

²⁴ Victorian Government (2024) *Victorian Government response to the Yoorrook for Justice report – April 2024*, State of Victoria, State Victoria Department of Premier and Cabinet.

Commission's systemic inquiries

Over the past 10 years, the Commission has conducted systemic inquiries examining significant issues impacting children and young people in state systems, several of which are relevant to this current inquiry. In particular, *Our youth, our way*, tabled in June 2021, examined the lived experiences of Aboriginal children and young people in Victoria and the factors contributing to their over-representation in the youth justice system. Its recommendations included that the age of criminal responsibility be raised to 14 without exceptions.

Our youth, our way is the Commission's most detailed examination of the criminal justice system to date and remains a critical source of contemporary evidence that should inform Victorian Government policy. Implementing its recommendations, along with those made in *Yoorrook for Justice*, will help prevent Aboriginal children and young people's involvement in the criminal justice system. Key recommendations from *Our youth, our way* and *Yoorrook for Justice* are outlined in Appendix 2.

Other relevant inquiries include *Out of sight*²⁵ and *Let us learn*.²⁶ In these inquiries, the Commission made recommendations for system reform to the Victorian Government, some of which are yet to be implemented, but are relevant to supporting children and young people who encounter the criminal justice system. In particular, *Out of sight* recommended strengthening therapeutic responses in residential care to prevent children and young people from being exploited,²⁷ and developing a cross-agency common risk-based assessment framework to guide responses from Child Protection, residential care providers and Victoria Police to children and young people who are absent from placement. The Commission has

identified that this requires continuing work and further investment by the Victorian Government.²⁸

In *Let us learn*, the Commission made several recommendations to support educational engagement of children and young people living in out-of-home care. This includes recommendations to reduce the use of exclusionary measures in response to challenging behaviours²⁹ and address racism and a lack of cultural safety in schools.³⁰ The Commission continues to monitor the Victorian Government's implementation of these recommendations.

South Sudanese Australian Youth Justice Expert Working Group

Between 2022 and 2026, the Commission worked in partnership with the Victorian Government's South Sudanese Australian Youth Justice Expert Working Group, which was tasked with developing strategies to reduce the over-representation of South Sudanese Australian young people in the criminal justice system. To support this work, the Commission published the *2023–24 Youth Forum Report 1*³¹ and is scheduled to publish *Report 2* in the second half of 2026. These reports capture the key themes from consultations with young people from the South Sudanese Australian community, which, among other things, offered insights into why some young people might get involved in offending behaviours. Importantly, *Report 2* will detail recommendations for reform to improve the lives of South Sudanese Australian young people. The Victorian Government's consideration of these recommendations, and those contained in the Expert Working Group's final report, will be critical to preventing South Sudanese Australian young people entering the criminal justice system.

25 Commission for Children and Young People (2021) [Out of sight: Systemic inquiry into children and young people who are absent and missing from residential care](#), Commission for Children and Young People, Melbourne.

26 Commission for Children and Young People (2023) [Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care](#), Commission for Children and Young People, Melbourne.

27 The Department of Families, Fairness and Housing (DFFH) that from 1 July 2025 all residential care homes in Victoria are delivering therapeutic models of care. Source: Information provided by DFFH to the Commission on 29 May 2026.

28 The Commission has previously advised that this work is a 'necessary component to improve consistency of response when children are absent from placement, strengthen responses to support children's safety and reduce unnecessary police involvement'. Source: Commission for Children and Young People, [Progress against past inquiries](#), accessed 12 June 2026. Commission for Children and Young People (2025) [Wrap-up report card: Progress against past inquiries–2025](#), accessed 19 April 2026.

29 See recommendations 25 to 29.

30 See recommendations 19 to 23.

31 Commission for Children and Young People (2024) [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), Commission for Children and Young People, Melbourne.

1.4 Inquiry terms of reference

The terms of reference for this inquiry were to:

- understand the experiences and characteristics of children under 14 years brought into contact with the criminal justice system and the range of behaviours that brings them into contact with the system
- understand the existence and availability of service supports for children under 14 years currently in contact with the criminal justice system
- recommend any changes to policy, practice, legislation or the delivery of services for this cohort.

1.5 Our approach to this inquiry

The Commission took a targeted approach to addressing the terms of reference, which included:

- prioritising engagement with children and young people, to understand and share their experiences and views
- targeted consultations and data analysis
- seeking access to relevant existing work, to avoid duplicating work that has already been undertaken.

Elevating the experiences of children and young people

The Commission gathered evidence about children and young people's experiences, characteristics and needs, through directly consulting with them and conducting targeted file reviews for a specific group of children involved in the criminal justice system. This evidence informed the inquiry's findings and recommendations.

Consultations with children and young people

Hearing from children and young people respects their right to be heard on matters that affect their lives³² and supports better outcomes for them and the broader community.

The Commission sought to hear from children and young people who had been involved in the criminal justice system when they were under 14. We heard from 41 children and young people, including 39 through interviews and a further two through survey responses. This included:

- one who was under the age of 14 when we spoke to them
- 34 who were 14 years old or over and had relatively recent experience of police and the criminal justice system that started from a young age³³
- 11 who were in custody and 30 who were in community.

The children and young people ranged in age from 13 to 21. They came from diverse cultural backgrounds and lived across metropolitan and regional locations.

The Commission also held a consultation with six members of the Youth Advisory Group for the South Sudanese Australian Youth Justice Expert Working Group (aged 24 to 27).

Our interview topics and questions were developed with members of the Commission's Youth Council.³⁴ The interviews invited children and young people to tell us about their lives and experiences, including their childhoods and home life, school, support they received (or did not), experiences of Child Protection and out-of-home care, and experiences of police, courts and Youth Justice. We also invited children and young people to share their ideas about solutions, including what could have helped them, and their hopes for the future.

The Commission acknowledges that the children and young people we heard from represent a small sample of the broader cohort of children and young people who are in contact with the criminal justice system. The experiences they told us about occurred at different points in time, and the policy context has shifted rapidly, including during this inquiry. None of this, though, minimises the importance of the experiences they shared with us as highlighted in this report. What children and young people told us in this

³² Convention on the Rights of the Child 1989, Article 12.

³³ Six children and young people did not have an age recorded.

³⁴ The Commission's Youth Council comprises a small group of young people with diverse experiences, aged between 15 and 24. The Youth Council brings youth voice and a lived experience lens into the Commission's work, and is central to shaping our priorities and helping ensure our inquiries engage effectively with children and young people.

inquiry was consistent with what we have heard in our previous work at the Commission, and is strongly supported by research and data.

Consultations were guided by the Commission's *Child and Youth Engagement Framework*.³⁵ Prior to each consultation, each child and young person was informed about the purpose of the inquiry, the consultation process and how the Commission would use the information they provided.

All children and young people who participated in our consultations provided their consent to participate. They had the option of having a support person present during the consult and were informed they could withdraw at any time. Consultations included one-on-one and group conversations, and most were conducted in person. Children and young people were also invited to participate in a survey available on the Commission's website. The survey asked similar questions to those used in the consultations.

Every child and young person who participated in a consultation or filled out a survey was given a gift voucher in recognition of their time.

Targeted file review for children under Youth Justice supervision

To understand recent experiences of children under 14 in the criminal justice system, the Commission sought information relating to 26 children who were under Youth Justice supervision in 2023–24 and 2024–25 for offences or alleged offences when they were under 14. This sample of children represented 96 per cent of all children in this cohort.³⁶

A high-level review was conducted of the 26 children's Youth Justice and Child Protection files. Data was also received from the Department of Education (DE) related to their schooling,³⁷ and from The Orange Door about any exposure to family violence. Further, the Commission reviewed incident data from experiences the children had in youth justice custody and out-of-home care.

All 26 children were male. Twenty-seven per cent identified as Aboriginal, 31 per cent identified as non-Aboriginal Australian, and 42 per cent were from multicultural backgrounds. At the time of the review, 62 per cent of the children lived in metropolitan areas and 35 per cent lived in regional areas.³⁸ Files and data indicated that 88 per cent of the children lived with disability.

Other key information sources

The Commission heard from a range of community organisations and professionals that work with children, young people and their families, researchers with expertise in this area, and Victoria Police. This assisted in building a picture of children and young people's experiences, needs and key issues, including gaining some understanding of the extent to which services are available to support their needs.

The Commission also received several case studies from organisations working with children and young people.

The Commission analysed data and information from the Department of Justice and Community Safety, Department of Families, Fairness and Housing, DE and the Crimes Statistics Agency.

Limitations

The Commission requested two key pieces of work to inform this inquiry: the final report of an Independent Review Panel, which was tasked by the Victorian Government to provide advice on the design and implementation of an 'alternative service model' for children aged 10 to 13,³⁹ and service mapping commissioned by the Government to inform this work. These were relevant to the inquiry's terms of reference and were requested early in the project.

Due to this material being 'Cabinet-in-confidence', relevant departments were not able to release the Panel's report or the service mapping without the Victorian Government's permission. As a result, the Commission was not provided with this material, and

³⁵ Commission for Children and Young People, [Child and Youth Engagement Framework](#), accessed 18 April 2026.

³⁶ The cohort included children who were 10- to 13-years-old when they committed an offence or alleged offence, which resulted in Youth Justice supervision in the financial year. Youth Justice supervision included unsentenced or sentenced.

³⁷ This data was available for 25 of the 26 children.

³⁸ One child's location was unknown.

³⁹ Premier of Victoria, Hon. Jacinta Allan MP, [Experts To Guide Raising The Age Of Criminal Responsibility](#), accessed 19 April 2026.

this limited our ability to respond fully to the inquiry's terms of reference.

We acknowledge the cooperation of departments in providing all other information and data that the Commission requested in the course of this inquiry.

The following limitations were identified in regard to consultations and surveys with children and young people:

- challenges in locating and consulting with children under of the age of 14
- a higher number of male respondents answered the Commission's request to participate, resulting in more male participants than female participants. While boys are over-represented in the criminal justice system, the inquiry sample is not representative of all children in contact with the criminal justice system.

Pseudonyms

Quotes from the consultations and survey responses are used throughout the report. Pseudonyms are used, and identifiable information has been removed, to protect the identity of children, young people and other stakeholders.

Cameron's story

'Cameron' is a 15-year-old Aboriginal young person who we consulted for this inquiry. His story reflects what he shared with us.

I like cars and hanging out with my mates, riding motorbikes and playing basketball. I like footy, I follow Richmond. I used to play footy when I was younger – I was a rover.

I've got four siblings, and nieces and nephews too. I used to live with mum. Home was pretty good with her. She was always there for me. She never neglected me. I still talk to mum every day. She's my biggest support. My nan was too. Dad went to jail when I was two and then took off.

Now I live in resi care. I've been in the system since I was about 13 or 14. They put me there because mum couldn't control me and I was stealing cars. When I get out this time, I'll go back to resi again, and hopefully I can move back to mum's eventually.

I used to go to school nearly every day, but then I stopped going and just started hanging out with my mates. I'm good at maths but school was boring. I went to a flexible learning centre, that place was alright. The teachers were good, more relaxed. They'd take us fishing, walking in the bush. Before coming into custody this time, I was going to school a bit, but not much.

My first contact with police was when I was about 12. I was walking home from school, hanging out with my mates, throwing rocks at each other, and we smashed someone's window. Police arrested me, took me in for an interview, and I think I got a caution. After that, I started staying out at night and not going home. Police picked me up for being missing. Then it got worse. I started stealing money from cars, stealing cars.

At the start, police weren't that aggressive. They'd take us in, interview us, then let us go. Then it changed. They started bashing us. When I was about 13 or 14, they started putting me in police cells. I used to worry they were going to hurt me, put me in hospital. One time they arrested me at my mum's house and a cop punched me in the face. I got knocked out.

I went to court when I was 13. I was *doli incapax* and all my charges got thrown out. I didn't really understand what was going on. They were using big words. No one really explained it. I just sat there confused. Later I got put on a youth justice order. I breached it because I stopped going to appointments. They'd call me and I just wouldn't answer. I had a Youth Justice worker when I was about 14 or 15. They tried to help me stay out of jail.

Going into custody at 14 made things worse. At first you think it's cool. You show off to your mates. Then you do more crime and keep coming back. It becomes your life. Jail is boring, there's not much to do. You've got to ask to do everything – go to your room, go to the toilet. I go to school in here, do hospitality and literacy classes.

What makes me happy is seeing my mum, playing basketball, playing footy, hanging out with my mates. Not being in custody. I like cooking too. If you want kids to stay out of youth justice, you've got to keep them busy. Take them to sport, parks, make BMX tracks, give them something to do. Police could do better too. First thing – stop bashing kids. That just makes you want to do more crime to piss them off.

When I get out, I want a normal life. I want to be a diesel mechanic, roof plumber or electrician. I just want to be able to have a family, provide for my kids, and have a nice house and a good car.

Chapter 2:

What we know



Kids don't do nothing for no reason. (Jay, Aboriginal, 14)

This chapter sets out what is already known about children in contact with the criminal justice system. It draws on academic research, findings from previous inquiries, and government and sector reporting to highlight existing evidence and identify further action needed to prevent and reduce the criminalisation of children and young people in Victoria.

A substantial body of research has consistently identified the characteristics of children and young people in contact with the criminal justice system.⁴⁰ The evidence shows that these children are likely to have experienced significant cumulative adversity and contact with multiple service systems from an early age.⁴¹ Alongside well-documented risk factors that shape pathways into the legal system, the literature also identifies protective factors that support children's resilience, connection and positive development.⁴²

Considering the risk factors, as well as the supports children need to thrive, is essential to understanding what brings children into contact with the criminal

justice system and what happens to them once they are there. It also informs the reforms needed to better support their long-term wellbeing and development and to prevent behaviours that harm the community.

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- 40 See especially Stewart F, Byles D and Hull M (2025) *Sentencing Younger Children's Offending in Victoria*, Sentencing Advisory Council; Baidawi S, Ball R, Sheehan R and Papalia N (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, Report to the Criminology Research Advisory Council Grant: CRG 41/20-21, Australian Institute of Criminology; Australian Human Rights Commission (2024) [‘Help way earlier!’ How Australia can transform child justice to improve safety and wellbeing](#); Department of Justice and Community Safety (DJCS) (2022) *Review of the Children and Justice Amendment (Youth Justice Reform) Act 2017*, Statutory Review under section 492B of the *Children, Youth and Families Act 2005*.
- 41 See especially Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*; Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*; Australian Human Rights Commission (2024) [‘Help way earlier!’ How Australia can transform child justice to improve safety and wellbeing](#); DJCS (2022) *Review of the Children and Justice Amendment (Youth Justice Reform) Act 2017*.
- 42 See for example, Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), Commission for Children and Young People, Melbourne; Kuol A, O’Keeffe P and Egan R (2024) ‘Beyond raising the age of criminal responsibility, African youth need more culturally aware support’, *The Conversation*.

2.1 Adolescence is a critical period of development

A significant body of research shows that late childhood and early adolescence (around ages 10 to 14) is a critical stage of development.⁴³ During this time, children are still developing key capacities for decision-making, impulse control, and moral reasoning, and are highly influenced by their environments and experiences.⁴⁴ This helps explain why some children may engage in risky behaviour, as their ability to anticipate consequences and regulate impulses is still developing.⁴⁵ It also highlights this time in a child's life as a key opportunity: this is a period in which positive supports, relationships and interventions can shape and reshape developmental pathways.⁴⁶

Consistent with this evidence, Victoria's *Youth Justice Strategic Plan 2020–2030* recognises that 'children and young people have a greater capacity for rehabilitation and change'.⁴⁷ Treating children as if they have adult levels of responsibility is incongruent with developmental science, which reinforces the need for responses that prioritise support, guidance and rehabilitation over punitive approaches.⁴⁸

2.2 Adverse childhood experiences influence children's development and behaviours

Adverse experiences in childhood – such as abuse, neglect and exposure to family or social adversity – can cause trauma that also affects children and young people's physical, emotional and brain development.⁴⁹ This is particularly significant for children under 14 whose executive functioning is still developing.⁵⁰ Children who experience serious trauma often face negative psychological and neurological effects. These can include difficulty understanding and managing emotions, heightened responses to perceived threats, challenges forming secure relationships and responding to positive reinforcement, and difficulties with executive functioning.⁵¹ These effects can make it harder for children to control impulses, follow instructions and consider the consequences of their actions.⁵²

Adverse childhood experiences that impact brain development and emotional regulation also increase the likelihood that children show behaviours such as aggression or substance use, which can lead to contact with the criminal justice system.⁵³ Nationally representative data show that children who experience maltreatment face a significantly elevated risk of arrest, conviction, and contact with the criminal justice system, with risk increasing for those who experience multiple types of maltreatment.⁵⁴

- 43 Jagasia E, Bloom I, Nelson K E and Campbell J, 'Early adolescent development in the face of violence: A systematic review running', *Child Abuse Neglect*, vol. 151, May 2024; Singh J, 'Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility', *Psychiatry, Psychology and Law*, vol. 30, no. 1, 2023, pp. 51–67; Pillay A L (2019), 'The minimum age of criminal responsibility, international variation, and the Dual Systems Model in neurodevelopment', *Journal of Child & Adolescent Mental Health*, 31(3), 224–234; United Nations Committee on the Rights of the Child, *General Comment No. 24 (2019) on children's rights in the child justice system*, UN Doc CRC/C/GC/24.
- 44 Sawyer S and Vijayakumar N (2024) 'Can a 10-year-old be responsible for a crime? Here's what brain science tells us', *The Conversation*.
- 45 Sawyer S and Vijayakumar N (2024) 'Can a 10-year-old be responsible for a crime? Here's what brain science tells us'.
- 46 The Department of Justice and Community Safety has recognised that children in this age group have a heightened capacity for genuine change and improved life course trajectories: Source: DJCS (2022) *Review of the Children and Justice Amendment (Youth Justice Reform) Act 2017*, p. 148.
- 47 DJCS (2020) *Youth Justice Strategic Plan 2020-2030*, Victorian Government, p. 10.
- 48 Prerna B, Vedeckina M, De Rubeis V, Kalai S, Massaquoi L, Sadana R, Baltag V and Baird S, 'Adolescent Experiences and Exposures: A Systematic Review of Life Course Outcomes', *The Lancet*, Vol 88 October 2025. See also Australian Human Rights Commission (2024) '[Help way earlier! How Australia can transform child justice to improve safety and wellbeing](#)', p. 92.
- 49 Malvaso C, Day A, Cale J, Hackett L, Delfabbro P and Ross S, 'Adverse childhood experiences and trauma among young people in the youth justice system', *Trends & Issues in crime and criminal justice*, Australian Institute of Criminology, 14 June 2022; Jagasia E, Bloom I, Nelson K E and Campbell J, 'Early adolescent development in the face of violence: A systematic review running', *Child Abuse Neglect*, vol. 151, May 2024.
- 50 Singh J, 'Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility'.
- 51 Sentencing Advisory Council (2020) '*Crossover Kids: Vulnerable Children in the Youth Justice System. Report 3: Sentencing Children Who Have Experienced Trauma*', Sentencing Advisory Council, p. xii; See also Legislative Council's Legal and Social Issues Committee (2022) *Inquiry into Victoria's criminal justice system*, Volume 1, Parliament of Victoria, March 2022, p. 98.
- 52 Ibid.
- 53 Joshi A and Truong M (2024) *The role of adverse childhood experiences in adolescent use of violence*, Australian Institute of Family Studies; Mathews et al (2023) 'Child maltreatment and criminal justice system involvement in Australia: Findings from a national survey'.
- 54 Mathews et al (2023) 'Child maltreatment and criminal justice system involvement in Australia: Findings from a national survey'.

2.3 Children in contact with the criminal justice system have experienced cumulative adversity

Children and young people in contact with the criminal justice system are likely to have experienced significant cumulative adversity.⁵⁵ Victoria's *Youth Justice Strategic Plan* identifies that this includes housing insecurity,⁵⁶ unsupported mental ill-health and disability,⁵⁷ exposure to racism and discrimination,⁵⁸ family violence,⁵⁹ substance use,⁶⁰ a higher prevalence of low educational attainment,⁶¹ and interaction with the child protection and out-of-home care systems.⁶² Data from the Youth Parole Board's Annual Survey illustrates the scale of this adversity, with high levels of adverse childhood experiences recorded for children and young people in custody.⁶³

Table 1: Characteristics of children and young people in youth justice custody – 2024–25⁶⁴

Characteristics of young people in custody	Proportion (%)
Has been subject to a child protection order (either currently or previously)	57%
Was a victim of abuse, trauma or neglect as a child	63%
Has experienced family violence	44%
Is accessing mental health support in relation to their diagnosed mental illness	58%
Has a history of self-harm, suicidal ideation or suicide attempts	33%
Has an active cognitive difficulty diagnosed or documented by a professional	27%
Has a history of use or misuse of alcohol	52%
Has a history of use or misuse of drugs (illicit or prescription)	77%

55 Mathews et al (2023) 'Child maltreatment and criminal justice system involvement in Australia: Findings from a national survey', p. 14; Joshi A and Truong M (2024) *The role of adverse childhood experiences in adolescent use of violence*, Australian Institute of Family Studies.

56 Twenty-one per cent of children and young people in Youth Justice live in unsafe or unstable housing. Source: DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 9.

57 Thirty-one per cent of children and young people in Youth Justice present with cognitive difficulties that impact on daily functioning, 49 per cent present with mental health issues and four per cent are NDIS participants. Source: DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 9.

58 Koorie Youth Council (2019) [Ngaga-Dji \(Hear Me\): Young voices creating change for justice](#), Koorie Youth Council; DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 22.

59 Forty-two per cent of children and young people in Youth Justice have been witness to family violence and 53 per cent were a victim of abuse, trauma or neglect as a child. Source: DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 9.

60 Fifty-two per cent of children and young people in contact with Youth Justice have a history of alcohol and drug use. Source: DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 9.

61 Singh J (2023) 'Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility'.

62 Forty-one per cent of children and young people in Youth Justice either have a current Child Protection case or were subject to a Child Protection order. Source: DJCS (2020) [Youth Justice Strategic Plan 2020-2030](#), p. 9.

63 DJCS (2025) [Youth Parole Board Annual Report 2024–25](#), p.30.

64 Ibid.

Specific characteristics of younger children

Victorian-based research by Baidawi et al has examined the specific characteristics of children aged 10 to 13 who come into contact with the criminal justice system.⁶⁵ Children in this age group often have contact with multiple service systems and experience significant life challenges.⁶⁶ While only comprising a minority of children charged with offending in Victoria, children in this age group are more likely to have child protection involvement, to have a neurodisability, and to be Aboriginal.⁶⁷ Victoria's *Youth Justice Strategic Plan* also recognises that children in this age group experience higher rates of socioeconomic disadvantage, disrupted education, unstable housing, family violence and cognitive impairment than those who first enter the system at an older age.⁶⁸

A 2019 study by Victoria's Sentencing Advisory Council (SAC) found that the younger children were at their first sentence, the more likely they were to have a child protection background, and to have experienced out-of-home care, particularly residential care.⁶⁹ Of 438 children first sentenced between the ages of 10 to 13, the SAC found that one in two were the subject of a Child Protection report, one in three had experienced out-of-home care and one in four had experienced residential care.⁷⁰ A subsequent report from the SAC found that the younger children were when entering the criminal justice system, the more likely they were to have had earlier entry into the child

protection system, more child protection orders, out-of-home care and residential care placements, and more carers.⁷¹ They were also more likely to be Aboriginal.⁷²

The research by Baidawi et al also confirms previous findings that some children and young people involved in early offending behaviours have limited meaningful engagement with adult role models who can 'demonstrate prosocial and healthy ways of being and relating'.⁷³ This was exacerbated for children with an undiagnosed or unsupported disability in addition to 'disproportionate exposure to antisocial behaviour', impacting their moral development.⁷⁴

The relationship between exclusion and disengagement from school and contact with the criminal justice system is also recognised in the literature.⁷⁵ Children who come into early contact with the criminal justice system are often not adequately supported in education settings, and may be excluded, with some schools withdrawing support from children who have disability, behavioural needs and limited support at home.⁷⁶

Adversities are amplified for Aboriginal children and young people

Aboriginal children and young people continue to experience the ongoing and devastating impacts of colonisation both through intergenerational trauma, and entrenched disadvantage underpinned by

65 Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*; Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*.

66 Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, p. 3; Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*, pp. 10–11; See also Australian Human Rights Commission (2024) *'Help way earlier!' How Australia can transform child justice to improve safety and wellbeing*, p. 19.

67 Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, p. 3.

68 DJCS (2020) *Youth Justice Strategic Plan 2020-2030*, p. 24; See also Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*, pp. 10–11.

69 Sentencing Advisory Council (2019) *Crossover Kids: Vulnerable children in the Youth Justice system. Report 1: Children who are known to Child Protection among sentenced and diverted children in the Children's Court*, Sentencing Advisory Council, p. xxiv; DJCS (2022) *Review of the Children and Justice Amendment (Youth Justice Reform) Act 2017*, pp. 90-94, 98, 148.

70 Sentencing Advisory Council (2019) *Crossover Kids: Vulnerable children in the Youth Justice system. Report 1: Children who are known to Child Protection among sentenced and diverted children in the Children's Court*, p. xxiv; DJCS (2022), *Review of the Children and Justice Amendment (Youth Justice Reform) Act 2017*, p. 148.

71 Sentencing Advisory Council (2020) *Crossover Kids: Vulnerable children in the Youth Justice system. Report 2: Children at the Intersection of Child Protection and Youth Justice across Victoria*, Sentencing Advisory Council, p. 74.

72 Ibid. p. 30.

73 Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, p. 50.

74 Ibid. p.51.

75 Ibid. p. 65.

76 Ibid. p. 65.

systemic, structural, and institutional racism.⁷⁷ Numerous inquiries, Royal Commissions and reports have researched and discussed the legacies of colonial interventions, the forced removal of Aboriginal children from their families and the subsequent disadvantage and disproportionate contact with statutory systems faced by Aboriginal people today.⁷⁸ Aboriginal children and young people are still more likely than non-Aboriginal children and young people to be under Youth Justice custodial supervision and under community-based supervision.⁷⁹ In 2024–25, Aboriginal children and young people were 8.5 times more likely to be in custody in Victoria and 10.6 times more likely to be subject to community supervision, than non-Aboriginal children and young people.⁸⁰

The Commission's 2021 *Our youth, our way* inquiry found that most Aboriginal children and young people in contact with the criminal justice system had experienced exclusion and disengagement from education as well as involvement with Child Protection.⁸¹ The 2026 Report on Government Services shows that Aboriginal children in Victoria were 15 times more likely to be in out-of-home care than non-Aboriginal children.⁸² Involvement with Child Protection, and out-of-home care in particular, is a

strong predictor of contact with the criminal justice system.⁸³

A significant body of evidence, including testimony to the Yoorrook Justice Commission, research, government reports and policy documents, all recognise the need to support strong connections to family, community, culture and Country for Aboriginal children and young people to thrive.⁸⁴

Heightened criminalisation of children and young people from multicultural backgrounds

Data shows that at multiple points in the criminal justice system, from initial police contact through to Youth Justice supervision, children and young people from African, Māori and Pasifika backgrounds are more likely to progress through the system, reflecting systemic inequities and barriers.⁸⁵

Research identifies broader patterns of systemic disadvantage experienced by some children and young people from multicultural backgrounds, including disrupted schooling leading to poor educational outcomes, family disconnection, mental

- ⁷⁷ Yoorrook Justice Commission (2023) [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), [Yoorrook Justice Commission](#); Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), Commission for Children and Young People, Melbourne; Koorie Youth Council, [Ngaga-Dji \(Hear Me\): Young voices creating change for justice](#).
- ⁷⁸ See: Commissioner Elliott Johnson, QC (1991) *Royal Commission into Aboriginal Deaths in Custody*, Commonwealth of Australia; Human Rights and Equal Opportunity Commission (1997) *Bringing them home: national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families*, Human Rights and Equal Opportunity Commission, Commonwealth of Australia; Northern Territory, Royal Commission (2017) *Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*, Darwin; Yoorrook Justice Commission (2023) [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#); Commission for Children and Young People (2016) [Always was, always will be Koori children: systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria](#), Commission for Children and Young People, Melbourne; Commission for Children and Young People (2019) [In our own words: Systemic inquiry into the lived experience of children and young people in the Victorian out-of-home care system](#), Commission for Children and Young People, Melbourne.
- ⁷⁹ Productivity Commission (2026) [Report on Government Services 2026](#), (Youth Justice services, Tables 17A.5 and table 17A.6). See also, Yoorrook Justice Commission, [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), p. 25.
- ⁸⁰ Productivity Commission (2026) [Report on Government Services 2026](#), (Youth Justice services, Tables 17A.7 and table 17A.8).
- ⁸¹ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#).
- ⁸² Productivity Commission (2026) [Report on Government Services 2026](#), (Child Protection services, Table 16A.11).
- ⁸³ The Sentencing Advisory Council found that the majority of children sentenced or diverted in the Victorian Children's Court in 2016–17 had prior contact with the child protection system. Source: Sentencing Advisory Council 'Crossover Kids': *Vulnerable Children in the Youth Justice System. Report 3: Sentencing Children Who Have Experienced Trauma*; See also Department of Health and Human Services (2020) *Framework to reduce the criminalisation of young people in residential care*, Victoria State Government.
- ⁸⁴ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#); Victorian Aboriginal Justice Agreement (2024) [Wirkara Kulpa-Aboriginal Youth Justice Strategy 2022-2032](#), Victorian Government; Koorie Youth Council (2019) [Ngaga-Dji \(Hear Me\): Young voices creating change for justice](#).
- ⁸⁵ Smart Justice for Young People (2023) *Working Together: Action plan to end the over-representation of particular groups of young people in the criminal justice system*, Smart Justice for Young People, pp. 22–23.

health issues and alcohol and substance misuse.⁸⁶ Evidence also demonstrates that racism, including racial profiling, differential treatment and experiences of discrimination, shapes how some children and young people come into contact with and are treated in the criminal justice system.⁸⁷ The United Nations' preliminary findings on the treatment of people of African descent in Australia also identify discrimination across key systems, including education, health, employment and housing.⁸⁸ Māori and Pasifika young people have also faced barriers to accessing higher education and income support.⁸⁹

What the research illustrates is the need for evidence-based, culturally responsive services and supports for children and young people from multicultural backgrounds, alongside responses that address structural barriers and ensure equitable access to support and opportunities – as highlighted by a Victorian Coroner in 2025:

There is a clear need to ensure that young people, particularly multicultural children and [young people], are not marginalised in our community; that they have the same educational and vocational opportunities as other Victorian young people, and that their positive contributions to the broader Victorian community are recognised, valued and nurtured. Social cohesion and inclusion, as heralded by a whole-of-community response to youth offending – in which the voices of affected young people are amplified – is the clearest pathway to long-term safer outcomes for Victorian communities.⁹⁰

2.4 Criminalising children does not make the community safer

Making communities safer involves preventing crime and reducing the risk of reoffending.

A wealth of literature and expert opinion indicates that early contact with the criminal justice system does not reduce subsequent offending, but rather escalates offending, and can be associated with poorer long-term outcomes for children and young people.⁹¹ This can include being less likely to complete education and find work, and poorer health in adulthood.⁹²

Research has shown that the younger children are at their first sentence, the more likely they are to reoffend.⁹³ Victoria's SAC found that 'the younger children are when first sentenced or diverted from court, the more likely they are to "reoffend generally, reoffend violently, continue offending into the adult jurisdiction, and be sentenced to an adult sentence of imprisonment before their 22nd birthday"'.⁹⁴

The 2025 Senate Legal and Constitutional Affairs Reference Committee's report into Australia's youth justice and incarceration system also highlighted evidence that the 'the younger a person was at the start of their first supervised sentence, the more likely they were to return to sentenced supervision at some time before the age of 18'.⁹⁵ Recent data from the Productivity Commission confirms this pattern, with 57 per cent of Victorian children and young people (aged 10-16) released from Youth Justice supervision in

- 86 Kuol et al (2024) 'Beyond raising the age of criminal responsibility, African youth need more culturally aware support'. See also Commission for Children and Young People (2024) [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), Commission for Children and Young People, Melbourne.
- 87 Commission for Children and Young People (2024) [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), pp. 4–7; 10–11; 13–14; 32.
- 88 Smart Justice for Young People (2023) *Working Together. Action plan to end the over-representation of particular groups of young people in the criminal justice system*, p. 22.
- 89 Ibid.
- 90 Giles I (2025) [Finding into death without inquest \(Case id. COR 2020 003201\)](#), Coroners Court of Victoria.
- 91 Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, DJCS; Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*; McGregor R J, 'How Victoria's new crime-reduction unit can help tackle its youth crime problem' *The Conversation*, 18 November 2025.
- 92 Singh J (2023) 'Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility'.
- 93 Sentencing Advisory Council (2016) *Reoffending by children and young people in Victoria*, State of Victoria, Sentencing Advisory Council p. 30.
- 94 Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*, p. 12; Citing *Reoffending by children and young people in Victoria*, p. 52.
- 95 Senate Legal and Constitutional Affairs Reference Committee (2025) *Australia's youth justice and incarceration system*, Parliament of Australia, p.29; See also Malvaso C, Magann M, Ribeiro Santiago P H, Montgomerie A, Delfabbro P, Day A, Pilkington R, Lynch J (2024) 'Early versus late contact with the youth justice system: opportunities for prevention and diversion', *Current issues in criminal justice*, Vol. 36, No. 1, 16–41.

2022–23 returning to sentenced supervision within 12 months.⁹⁶

Multiple inquiries have found that incarceration harms children and young people's development, worsens trauma and mental ill-health, disrupts education,⁹⁷ and contributes to an increased likelihood of further criminal behaviour.⁹⁸

Practices in custody, such as separation, segregation, isolation and confinement,⁹⁹ can negatively impact children and young people's physical and psychological health, as well as their social and educational development.¹⁰⁰ As the Australian Human Rights Commission recently highlighted, solitary confinement and similar practices have been recognised as highly harmful for children and young people due to physical and social isolation from others; reduced sensory stimulation; and a highly controlled and closely supervised environment.¹⁰¹ The use of isolation is especially harmful for Aboriginal children and young people and children and young people with disability.¹⁰² The Australian Human Rights Commission stated:

*When children experience solitary confinement and similar practices, the harms they experience, and the psychological scars are carried by some for the rest of their lives. These experiences may affect how children relate to others, cope with stress and navigate life after release, and can make reintegration into mainstream detention settings – and eventually into the community – more challenging and isolating.*¹⁰³

These harms not only impact children and young people's individual wellbeing and development, they also reduce their ability to engage in and contribute to community life over time. This undermines, rather than improves, community safety.

Incarceration is also extremely costly. In 2024–25, the average daily cost of detaining a child or young person in custody in Victoria was \$7,304 – the highest in Australia.¹⁰⁴ This means that, if a child or young person was in custody for a year, the Victorian Government spent \$2.6 million per child or young person.

⁹⁶ Productivity Commission, *Report on Government Services 2026* (Youth Justice services, Table 17A.26).

⁹⁷ Clancey G, Wang S and Lin B (2020) 'Youth Justice in Australia: Themes from recent inquiries', *Australian Government Institute of Criminology*, vol. 605; Australian Human Rights Commission (2024) ['Help way earlier!' How Australia can transform child justice to improve safety and wellbeing](#); Commission for Children and Young People (2021), [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#); Yoorrook Justice Commission, [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#).

⁹⁸ Clancey et al (2020) 'Youth Justice in Australia: Themes from recent inquiries', p. 7.

⁹⁹ Solitary confinement is a prohibited practice in Victoria. Source: *Youth Justice Act 2024* (Vic), s 479.

¹⁰⁰ Clancey et al (2020) 'Youth Justice in Australia: Themes from recent inquiries', p. 7; Australian Human Rights Commission (2025) ['Left alone': A review of solitary confinement and similar practices in Australia's youth justice systems](#), Australian Human Rights Commission, Sydney.

¹⁰¹ Australian Human Rights Commission (2025) [Left alone: A review of solitary confinement and similar practices in Australia's youth justice systems](#), pp. 13–18.

¹⁰² Ibid, pp.16–17.

¹⁰³ Ibid, p.18.

¹⁰⁴ Productivity Commission, *Report on Government Services*, (Youth Justice services, Table 17A.20).

2.5 Better solutions

The literature provides strong support for addressing the actual causes of harmful behaviour through prevention, early intervention and therapeutic responses outside the criminal justice system for children under 14.¹⁰⁵ This includes providing parents and children with adequate support in the early years of a child's life through a well-resourced service system, together with broader, systemic responses to the drivers of contact with the criminal justice system.

There is an extensive evidence base for prevention and early intervention supports, particularly in the areas of schooling and education, universal health, supporting children and families 'at risk' with child and family services, and early support for Aboriginal children and families.¹⁰⁶ Prioritising these solutions provides a better return on investment by changing children's life trajectories and avoiding the higher economic costs of late intervention.¹⁰⁷

Prevention and early intervention

Prevention and early intervention efforts seek to address the underlying causes of children and young people's contact with the criminal justice system, including trauma, unmet needs, socioeconomic disadvantage, family stress and disengagement from education.¹⁰⁸ The National Children's Commissioner's *Help Way Earlier!* report details prevention models that strengthen families, support children's development from a young age,

and improve service coordination.¹⁰⁹ As stated in the report:

*A holistic focus on prevention and early intervention requires the redesign of systems that address the underlying causes of offending by children, especially across health, education, social services, and child protection systems.*¹¹⁰

The United Nations Committee on the Rights of the Child states that effective early intervention responses for children below the age of criminal responsibility must be 'child-friendly and multidisciplinary'.¹¹¹ Evidence further shows that these responses should be delivered through family and community-based supports that address underlying needs, strengthen protective factors and build resilience.¹¹² These approaches focus on prevention and early support by working with children and their families to maintain care, reduce harm and avoid further contact with statutory systems. They require coordinated action across social welfare, education, health and community services to provide timely, non-punitive and developmentally appropriate support.¹¹³

The evidence shows the value of place-based, community-led and culturally responsive approaches that focus on opportunities for prosocial activity. For example, an evaluation of the Black Rhinos Junior Basketball Program in Victoria shows that culturally responsive mentoring and positive role models, school engagement and community connection can improve wellbeing and reduce the likelihood of harmful behaviour among young people.¹¹⁴

¹⁰⁵ Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*.

¹⁰⁶ Stevens E and Gahan L (2024) *Improving the safety and wellbeing of vulnerable children. A consolidation of systemic recommendations and evidence*, Australian Institute of Family Studies, pp. 12–14.

¹⁰⁷ O'Connell M (2025) *The Cost of Late Intervention 2024*, The Front Project, Melbourne.

¹⁰⁸ Victorian stakeholders have identified the absence of a shared, fit-for-purpose definition of 'prevention', 'early help', and 'early intervention' across government and the community sector as a barrier to effective service delivery. Source: SNAICC – National Voice for our Children, the Family Matters Campaign, Monash University and the University of Technology Sydney (2022) *The Family Matters Report 2022: Measuring trends to turn the tide on the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care*, SNAICC, Canberra, p. 78. The Yoorrook Justice Commission recommended the Victorian Government work with Aboriginal organisations to develop a consistent definition that aligns with the perspectives of First Peoples: [Yoorrook for Justice](#) (Recommendation 8).

¹⁰⁹ Australian Human Rights Commission (2024) [‘Help way earlier!’ How Australia can transform child justice to improve safety and wellbeing](#).

¹¹⁰ Ibid, p.14.

¹¹¹ United Nations Committee on the Rights of the Child, General Comment No. 24 (2019) on children's rights in the child justice system, UN Doc CRC/C/GC/24 (18 September 2019) paragraphs 9–11.

¹¹² Ibid. See also UNICEF (2022) *Systemic responses to children under the minimum age of criminal responsibility who have been (allegedly) involved in offending behaviour in Europe and Central Asia*, UNICEF Regional Office for Europe and Central Asia, pp.19–20.

¹¹³ UNICEF (2022) *Systemic responses to children under the minimum age of criminal responsibility who have been (allegedly) involved in offending behaviour in Europe and Central Asia*, pp.19–20

¹¹⁴ Goff R. (2024) *An evaluation of the impact of the Black Rhinos Junior Basketball program*, RMIT University.

Lived experience mentoring programs also demonstrate the value of culturally grounded, relationship-based support. Programs delivered by organisations such as the Centre for Multicultural Youth provide intensive, tailored mentoring by bicultural mentors with lived experience of the criminal justice system.¹¹⁵ These types of programs aim to foster positive identity, resilience and connection to family and community, and to reduce ongoing contact with the criminal justice system.¹¹⁶ Similarly, the *16 Yards* model takes a structured lived experience mentoring approach, which builds trust, supports behaviour change and increases engagement in positive, prosocial activities.¹¹⁷

It is widely recognised that prevention and early intervention for Aboriginal children and young people should be designed and led by the Aboriginal community and provide culturally based services.¹¹⁸ Culturally appropriate, community-led approaches that strengthen connection to culture and address the underlying causes of offending are particularly important for Aboriginal children.¹¹⁹ Preventing children's entry into out-of-home care also reduces the risk of contact with the criminal justice system, recognising the strong crossover between these systems. Prevention is a legislated element of the Aboriginal Child Placement Principle, which requires governments to support families to care for their

children through an integrated and holistic service system that enables access to culturally safe supports.¹²⁰ Upholding this principle requires a shift from late, crisis-driven responses to early, child-centred, restorative and therapeutic approaches, consistent with findings made in *Our youth, our way*.¹²¹

Addressing behaviours when incidents occur

Alternative service responses for children under 14 who display harmful or concerning behaviour, including offending behaviour, are intended to address children's needs while maintaining community safety. Evidence strongly supports therapeutic and diversionary responses over criminal justice contact for children in this age group.¹²² Early intervention, diversion and joined-up service responses are more effective ways to address children's problem behaviour than criminal justice responses.¹²³

Common features of effective responses include multidisciplinary assessment, therapeutic and trauma-informed supports, family engagement, and culturally responsive services delivered through community organisations.¹²⁴ *Our youth, our way* outlined alternatives to custody and a 'just and age-appropriate response to Aboriginal children aged 10 to 13' that supports children's wellbeing and addresses issues

¹¹⁵ Centre for Multicultural Youth, [Lived Experience Mentoring Project](#), accessed 19 April 2026.

¹¹⁶ Ibid.

¹¹⁷ [16 Yards](#), accessed 19 April 2026; DJCS and the VRU have engaged 16 Yards to deliver lived experience mentoring as one of its first violence reduction programs, Source: Information from DPC to the Commission on 21 May 2026.

¹¹⁸ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#).

¹¹⁹ Ransley J, McGee T R, Leilani R, Thompson C, and Williams C (2024) A review of arguments for raising the age of criminal responsibility. *Current Issues in Criminal Justice*, 36(4), pp. 374–376.

¹²⁰ *Children, Youth and Families Act 2005* (Vic) s 14 (1A). See also SNAICC – National Voice for our Children (2017) *Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle: A resource for legislation, policy and program development*, p. 8.

¹²¹ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), pp. 129, 160–164; Jesuit Social Services (2019) [Raising the Age of Criminal Responsibility: There is a better way](#). See also Australian Human Rights Commission (2024) [‘Help way earlier!’](#) Recommendation 10: ‘Australian Governments prioritise investments in prevention and early intervention through Aboriginal Community Controlled Organisations’.

¹²² Ransley J et al (2024) ‘A review of arguments for raising the age of criminal responsibility’.

¹²³ Ibid, p. 373.

¹²⁴ Standing Council of Attorneys-General (2023) *Age of Criminal Responsibility Working Group Report*, Attorney-General's Department; Law Council of Australia (2022) [Responses to Children under the Minimum Age of Criminal Responsibility: Position Paper](#); Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, pp. xii–xiii; Dr Justin Barker (2025) *Therapeutic support panel for children and young people 2025 report*, Australian Capital Territory, Canberra.

contributing to harmful behaviour.¹²⁵ Key features include that it is designed and led by Aboriginal communities, is child-centred, provides culturally based services, is coordinated across support services and multidisciplinary, and incorporates restorative justice.

In the ACT, an independent Therapeutic Support Panel (TSP) was established to support the delivery of an alternative response to the criminalisation of children under 14, following the minimum age of criminal responsibility being lifted. The TSP oversees and coordinates therapeutic supports for children and young people at risk of, or engaging in, serious harmful behaviours, to address unmet needs and the underlying causes of harmful behaviours. While still in the early stages of establishment, the ACT Public Advocate and Children and Young People Commissioner stated in its submission to the *Senate inquiry into Australia's youth justice and incarceration systems*:

*The TSP has had some early success in its work with several high-risk children, including children who have engaged in harmful behaviour together and children who are above the [minimum age of criminal responsibility]. Already this has reduced their level of involvement with justice services, where previously these children had experienced intermittent and extended periods of remand.*¹²⁶

Other organisations have proposed and recommended models that provide an alternative to criminalisation of children. In 2022, the Law Council of Australia proposed a graded approach to provide wraparound, multidisciplinary services to address the core health and wellbeing needs of the child and their family unit.¹²⁷ The model is guided by a series of overarching principles, including the importance of attending to core needs of the child and their family unit; governments providing long-term, stable investment in early intervention, diversionary, rehabilitative and therapeutic programs and services;

availability of services in regional, rural and remote areas; and recognition that children's developmental stage means they are distinct from adults.

In 2019, Jesuit Social Services published a paper outlining an alternative response to the criminal justice system.¹²⁸ The paper recognised that prevention and early intervention are critical elements to an alternative response, including through working with families and therapeutic and restorative approaches. Jesuit Social Services also recognised that this work involves a range of services across universal systems and community services, and the importance of Aboriginal Community Controlled Organisations delivering supports to Aboriginal children and families as much as is possible.¹²⁹

2.6 Implications for system responses

Children in contact with the criminal justice system have often experienced multiple and compounding adversities and, in many cases, existing system responses amplify those harms rather than mitigate them. This can entrench children in ongoing contact with the criminal justice system and undermine efforts to improve long-term outcomes and community safety.

The evidence is clear – prevention, early intervention and alternative service models are more effective and less costly measures to respond to the needs of children, address the drivers of harmful behaviour and achieve better outcomes for the community.

¹²⁵ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system](#), pp 160-164; Jesuit Social Services (2019) [Raising the Age of Criminal Responsibility: There is a better way](#). See also Australian Human Rights Commission (2024) ['Help way earlier!'](#) Recommendation 10: 'Australian Governments prioritise investments in prevention and early intervention through Aboriginal Community Controlled Organisations'.

¹²⁶ ACT Public Advocate and Children and Young People Commissioner, [Submission \(no.85\) to Senate inquiry into youth justice and incarceration system](#), p.6.

¹²⁷ Law Council of Australia (2022) [Responses to Children under the Minimum Age of Criminal Responsibility: Position Paper](#).

¹²⁸ Jesuit Social Services (2019) [Raising the Age of Criminal Responsibility: There is a better way](#)

¹²⁹ Ibid.

Finding 1:

Evidence shows that prevention and early intervention deliver the strongest positive outcomes for children and young people and the greatest gains for long-term community safety.

A substantial body of evidence shows that early contact with the criminal justice system increases the likelihood of reoffending and an escalation in offending behaviours. Children already experiencing instability, vulnerability and disadvantage are disproportionately impacted by early criminal justice system involvement. Prevention and early intervention are the most effective strategies to reduce children and young people's engagement in high-risk and harmful behaviours and strengthen long-term community safety.

When harmful or offending behaviour occurs, common features of effective responses include multidisciplinary assessment, developmentally-appropriate, therapeutic and trauma-informed supports, family engagement and culturally responsive supports delivered through community organisations.

Abby's story

'Abby' is a 15-year-old young person who we consulted for this inquiry. Her story reflects what she shared with us.

I'm just me. I like cooking – throwing things in a pan and making it taste good. I'm terrible at recipes. I like music. I love my dog. I love animals. I want to go back to school. That's one of the biggest things for me.

I used to live with my nan when I was little. Then things started getting bad between us. We'd fight. It would get aggressive. My mental health got worse. Mum's got bipolar. Dad's got schizophrenia. Everyone in my family has something going on. I moved in with my dad for a while. That didn't last. He got really aggressive – it wasn't safe. So I went back to my nan, then into residential care. I was about nine or ten when I first went into resi.

In resi, it was constant moving. It drives me crazy. Every couple of weeks, a new house. New workers. New kids. New town. My biggest problem in life is consistency – I need consistency – and it was always inconsistent. I used to stay at my mates' houses just to get a break from it. They say I got moved so much because of how aggressive I was. But I was also aggressive because I was being moved so much.

I used to do everything – gymnastics, tennis, dancing, footy, soccer. My nan always supported me. When I went into resi, all of that stopped. That was hard. I went from having things to do to having nothing.

Primary school was good. I liked maths and art – I was good at them. My principal was a big support. She was more like a best friend. They helped me with my mental health. But I stopped going in Grade 6. I never started high school. I was meant to go to an alternative

school, but with all the moving it never happened. I just never started because I kept being moved into different houses.

The first time I remember police properly, I was about eight or nine. They came to my school and pulled me out of class. For family abuse. Everything was already going on at home. I was living with my nan then. There had been a massive fight between us, and I pulled a knife on her. By the time police got there, she had already calmed me down. I think they took me to the station for an interview. They were rude. That's what I remember.

I don't think I've ever felt safe around police. Police are nothing other than a street thug, the only difference is the badge. There was a time when I was arrested for a petty crime – not a violent crime. The cop slammed my head into a metal chair, grabbed me by the hair. His knee went into the back of my throat and I couldn't breathe for three minutes and then they threw me into the divvy and hit my head and pepper sprayed me. I was 13 or 14. They made me sit there for 10-15 minutes before giving me water to wash my eyes out. I asked to make a complaint and I was completely ignored. Police didn't help anything. They just made it worse.

Cops used to threaten to put me in the cells a lot. I remember they threatened me when I was about 10 years old. I didn't feel safe in the cells. I struggle with empty rooms because of my mental health, trauma wise. One time they didn't check on me – it took 10-12 knocks just to get their attention.

I've never had much support. There's always something in the way – age limits, funding, not meeting criteria. Or you finally get somewhere and then you get moved again and have to

start from the beginning. You have to tell your story over and over. A lot of what I struggle with now is addiction. When I got out last time, I asked for AOD support. That was the main thing I wanted. I know that if I can get on top of that, I can go back to school. Maybe TAFE. But I just got put on a waitlist.

A lot of my trauma comes from what I've been through, especially with my dad. It's hard to talk about, but it had a big effect on my mental health. That's my biggest problem – I can't talk about how I feel. And I'm not the only one. A lot of kids are like that.

People make decisions for us all the time. Especially kids who are seen as 'high risk.' But they don't actually sit down and listen. They don't understand that when you've been moved around so much, it's hard to trust anyone. What would help is simple – give kids what they're asking for, when they're asking for it. Actually, follow through. Be real, not just act like workers.

For me, I want to get off drugs. That's the biggest thing in the way of everything. I want to go back to school. I want to make money. Hopefully when I get out this time, everything will be better.

Chapter 3:

Experiences before contact with the criminal justice system



My goal is, get out of town, get a good job that I'm good at and I actually like, get my own house, start a family and live life.
(Ryan, 16)

Most children in contact with the criminal justice system grow up experiencing significant adversity and harms to their safety and wellbeing, many from a very young age. These harms are typically driven by structural and systemic conditions, rather than personal or familial shortcomings. They are reflected in the data, documented in the literature,¹³⁰ and recognised in government policy frameworks.¹³¹ However, this context is often missing from the public discourse, where media reporting and broader commentary frequently frame children and young people through a narrow lens of criminality, rather than acknowledging the challenging circumstances and structural factors that shape their lives. The Victorian Government's recent changes to bail and sentencing laws, in response to heightened community concern, similarly overlook these realities.

This chapter examines the life experiences of children before they came into contact with the criminal justice system, drawing on files and data for 26 children subject to Youth Justice supervision in 2023–24 and 2024–25 who were under 14 years of age.¹³² The needs of these children had been raised in various systems over time. All were known to Child Protection, and most were placed in out-of-home care where the

State became their parent. Overall, at the time of review, our analysis showed:

- Child Protection had been involved with all 26 children, receiving a total of 250 reports over the course of their lives that raised concerns for their safety and wellbeing (see section 3.2).¹³³ Twenty-one children had an open report at the time of our review.
- Nineteen children had lived in out-of-home care, with 12 having lived in residential care (see section 3.3).¹³⁴
- Intergenerational adversity was a feature in the lives of several children engaged in the Child Protection and criminal justice systems (see section 3.4).
- Department of Education (DE) data for 25 of the 26 children showed a high rate of 'chronic absence'¹³⁵ from school for 2022 to 2025, and 20 of the students had been suspended, including some on multiple occasions (see section 3.5).¹³⁶

¹³⁰ Baidawi S, Ball R, Sheehan R and Papalia N (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, Report to the Criminology Research Advisory Council Grant: CRG 41/20-21, Australian Institute of Criminology; McCausland R and Baldry E, 'Who does Australia Lock Up? The Social Determinants of Justice', *International Journal for Crime, Justice and Social Democracy*, vol. 12, no. 3, 2023.

¹³¹ Department of Justice and Community Safety (DJCS) (2020) *Youth Justice Strategic Plan 2020-2030*, Victorian Government, p. 9; Victorian Aboriginal Justice Agreement (2024) *Wirkara Kulpa—Aboriginal Youth Justice Strategy 2022-2032*, Victorian Government, p. 20. Also see the guiding principles, custodial rights, custodial principles in the *Youth Justice Act 2024* (Vic). According to DJCS, these sections in the Act specifically recognise the complex interplay between systemic, structural, and individual circumstances which precipitate and inform children and young people's engagement with the criminal justice system. Source: Information provided by DJCS to the Commission on 29 May 2026.

¹³² Or were under 14 at the time of the incident that resulted in Youth Justice supervision.

¹³³ At the time of our review, 229 reports had been closed and 21 reports were open. Source: Data provided by the Department of Families, Fairness and Housing (DFFH) to the Commission on 5 November 2025.

¹³⁴ Data provided by DFFH to the Commission on 5 November 2025.

¹³⁵ The Department of Education's (DE) guide to attendance defines chronic absence as missing 20+ days (ten per cent absence; average one day per fortnight); Source: Department of Education and Training, *Schools' Guide to Attendance*, State of Victoria, Melbourne.

¹³⁶ Data provided by DE to the Commission on 29 January 2026.

This data is further explored throughout the chapter and supported by evidence gathered through consultations with children and young people, all of whom experienced the criminal justice system under the age of 14. The research outlined in Chapter 2 was considered alongside these lived experiences, which enables greater insights and understanding of the impact of certain policies and practices in the criminal justice system on children and young people.

The children and young people who informed this inquiry have complex backgrounds and multiple, intersecting needs. Many have experienced abuse, harm and neglect, as well as moving in and out of systems and services intended to reduce harm. Despite the intent of these systems, children and young people largely confirmed their needs were not met in a meaningful way. Too often, they were forced to navigate adversity from a young age and on their own. Their routines and relationships were disrupted, and their sense of safety and belonging fractured.

These are the children and young people in the criminal justice system and who are at high risk of being further entrenched under the Victorian Government's current approach to offending by children and young people. Understanding how their experiences have shaped their lives is critical to effective system responses that address their needs and the underlying causes of their behaviours to reduce reoffending and promote community safety.

3.1 Children's interests, goals and aspirations for the future

Despite significant challenges in their young lives, the children and young people consulted in this inquiry spoke of goals and aspirations that are modest, pro-social and consistent with broader community values and need for connection, support and belonging. They spoke of interests and goals including to play sport, and to have a safe home, a loving family and good prospects for the future, many of the same things as other children and young people.

Children and young people spoke about their ambitions to secure meaningful employment that would allow them to support their families and contribute to the wellbeing of others.

Get out of this town, get a job that I enjoy and like... family and house and car... I've been doing fibre glassing lately and I really like that.
(Benji, Aboriginal, 13)

Equine therapy. I love horses, I love animals. I will never hurt an animal. I would choose an animal's life over a human. No offence, man. I would. (Liam, 15)

I see myself providing for my kids, having a family, having a nice house and car. I want to be a diesel mechanic, roof plumber or electrician.
(Cameron, Aboriginal, 16)

Lawyer or a judge. I'll fuckin help kids.
(Lewis, 14)

I want to be a youth support worker or YJ specifically because I want to help kids who grew up in care like me.
(Frankie, Aboriginal)

I want to become a counsellor or a social worker because it's good to help others, I think it would help me. Or maybe a lawyer, but not on the bad people side, the good people side. I hate lying.
(Lizzy, 14)

Other people want to travel but I just want to have a family and buy a house.
(Johnny, 19)

I want to do my VPC [Victorian Pathways Certificate], and then go to TAFE, become a social worker or a resi care worker, and live with my sister.
(Tommy, 14)

I dream of being a large animal veterinarian. My aunty has a farm... and I want to live near her and work there.
(Gino, 16)

Many children and young people spoke about things that make them happy, including seeing family, pursuing hobbies, and participating in cultural activities. Cultural activities that connect children and young people to their community and identity is a strong protective factor for Aboriginal children and young people and those from multicultural backgrounds.

Going to see my mum makes me happy. Playing basketball, and footy. Seeing my mates. Not coming into custody. I like cooking chow mein. (Cameron, Aboriginal, 16)

I have a little Jack Russell.... My safe person is my mum. I like boxing.
(Jay, Aboriginal, 14)

Yeah, I like art. We had to do this thing at Rotary Park where we painted chairs and put handprints on it. It was cool. We also do clay and airbrushing in school ... I made a painting the other day and it said 'Our Culture, Our Future'.
(Mel, 14)

I like helping animals, I had pets – French bulldogs. I'm getting a pair of sugar gliders when I get out. (Sean, Aboriginal, 19)

I like cooking – I like throwing things in a pan and making it taste good. I'm terrible at recipes. I like listening to music. I love my dog, love animals. I want to go back to school – that's one of my biggest things.
(Abby, 15)

I like going to classes, I like going to the gym here. My hobbies are basketball, soccer, gym, playing games...I liked playing soccer and basketball at clubs when I was 13/14. I follow the Geelong Cats too. (Manny, 17)

The Commission also heard accounts of children and young people hoping to turn their lives around and for other children and young people to have hope for the future.

I want this to be the last time that I come into Parkville, I'm trying to have the best future I can and to try to help my parents as much as I can. They have been there for me. My older brother has been here once and now he's stepping in. I'm the only one in the family that's not putting in much effort. I'm doing Year 12 now. Probably do a trade. My dream is to open up a business for me and my brother under my family's name – carpentry. (Manny, 17)

I want kids offending to have hope their life can change. A charge doesn't define you, it's a lesson for the future. (Mika, Aboriginal, 18)

I want to get off drugs. That's the one thing that is blocking everything, I want to go back to school. Hopefully when I get out this time, everything will get better. (Abby, 15)

The lives of these children and young people have been significantly more challenging than most, which has impacted their life options and made even modest aspirations – *to see mum, to play footy* – sometimes difficult to achieve. Despite this, with insight and humanity, children and young people expressed their hopes for the future and to live meaningful lives. This speaks to the unique opportunities to rehabilitate children and young people and the importance of strengths-based interventions that support healthy development.

3.2 Children were the subject of multiple Child Protection reports

Feeling like you're not wanted is really hard. (Lizzie, 14)

For many of the 26 children under Youth Justice supervision whose files were reviewed for this inquiry, signs that children and their families needed support were flagged with Child Protection repeatedly and often early in children's lives.

All 26 children were known to Child Protection, many from a young age. At the time of our review, Child Protection had received a total of 250 reports over the course of the children's lives, raising protective concerns for the children.¹³⁷ At the time of the review, Child Protection had open reports for 21 of the children, meaning it was in the process of assessing concerns for their safety and wellbeing.¹³⁸

All but one child had been the subject of multiple reports to Child Protection:

- 23 children were the subject of four or more reports
- 12 children were the subject of 10 or more reports
- one child was the subject of 20 reports.¹³⁹

Over half of the children (58 per cent) were the subject of reports before turning five. Over a third were the subject of their first report before turning one, meaning concerns for their safety or wellbeing were present from very early on in their lives.

Family violence, substance misuse, emotional harm and neglect were commonly identified harms

Family violence was the most common protective concern raised in the reports overall, featuring in 122 reports (nearly one in every two reports) made in relation to 22 of the 26 children.¹⁴⁰ For 13 children, family violence was first raised as a protective concern before the age of five.

Many reports raised multiple concerns about the children's safety, but the concerns varied depending on their ages, as shown in **Figure 1**. When the children were under five, common protective concerns were family violence, parental substance misuse, emotional and psychological harm, parenting capacity and neglect. When the children were aged 10 to 13, reports continued to identify family violence and emotional and psychological harm but also raised children's high-risk behaviours as protective concerns, including substance misuse, involvement in criminal activity and children going missing from home or care and disengaging from education.

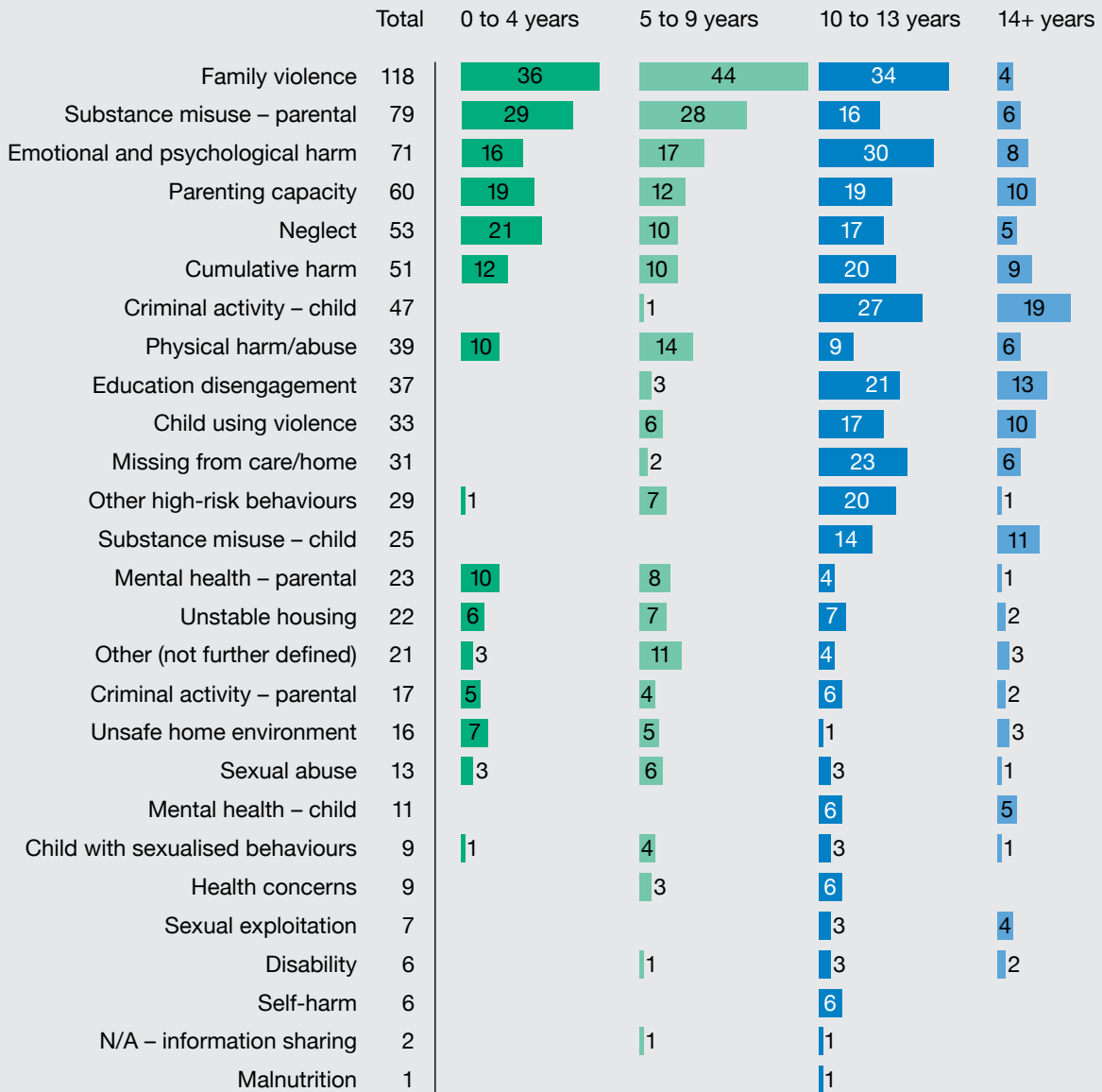
¹³⁷ At the time of our review, 229 reports had been closed and 21 reports were open.

¹³⁸ Data provided by DFFH to the Commission on 5 November 2025.

¹³⁹ Ibid.

¹⁴⁰ Among the 22 children, family violence was present in more than five reports on average (5.5); Data provided by DFFH to the Commission on 5 November 2025.

Figure 1: Number of reported concerns for children under Youth Justice supervision in 2023–24 and 2024–25, by age (grouped) at time of report¹⁴¹



¹⁴¹ Data provided by DFFH to the Commission on 5 November 2025. Data shown in Figure 1 does not include protective concerns where a child's age was unknown at the time of the reported concern.

From the file review, it was evident that children's experiences of harm in their younger years manifested into risk-taking behaviours as they got older. This is consistent with research that shows a known correlation between adverse childhood experiences and high-risk behaviours in adolescents,¹⁴² and highlights gaps in access to timely, specialised supports for children and young people who have experienced adverse childhood experiences.¹⁴³ Without access to supports, children and young people are often left to manage the effects of trauma on their own. This is demonstrated in Harry's experience.

Experiences of family violence and exposure to substance abuse

As well as being evident in Child Protection reports, children's experiences of family violence were reflected in data from The Orange Door. The Orange Door is a community entry point that provides information and support to people experiencing or using family violence, and children, young people and families seeking parenting and wellbeing support.¹⁴⁴ All but one of the 26 children had been referred to The Orange Door, and reports of family violence incidents from Victoria Police (known as 'L17s') were the most common source of referral. Over three quarters of the children (20 children) were referred through this avenue from 2018 to 2025.¹⁴⁵ The Commission's inquiry, *Left behind*, found that The Orange Door does not consistently engage with children about their experiences and specific needs,¹⁴⁶ so the 25 children referred may not have been directly engaged by The Orange Door.

Harry's experience¹⁴⁷

Harry is growing up in a home where he has been exposed to significant harms from a very young age. There has been extensive Child Protection involvement, with Harry the subject of over 15 reports that raised concerns for his safety and wellbeing since before he was two. Harry experienced significant neglect and was exposed to extensive parental substance abuse. Harry is also a victim-survivor of family violence, perpetrated by several family members. Family violence has been a constant in his home, with Victoria Police responding to more than 25 incidents.

While Child Protection implemented several protection orders to work closely with the family, the issues worsened. More recent reports to Child Protection identified protective concerns regarding Harry going missing from school and home, misusing substances and using violence against family members. Harry's first contact with the criminal justice system was before the age of 14.

Children who use violence have, in many cases, previously experienced family violence themselves.¹⁴⁸ This was evident in both Child Protection files and The Orange Door data. In all referrals to The Orange Door

¹⁴² See especially Australian Institute of Family Studies (2024) [The role of adverse childhood experiences \(ACEs\) in adolescent use of violence](#); World Health Organization (2024) [Child Maltreatment](#), accessed 28 June 2026.

¹⁴³ Commission for Children and Young People (2026) [Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection](#), Commission for Children and Young People, Melbourne.

¹⁴⁴ Information provided by DFFH to the Commission on 29 May 2026.

¹⁴⁵ Data provided by DFFH to the Commission on 5 November 2025.

¹⁴⁶ Commission for Children and Young People (2026) [Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection](#), p.72.

¹⁴⁷ Harry's experience is based on one of the 26 children under Youth Justice supervision in 2023–24 and 2024–25.

¹⁴⁸ Campbell E and Wall L (2023) *Adolescence Violence in the Home*, Melbourne: Respect Victoria, p.5; Fitz-Gibbon K, Meyer S, Boxall H, Maher J, and Roberts S (2022) *Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts* (Research report, 15/2022). ANROWS, p.12.

– including those from Child Protection, Victoria Police, professionals and self-referrals – 62 per cent of the 26 children were identified as victim-survivors of family violence and 46 per cent were identified as the person using violence.¹⁴⁹ In many instances, children were identified as both the victim and the person using violence, including:

- of the 12 children identified as the person using violence, ten were also victim-survivors
- of the 16 children identified as victim-survivors, ten were also identified as the person using violence.¹⁵⁰

Similarly, Child Protection reports showed that almost half of the 26 children were exposed to parents' substance abuse prior to turning five years of age. As the children grew older, their own substance misuse was raised as a protective concern to Child Protection. For 13 children, it was also identified as a concern in their Youth Justice files.

Child Protection intervened in most children's lives to address harms

For most of the 26 children, the harms were significant enough in their lives to warrant Child Protection intervention. For some children, this intervention occurred earlier, whereas for other children, Child Protection received multiple reports over time raising concerns for their welfare before progressing to an investigation.

Of the 229 closed Child Protection reports, 59 per cent (135) were closed in the intake phase, meaning Child Protection assessed the harms as not serious enough to meet the threshold for an investigation. Reports raising concerns for the 26 children were more likely to be investigated (41 per cent) when compared to the broader investigation rate (31.5 per cent).¹⁵¹ In 54 of the reports that were investigated, harm was substantiated and Child Protection proceeded to a period of intervention.

All but one of the children were the subject of at least one report to Child Protection that resulted in an investigation followed by a period of protective intervention, and 35 per cent experienced their first Child Protection intervention before they turned five.

This is a clear indication of the significant harms that these children under Youth Justice supervision have experienced in their lives. Despite these interventions, further reports to Child Protection and escalating behaviours suggest that more or different support was needed to protect their safety and wellbeing.

What we heard from children and young people

In consultations, children and young people spoke candidly about the home environments they grew up in. They described early and repeated contact with Child Protection, often from infancy, and experiences of family violence, exposure to substance abuse and mental health issues, and feeling lonely, abandoned and sometimes suicidal. Children and young people spoke about the lasting effects of these experiences on their lives.

I lived at home with my dad and siblings but I wasn't there much. There was lots of Child Protection involvement from when I was about nine – because of domestic violence. I was removed about four times. Went to family friends when I got removed. It was really shit when they took me away, it caused a lot of problems. It pushed my mum to suicide when I was around 10. (Julian, 21)

I was going to school with bruises. I was part of a family with lots of trauma, I didn't have much family support. (Frankie, Aboriginal)

Mum was a raging alcoholic. A lot of my childhood was filled with traumatic things... I was with mum until I was five, then went into foster care for one year. Mum would come and see me there. Went back to mum after that. Then back to foster care when I was about 11. Then went back to mum after a year. The day after my 14th birthday, I tried to commit suicide. I just didn't want to live back then. (Johnny, 19)

¹⁴⁹ Data provided by DFFH to the Commission on 5 November 2025.

¹⁵⁰ Ibid.

¹⁵¹ Productivity Commission, [Report on Government Services 2026](#) (Child Protection Services, Table 16A.5).

Your parents give you a whooping and think it's normal. It wasn't normal. Now they split my family, saying I can't live with my younger siblings...It ruins family relationships... That shit hurts you... then you start going further, deeper and deeper. It fucks with you. (Patrick, 17)

My home life was very unstable majority of the time, constant verbal and physical fights with my family. Everyone in the house was using drugs and alcohol, including me. (Mika, Aboriginal, 18)

When I was five years old and it was school holidays, I was by myself and I had to learn how to make my own noodles and stuff. You can't leave a five-year-old at home alone. I was so hungry, I didn't know how to make food for myself. (Jack, 17)

They used to just make me choose between them all the time, and it hurt because I could see how my dad was abusing my mum. (Lizzie, 14)

3.3 Many children in the criminal justice system live in out-of-home care

Let's chuck him in resi care and not ask him anything about what he wants. All these kids have so much trauma that needs to be healed and no one asks them what do you want to do with your life and what makes you happy. Everyone just gives them the bare minimum and ticks a box – completing their duty of care. I never felt like anyone cared for me in the community. Only one worker supported me. (Johnny, 19)

Where a child faces a significant risk of harm or abuse in the family home, and their parents have not protected or are unlikely to protect them from that harm, Child Protection may make a protection application to the Children's Court of Victoria. The Children's Court may grant an order that enables the child to remain with their parents (often subject to certain conditions), or that removes the child from their parents' care and places them in out-of-home care for a period. Out-of-home care includes kinship care, foster care, residential care and lead tenant arrangements. When this happens, the Victorian Government is responsible for protecting them, acting in their best interests, keeping them safe and supporting them to heal.

While most children living in out-of-home care are not in contact with the criminal justice system, this inquiry found that for the 26 children under Youth Justice supervision, 73 per cent (19 children) had lived in out-of-home care at some point. Of these children, over a third (seven children) first entered out-of-home care before turning five. Twelve of the 19 children (63 per cent) lived in residential care at some stage, ranging in ages from 10 to 15. Two children first entered residential care at age 10, another at age 11.

Experiences of instability and harm

Most of the 26 children experienced a significant level of instability at a young age. Of the 15 children with multiple placements:

- six children experienced fewer than five placements
- three children experienced between five and nine placements
- two children experienced between 10 and 14 placements
- four children experienced 15 or more placements
- one child experienced 32 placements (nine of which were emergency placements) and another child experienced 24.

Children and young people can also experience further harm when living in out-of-home care, with some experiencing threats to their safety and wellbeing. One way to measure this is through incidents recorded by out-of-home care service providers on the Department of Families, Fairness and Housing's Client Incident Management System (CIMS).¹⁵²

Between July 2018 and June 2025, 10 of the 19 children who lived in out-of-home care were recorded in the CIMS as being involved in 224 incidents. The majority of these occurred in residential care (83 per cent). Most of the incidents were deemed to be a 'non-major impact' incident (74 per cent), such as being absent and inappropriate physical treatment. The remainder were 'major impact incidents' (26 per cent), which included physical abuse and self-harm/attempted suicide.¹⁵³

One child was involved in 110 of the 224 incidents, predominantly regarding inappropriate physical treatment incidents, both as the victim and the person using inappropriate physical treatment. He was also involved in incidents relating to being absent from care, self-harm and attempted suicide.

As found in the Commission's previous systemic inquiries, placement instability and involvement in incidents in their care placements adversely impacts children and young people's social and emotional wellbeing and can exacerbate the trauma they experienced in their lives prior to entering out-of-home care.¹⁵⁴ The ongoing harms that children and young people experience in care is also reflected in the Secure Care data analysed for this inquiry, as discussed below.

Experiences in Secure Care

In rare circumstances, children and young people aged 10 to 17 years can be placed as a last resort in Secure Care. Secure Care is governed under the *Child, Youth and Families Act 2005*,¹⁵⁵ and is a state-funded locked residential facility for those who are at immediate, substantial risk of harming themselves. Secure Care is a crisis-stabilisation measure that aims to provide 24-hour care for children and young people while a case plan is developed to return them to a less restrictive environment as soon as possible.¹⁵⁶

Almost a quarter of the 26 children (six children) had been placed in Secure Care, indicating that at some point, they were assessed as being at substantial and immediate risk of harm and removal from the community was required for their own safety.¹⁵⁷ At the time of children's placement in Secure Care, four of the six were living in out-of-home care, three of which were living in residential care.

¹⁵² CIMS is a reporting system that focuses on the safety and wellbeing of our clients by outlining the approach and key actions service providers are required to undertake to manage client incidents. Source: DFFH, [Client incident management system](#), accessed 18 April 2026.

¹⁵³ Data provided by DFFH to the Commission on 5 November 2025.

¹⁵⁴ For example in [Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care](#) (2021), [In our own words: Systemic inquiry into the experiences of children and young people in the Victorian out-of-care system](#) (2019) and [Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care](#) (2023).

¹⁵⁵ *Child, Youth and Families Act 2005* (Vic), s 44(1)(a)(ii).

¹⁵⁶ DFFH, [Secure Care Services](#), accessed 24 March 2026.

¹⁵⁷ Ibid.

What we heard from children and young people

The Commission heard extensively from children and young people about their experiences in out-of-home care, particularly residential care. They spoke about multiple placement changes, as well as exposure to other children and young people in distress, and increased contact with police. Their accounts show how these experiences impacted their sense of safety, stability, connection, and belonging.

It just fucks your life up. All these people pulling the strings and you have no control. Then look what happens, we are in this fucked town in resi. (Benji, Aboriginal, 14)

[DFFH] don't support, they just chuck you in a house and give the carer a little paycheck to have you. They don't give the carers the proper support, they take kids they don't even know. (Ryan, 16)

I got put in [care] in 2020, and then I got put in resi in 2022, and I'm still there. This is my twenty-fifth placement. It feels annoying. I tell them not to move me and they do it anyway. They don't listen to me. They've moved me everywhere. They told me that me and my sister would stay together and then they separated us. When we first went into care, we stayed together and then they separated us after two months. They say in all the charters that we have a say, but we really don't. They lied to us about staying together. (Tommy, 14)

When I was moving around in resi, that got in the way. You have to repeat yourself a lot. It's hard to get support when you're moving around. (Abby, 15)

Resi gets you used to jail. (Scotty, 15)

Children and young people spoke about the impact of being placed with other children and young people in distress. They described feeling heightened stress in their daily lives, particularly when they did not receive adequate support to feel safe or understood.

Resi is luck of the draw who you get put with, both in terms of kids and the organisation and staff. They need to look at who they put in with who. There's some kids that are full blown criminals and some who are just young kids who are good kids but they then mix and become involved with the others. Ya see that all the time. (Cooper, 19)

I lived in residential care before going into custody at 14. They put me in places where I'm not safe. (Scotty, 15)

Children and young people spoke about being at the mercy of the care system with no voice or control over their lives.

They're liars, they lie all the time. Like when they told me I would only be away from my parents for one night and then it turned into five years. Or they'll tell you you're moving, and you don't end up moving. Or they'll tell you you're gonna be somewhere for a few weeks and then it ends up being a year. There was one time, they said I would only be in my placement for a week. So, I had all my stuff packed waiting to move on to the next place. Every week they said it would be the next week. It was like that for months. Imagine me just sitting on the bed with my bags packed, waiting, every week. I ended up staying there for a year. (Tommy, 14)

I didn't know much – I just knew I was going from house to house to house.... But no one ever talked to me about what was going on to the level I understood...I've had to figure it out myself... I think I was like eight or so when I remember they talked to me about it, but it was fuck all. (Ryan, 16)

They don't listen to us. We don't get a say. We do get a 'voice'... They get the message, but they don't have to do anything with it. So having a 'voice' doesn't mean much to be honest. Everyone has a voice. But it's about listening to it that makes a difference. (Benji, Aboriginal, 14)

Other children and young people spoke about being unable to continue with activities they enjoyed once they entered residential care. Some spoke about no longer going to school.

Gymnastics, tennis, dancing, tried footy and soccer, I did it all, my nan was really supportive. When I moved into resi those things didn't continue, that had a big impact on me because I had nothing to do. (Abby, 15)

When I moved into residential care, I realised nobody really had much authority over me. So why would I go to school if nobody is forcing me? (Tommy, 14)

Relationship between residential care and children and young people involved in the criminal justice system

Previous inquiries by the Commission have found that out-of-home care, particularly residential care, can feel unsafe, chaotic and dangerous for children and young people.¹⁵⁸ Significant efforts have been made to strengthen therapeutic and supportive responses in these settings,¹⁵⁹ and these efforts must be sustained. When placements lack stability, cultural safety and trusted relationships, some children and young people seek connection and support elsewhere. This exposes them to heightened risks including criminal and sexual exploitation. A lack of connection and sense of belonging in residential care is also widely understood to lead to increased offending.

The majority of the children that come to the cautioning board are in residential care. And they're getting cautioned for smashing up the house. They're getting cautioned for crimes that directly result or are caused by the fact that they're in residential care, and they probably wouldn't have happened outside of that. Again, I'm not saying there should be no consequences, but let's talk a little bit about how being raised by youth workers on eight-hour shift impacts your ability to connect and have regulation opportunities. (Regional Aboriginal Justice Advisory Council member)

Children who live in residential care are under the care of the State, which assumes the role and responsibilities of a parent. This includes a duty to provide safe, stable and developmentally appropriate care that supports their wellbeing and growth. Where this care is not provided effectively, it contributes to the conditions that lead to children engaging in harmful behaviours. Their unmet needs are then compounded by a criminal justice response.

As their parent, the State is responsible for giving these kids meaningful support and to care for them. But the State doesn't do that and now the State's locking them up. (Aboriginal Community Controlled Organisation)

¹⁵⁸ For example in [Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care](#) (2021), [In our own words: Systemic inquiry into the experiences of children and young people in the Victorian out-of-care system](#) (2019) and [Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care](#) (2023).

¹⁵⁹ Commission for Children and Young People (2025) [Wrap-up report card: Progress against past inquiries–2025](#), accessed 19 April 2026.

Risks of criminal exploitation

Children and young people can also be exposed to criminal activity because others exploit them. In 2021, the Commission's *Out of sight* inquiry found children and young people who were absent or missing from residential care were at high risk of criminalisation through exposure to and engagement in criminal activity, which in some instances was linked to criminal exploitation.¹⁶⁰ We found that some adults and older peers used power imbalances to coerce, control or manipulate children into offending. Children who experienced abuse, housing instability, disability, social isolation or exclusion from education were more likely to be targeted, which increased their risk of criminalisation and involvement in the criminal justice system.

In this inquiry, the Commission heard from some children and young people and stakeholders who work with them that these issues persist because the conditions that enable exploitation remain and continue to evolve.

A lot of stuff gets blamed on kids now but a lot of the time it's adults. Sometimes adults force some kids to do it, get them addicted to money and drugs. (Chris, 16)

They know how to manipulate you. These guys are proper criminals. They know how to talk, how to convince you. They make it sound easy and safe. They influence your decisions without you realising it. At some point, something clicked for me. I realised it wasn't worth it. But if it goes deeper, it can push people to extreme things, even murder. (Archer, 25)

We have people or, you know, criminals who show 'love' to our young people like, you know, might buy them a feed, you know, to, you know, take an interest in them. And if they haven't been shown that before or they think, 'oh, this person actually cares about me', then they're more willing to do things for them. ... That's that gap, that let's say, predators are filling at the moment. (Aboriginal Community Controlled Organisation)

Another thing for young people now is that social media is a massive thing. And they want to make quick money so they're told by some 30-year-old man who drives a Mercedes-Benz off their profit, 'I'll give you \$500 for a car'. And then they sell that car for \$15,000. For a young person, 500 bucks is like 500 grand. So they're like, 'cool' and they keep doing it. Then there's new mobile phones, the nice shoes and all that comes with it. I think that's really the driving factor behind these issues we currently have. (Aboriginal Community Controlled Organisation)

The child does not need to have met whoever is exploiting them, with it possible for this to occur via social media and gaming platforms. Criminal exploitation of children and young people increases their risk of future and increased contact with the criminal justice system. (Victoria Police)

Five years ago, in *Out of sight*, the Commission recommended that DFFH work with key stakeholders to improve understanding of child criminal exploitation and develop a specialist response across the state that includes awareness raising through new guidelines, policies and training, combined with intensive interventions and support for children and young people in residential care who are at risk of child criminal exploitation.

In April 2026, DFFH published a literature review and practice guide on responding to child sexual and criminal exploitation aimed at equipping practitioners

¹⁶⁰ Commission for Children and Young People (2021) *Out of sight: Systemic inquiry into children and young people who are absent or missing from residential care*, Commission for Children and Young People, Melbourne, p.138.

with a shared understanding of indicators of risk, strengthening professional judgement and supporting effective, coordinated child-centred responses.¹⁶¹ The guidance acknowledges that practice must adapt and innovate as contexts of exploitation evolve including by strengthening intelligence-led approaches, enhancing cross-agency collaboration and investing in prevention as much as response.¹⁶² This is a positive development recognising the issue requires ongoing attention, coordinated efforts across systems and a focus on prevention to protect children from harm.

Victoria Police similarly highlighted the importance of better information sharing ‘within and across agencies and service supports’ to prevent, investigate and disrupt child criminal and sexual exploitation.¹⁶³

The issue increased in prominence during 2026, with the Victorian Government making some announcements intended to prevent, deter and disrupt child criminal exploitation, including work led by the new Violence Reduction Unit.¹⁶⁴

It is a serious and complex issue, which was beyond the scope of this inquiry to examine in detail – but which remains of significant concern to the Commission and requires targeted and collaborative effort across government, Victoria Police, community services and researchers to address. It is an issue that the Commission will continue to work on.

3.4 Experiences of intergenerational trauma and adversity is common for children in the criminal justice system

The Commission’s consultations and file reviews identified patterns of intergenerational adversity that shape the lives of children and young people who encounter the criminal justice system, including parents who had prior involvement with the child protection and criminal justice systems. These experiences show how unresolved trauma and unmet needs within families can influence the circumstances in which children grow up and the pathways that bring them into contact with different service systems. It also demonstrates the limited capacity of the child and family system – stretched by growing demand and the impact of complex issues and experiences of children and young people – to help families make positive and sustainable changes to their lives.¹⁶⁵

Continued statutory systems involvement with Aboriginal families

For Aboriginal children and young people, the child protection system intervenes in their families’ lives at disproportionately high rates compared to non-Aboriginal families. Compared to five years ago, this disparity has increased across the whole child protection system, including Child Protection notifications, substantiations, care and protection orders, in addition to placement in out-of-home care.¹⁶⁶ In this inquiry, 27 per cent of the 26 children under Youth Justice supervision whose files were reviewed are Aboriginal. Of these Aboriginal children, most have lived in out-of-home care and were also the subject of a higher number of Child Protection reports compared to the other children.¹⁶⁷

¹⁶¹ DFFH (2026) [Practice guide: Understanding and responding to child sexual and criminal exploitation](#), Victorian Government, Melbourne; DFFH (2026) [Literature review: Understanding and responding to child sexual and criminal exploitation](#), Victorian Government, Melbourne.

¹⁶² DFFH (2026) [Practice guide: Understanding and responding to child sexual and criminal exploitation](#), p. 3.

¹⁶³ Victoria Police, *Submission to Commission for Children and Young People*, June 2025, p. 14-15.

¹⁶⁴ Premier of Victoria, Hon. Jacinta Allan MP, [Labor Prevents Crime By Protecting Kids From Gangs](#), 26 February 2026; Premier of Victoria, Hon. Jacinta Allan MP, [Eyes on the city for organised crime crackdown](#), 12 May 2026; *Crimes Amendment (Recruitment of Children for Criminal Activity) Bill 2026* (Vic).

¹⁶⁵ Commission for Children and Young People (2026) [Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection](#), p.119.

¹⁶⁶ Productivity Commission, [Report on Government Services 2026](#) (Child Protection Services, Table 16A.5).

¹⁶⁷ Data provided by DFFH to the Commission on 5 November 2025.

In some Aboriginal families, the statutory removal of their children has occurred across generations, reflecting the ongoing impacts of colonisation, dispossession and structural racism. The placement of Aboriginal children and young people in out-of-home care disrupts the protection and strength that comes with connection to culture, Country and community. Further, Aboriginal kinship carers experience heightened pressures when caring for children, sometimes several at a time, which requires additional and targeted supports.¹⁶⁸ In too many cases, Aboriginal family structures have experienced harmful government interventions in their children's lives, which can compound harm and increase the likelihood of their contact with the criminal justice system.¹⁶⁹

I do these kinship care consults...One of the men there, who's maybe 20 years older than I am, so say like in his 50s, he spoke about...how we've institutionalised our children and our culture without even knowing it. We'll have children say 'I'm on respite with nan', 'I'm on respite with Auntie' or 'I'm going to the cultural camp through VACCA or Child Protection is sending me to this respite camp'. He spoke about being young and when his mum was struggling, he just went and stayed with his nan for six weeks. It wasn't respite...They would go on this cultural camp, but it wasn't called that. It was just the camp you went with your family and community...They did all the fun things; they learn about culture. It was just this thing that happened. Now this has been changed into a service delivery model. We're institutionalising children and institutionalising the concept of culture, and we put them in a prime position to engage with youth justice because what should be a protective factor is something that's caught up in whether or not DFFH funds it. (Regional Aboriginal Justice Advisory Council member)

Heightened system contact for families from multicultural backgrounds

Children, young people and their families from newly arrived communities and multicultural backgrounds are also too often stereotyped, racially profiled and dehumanised in service systems.¹⁷⁰ Intergenerational trauma and adversity are amplified for many of these children and young people, especially those from refugee backgrounds and who are exposed to high levels of acculturation stress and other post-settlement challenges, including racism.¹⁷¹

We're aware that a lot of the younger kids come from large single parent household. People may frame that as parents not doing their job. We view it as parents under immense pressure. They've migrated here, there's cultural stress and struggles to navigate systems, poor English language proficiency, and limited tech literacy... To come here and look after that many kids with very low income...I like to start with that because parents' financial difficulties and all of that translates to difficulties for their kids. You can imagine for any mother raising six kids can be difficult. For these parents it's compounded with additional layers of language, past trauma and not knowing this country. (Academic)

We also heard in consultations about the compounding challenges faced by families experiencing ongoing financial hardship. Stakeholders said that this limits access to basic needs and services and places sustained pressure on families, with direct consequences for children and young people's wellbeing and participation in pro-social activities.

¹⁶⁸ Commission for Children and Young People (2023) *Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care*, p. 142.

¹⁶⁹ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*; See also Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, p. 53.

¹⁷⁰ Australian Human Rights Commission (2026) *The struggle to be seen, the power in being heard: Community insights from the Seen & Heard project*, Australian Human Rights Commission, Sydney; Peucker M, Vaughan F, Doley J, and Clark T (2024) *Understanding reporting barriers and support needs for those experiencing racism in Victoria*, Victoria University: Melbourne.

¹⁷¹ Kuol A, O'Keeffe P and Egan R (2024) 'Beyond raising the age of criminal responsibility, African youth need more culturally aware support', *The Conversation*.

I think the other driver is obviously, we know, poverty and work... There's a struggle for parents to get work, because of racism, a bunch of other things, classism, whatever, all that stuff. If you can't, if you're struggling to feed your kids and you're under stress, it's really hard to support them and care for them the way they need to be cared for.
(Academic)

Evidence from the file reviews identified that 42 per cent of the 26 children under Youth Justice supervision are from multicultural backgrounds. The Commission heard that children and young people from these backgrounds experience heightened system contact, over-surveillance and monitoring in ways that can contribute to their criminalisation, particularly where cultural needs are not adequately understood or supported, and behaviour is interpreted through a compliance lens rather than a developmental or contextual one.

[A colleague] said to me these kids within his community are lonely...I don't know if it's second generation, so his grandparents had come here from South Sudan as refugees...There'd been no healing. So that trauma had passed down the generations. His grandparents that had come here, they were so happy. They escaped the war, looking for a better life and then realised Australia's racist. This was passed down onto his parents who are still struggling to get work because of racism. He spoke about speaking his language, but his parents telling him not to speak it in public. And then that filters down generation to generation. You're displaced already from home, you're trying to recover from this ancestral war, and then you're just trying to exist here in this space that repeatedly tells you at every way you turn, 'you don't belong here, go away, leave'.
(Regional Aboriginal Justice Advisory Council member)

The impact of parental incarceration on children and young people

Parental incarceration is a further example of the intergenerational challenges identified in this inquiry. Many children and young people had experienced the incarceration of a parent or other close family member. Around two in five children (42 per cent) in the 26 children under Youth Justice supervision had a parent or carer who had been in prison.¹⁷² This experience often disrupts family life, increases instability, and exposes children to stress, stigma, and separation from important sources of care.¹⁷³

My mum was in prison. I didn't get visits with her. My mum has been in prison for quite a lot of her life and she may be in prison for more of her life. (Liam, 15)

Could be my upbringing, dad went to jail when I was two. (Cameron, Aboriginal, 16)

The impact of these experiences was also confirmed during stakeholder consultations.

There is a normalisation of the prison experience for young people whose parents have been in prison. (Community Service Organisation)

¹⁷² Data provided by DFFH to the Commission on 5 November 2025.

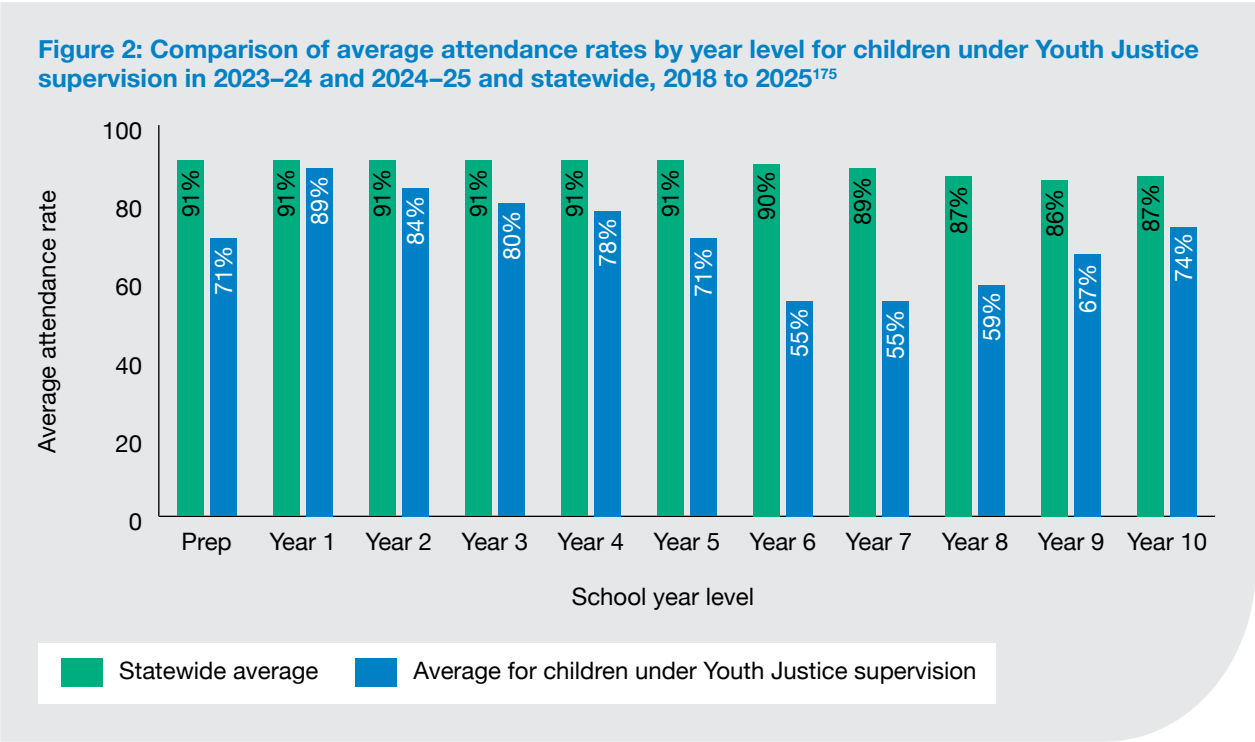
¹⁷³ Legislative Council Legal and Social Issues Committee (2022) *Inquiry into children affected by parental incarceration*, Parliament of Victoria: Melbourne, see Chapter 2: Impacts of parental incarceration.

3.5 Many children experienced disengagement at school

I missed out on like all my primary school years cos I was going place to place to place.
(Ryan, 16)

For the children in this inquiry, disengagement from school was a common experience, removing a critical protective factor from their lives.

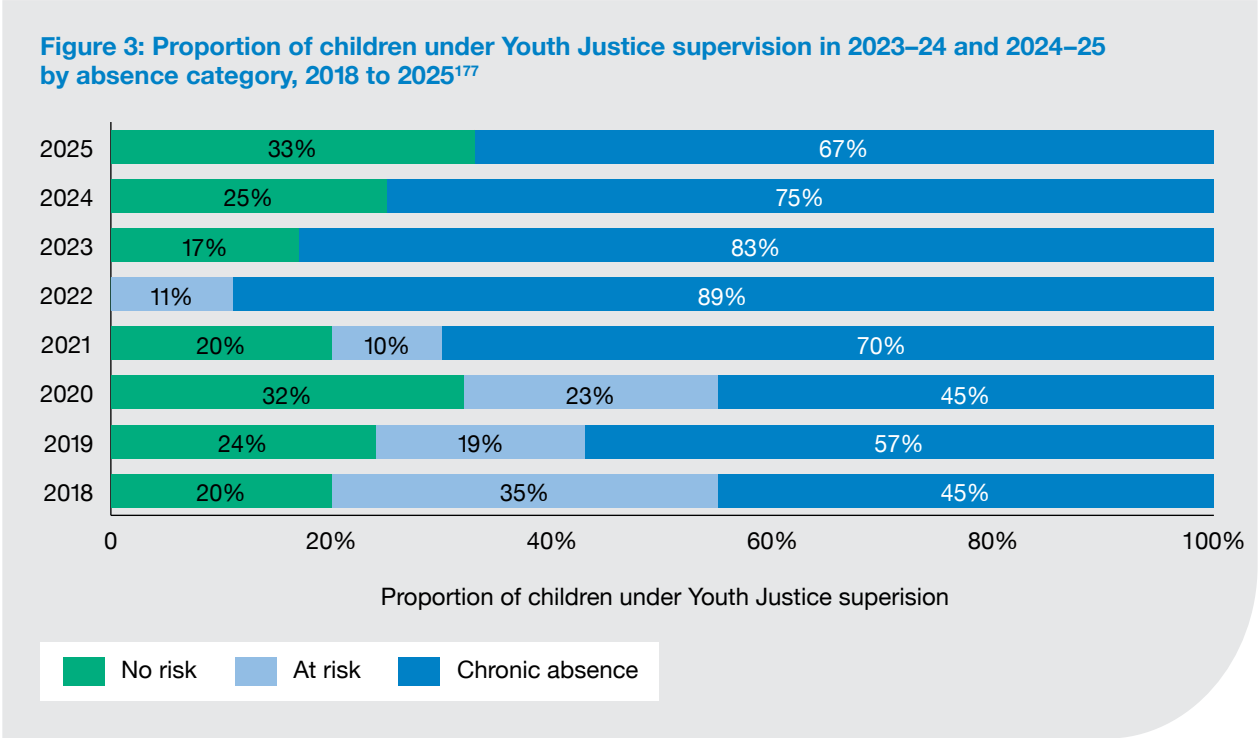
For 20 of the 26 children under Youth Justice supervision, low school attendance or disengagement from education had been raised as a protective concern in reports to Child Protection. This pattern was reflected in school attendance data provided to the Commission, which related to 25 of the 26 children.¹⁷⁴ Between 2015 and 2025, these children were recorded as experiencing lower attendance rates at every year level compared with students in the general population, as shown in **Figure 2**. Attendance gaps became more apparent from grade four and continued to widen through to secondary school but started to improve in years eight to ten.



¹⁷⁴ DE did not have records for one of the 26 children.

¹⁷⁵ Data provided by DE to the Commission on 29 January 2026.

Overall, the 25 children were disproportionately recorded as chronically absent,¹⁷⁶ with an average of 79 per cent absence since 2022.



School suspension was also common, with 20 of the 25 children suspended at some point between 2016 and 2025. They also experienced a higher suspension rate, at an average of 27 per cent per year between 2019 and 2025 compared to the average statewide rate of three per cent. While a fifth of the children never received a suspension, over a third (36 per cent) were suspended in three or more years. Of these children, 27 to 30 per cent were suspended in grades four to six, and 61 per cent were suspended in year seven.

Multiple school changes was a regular occurrence for this cohort. Eight of the 25 children attended one or two schools between 2015 to 2025, whereas the other children changed schools every 2.9 years. Some children attended several different schools:

- one child attended five different schools in three years, a change every seven months
- one child attended four different schools in three years, a change every nine to 10 months
- one child attended eight different schools in 11 years, a change every 1.4 years.

A likely contributing factor to these children changing schools several times was the multiple placements they experienced while living in out-of-home care.

Ensuring children and young people receive the appropriate supports to help them learn is critical to engagement in education. This is especially important given the impact of early and significant adverse experiences in childhood on educational attainment, and when children have a disability or developmental delays. Twenty-one of the 26 children in the cohort were recorded by DE as having a disability, yet only 12 received individualised

¹⁷⁶ The Department of Education's guide to attendance defines chronic absence as missing 20+ days (10 per cent absence; average one day per fortnight). Source: Department of Education, [Schools' Guide to Attendance](#), accessed 19 April 2026.

¹⁷⁷ Data provided by DE to the Commission on 29 January 2026.

disability funding at some point to support them in the classroom.¹⁷⁸

Not providing necessary supports creates barriers to engagement, especially if children and young people fall behind their peers academically or they find it difficult to navigate interactions with others in the school environment.¹⁷⁹ For children and young people who identify school as their safe place, not feeling supported there can further compound challenges they are experiencing.

What we heard from children and young people

Children and young people told us they felt singled out, discriminated against, or alienated at school, which often led to conflict with teachers or other students. The consultations highlighted that school responses can contribute to the exclusion of children and young people, particularly during transition to secondary school.

I got in trouble every day of the week, every day of the year. I was the bad kid. I would get pulled in for anything bad...The school then was on my back after that. (Jack, 17)

I don't know if I was not listening, or joking around, or what, I can't remember but the teacher would just pick on me. I remember when I had finally convinced my parents to let me leave the school, the teacher asked everyone in my class 'when Lenny leaves the school, will we all be happy?' and she made everyone say yeah... even my friends. (Lenny, 14)

I think school just didn't care about kids like me. It was basically like see you later. (Cooper, 19)

Children and young people spoke about experiencing a lack of support within the school environment. They described schools that did not recognise their circumstances, provide timely support, or adapt learning environments to meet their needs. This lack of supports often left children without practical assistance, contributing to disengagement and disrupted educational pathways.

I tried to go back to my old school after one time I got out of Parkville. One of my support workers supported me to do this and they put in a bunch of rules. Have to wear full school uniform, put in all these strict rules about behaviour and that. Then first day back, I had the uniform on, shirt pants etc, but the wrong brand of shoes on, and they said if I didn't leave they'd call the police. Then I didn't go to school for a long time. (Cooper, 19)

You know how they have a sick bay in reception usually at a school? I had to sit there for a whole term, and they would just give me papers to do my work all day. It was so shit. I wasn't allowed in class. (Lizzie, 14)

The transition from primary school to high school marks a significant change in children's lives. It often involves moving to a larger and more complex school environment, forming new relationships, and adjusting to different expectations and routines. For some children and young people in this inquiry, this transition occurred alongside other challenges, making it harder to settle, stay engaged, and maintain a connection to learning.

¹⁷⁸ The Department of Education advised that individualised disability funding is supplementary funding allocated to Victorian Government schools to assist them to support students with disability with high and complex needs. 'Tier 2' disability funding is designed to strengthen school-wide capacity, capability and support for students with disability, and schools also have access to a range of initiatives to help build knowledge and skills in inclusive education across the school system. Source: Information provided by DE to the Commission on 15 May 2026.

¹⁷⁹ Commission for Children and Young People (2023) [Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care](#), p.173.

My life was pretty chill generally... Until like the start of year 7. Then I just couldn't concentrate in class and that affected shit at home. Just the arguments and then I wouldn't go home much – I eventually got expelled from school. That was the tipping point in everything now I look back. I didn't go to another school, I just fucked off and hung out and shit, and the only other kids not going to school were the kids doing the bad things. And that kinda made shit worse at home and I eventually ran away. (Cooper, 19)

When I was younger, I didn't get the support I needed. Now I don't wanna go cos I don't know how to be there. I missed out on like all my primary school years cos I was going place to place to place, at least 50 places... pretty much lived all over Victoria, then 11, 12 years old was moved to NSW... I probably went to school like one or two years straight... I'd just be moved and then it'd take 12 months to get me in a school... so yeah I wish it was different now cos I haven't had the chance like other kids. (Ryan, 16)

The last time I was closely engaged at school was at [primary school]... [The principal] was unreal... [He] always pushed to do as much as he could to support me in the way I needed. [E]ven though we didn't have funding to get the support, I knew he was trying to do things for me, he saw me as a person, an individual. I went to high school for two days and I hated it... It felt so cold. (Benji, Aboriginal, 14)

I stopped going in grade 6. Primary school was really good, they helped with my mental health. My principal was more like a best friend. Didn't start high school. Because of resi, I didn't end up going because I kept being moved houses. Was meant to go to alternative schools but never started them. (Abby, 15)

Children and young people said frequent moves between out-of-home care placements, and other traumatic experiences, required them to change schools repeatedly, which disrupted their learning and limited their access to consistent education.

Too many schools to list. Most consistency has been a year when I got here ... School after school moving, moving. Never got the support I needed in school... I've learnt more not being in school, I've taught myself more than what they ever taught me. (Benji, Aboriginal, 14)

The role of placement and education instability on children and young people in the criminal justice system

Evidence gathered throughout the inquiry confirmed that many children and young people had experienced instability and frequent changes in their living circumstances, including moves between homes, care placements and schools. Most of the 26 children under Youth Justice supervision have lived in out-of-home care, experienced multiple placements and attended several different schools, all before they turned 14 years of age. These were also common experiences for the children and young people that the Commission consulted with.

Further, adverse childhood experiences impact educational attainment, as does the education system's limited understanding of the role of trauma and its contribution to school disengagement. This was commonly raised as an issue by stakeholders in the current inquiry and was a key finding of the Commission's previous inquiry, *Let us learn*.¹⁸⁰

¹⁸⁰ Commission for Children and Young People (2023) [Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care](#), p.366.

Stakeholders spoke about schools responding to students' behavioural challenges with punitive or exclusionary measures, such as modified timetables, suspensions and expulsions. The Commission acknowledges the purpose of these practices when used appropriately and sparingly, and alongside other strategies, however, they can also be used in ways that have detrimental effects on children and young people. This is particularly an issue in circumstances when children and young people have a disability and are unsupported to learn in the classroom.

The use of exclusionary and punitive measures is a contributing factor to disengagement from school.¹⁸¹ Stakeholders raised in consultations that when children and young people are excluded from school, they lose important opportunities to learn, develop relationships with trusted adults, and maintain positive connections to their peers.

I think a lot of hardworking schools are not equipped to deal with this, their response is usually punitive or non-reactive.
(Community Service Organisation)

We're finding... school disengagement at 10, 11, 12, then by the time they're 14 they have barely been to school for a couple of years. From there, it's pretty late to get involved in meaningful education the way things stand.
(Community Service Organisation)

Our education system has a lot to answer for; a lot of these kids don't fit into the mould of how you are expected to learn. Many of our kids are reduced to half days of school, or one hour per day. So, we see the kid around on his scooter, because who can be bothered going to school for one hour.
(Aboriginal Community Controlled Organisation)

[The school's] reactions are not particularly helpful. They will often be sent home, and then if their home environments are not particularly welcoming or safe, they end up spending time with other kids in unsafe environments.
(Community Social Organisation)

School is such a crucial thing. We have kids coming into our programs that haven't been for a long time. But you think about what has driven them to leave there in the first place. Schools see these kids five days a week at some stage of their life, it's the place we need to focus on. There isn't the resources in the schools, or they don't have the education or focus... It's such an under-utilised place. We know we are asking too much of the teachers.
(Community Service Organisation)

These experiences are further compounded for Aboriginal children and young people and children and young people from multicultural communities when they experience racism in schools. Opportunities to engage in learning are lost for those students, at no fault of their own, with the impact exacerbated when they are not supported to speak out against discrimination.¹⁸²

Then there's also the racism in the schools, from staff to students, from students to students, and no mechanism to address that... unless you've been exposed to it, you don't know about it.
(Regional Aboriginal Justice Advisory Committee member)

Elias Jarvis, a Djab Warrung, Keerray Woorroong Gunditjmarra man, and a former Youth Council member at the Commission, highlighted the impact of 'unchecked racism' on Aboriginal students in his evidence to the Yoorrook Justice Commission:

¹⁸¹ Ibid, Chapter 9: Exclusionary and restrictive practices in education settings).

¹⁸² See Commission for Children and Young People's [Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care](#), see Chapter 8: Challenges experienced by Aboriginal children and young people in out-of-home care in education settings; [Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system](#), see Chapter 10: Education & Learning; [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), see Experiences of school.

There's this kind of unchecked racism within the entire education system and any education setting... why would Aboriginal people report racism to racist people? Like, to me, I wouldn't feel comfortable if I was to experience racism from a primary school teacher, high school teacher or a university tutor to report that, because it's reporting it to the people who are inflicting that kind of racist sentiment....I didn't grow up in out-of-home care...but these kind of sentiments are intergenerational as well.¹⁸³

3.6 How do children experience these challenges?

This chapter has examined the complex and intersecting adversities faced by children and young people, often over most of their young lives, before they come to the attention of the criminal justice system. These adversities have significant and lasting effects on children's development, wellbeing, sense of self and belonging, and behaviour. They influence how children understand safety, relationships and authority, and affect their capacity to regulate emotions, concentrate at school and engage with support services. Jason's experience demonstrates this accumulation of harms and instability throughout his childhood, at home, in out-of-home care and at school.

Jason's experience¹⁸⁴

Jason is an Aboriginal child who was under a Youth Supervision Order. His first contact with the criminal justice system was when he was in primary school. However, statutory intervention in Jason's life began prior to his first birthday when concerns for his safety were raised in a report to Child Protection.

Since that first report, Child Protection's involvement in Jason's and his family's life has been a constant. Jason has been exposed to and experienced significant harms arising from, among other things, family violence, parental substance abuse and parental incarceration. Later reports to Child Protection raised concerns about Jason's own aggressive behaviour and use of violence.

Jason's life has been marked not only by adversity and trauma but also significant instability. He was removed from his family and placed in out-of-home care, experiencing multiple placement changes. Jason currently lives in residential care. This instability is also evident in Jason's education, where he attended more than five schools.

While Jason and his family received support from different services, these interventions and those from Child Protection have resulted in limited sustained and positive change for him.

¹⁸³ Elias Jarvis, *Transcript of evidence*, p.74, Yoorrook Justice Commission.

¹⁸⁴ Jason's experience is based on one of the 26 children under Youth Justice supervision in 2023–24 and 2024–25.

When children experience trauma followed by limited support – at home, at school and in care – their need for safety, recognition and positive attachment is critical. When systems undermine the capacity for children to form consistent relationships and build a sense of belonging, they may seek connection elsewhere. We know from our previous inquiries that these circumstances can increase children and young people's risk of encountering the criminal justice system, as well as being subject to criminal and sexual exploitation.

This was reflected in the evidence from some of the children and young people we heard from who shared how they came to be involved in offending behaviours.

I was sexually assaulted when I was younger and that had a big impact on me doing drugs and doing crime. Started using marijuana, then ice and Xanax. (Sean, 19)

I was just getting into trouble...As soon as I was involved with Child Protection, I was getting into trouble. (Chris, 16)

My family does it too [offending] and the people around me. Everything around me was getting overwhelming and I didn't know how to make it better, so I did the wrong things. (Jake, 18)

When kids do bad stuff like steal cars, it's like they're asking for help, but the police come and just arrest you. They don't look at you for who you are, but what you did. I feel like youth crime is just a bunch of kids who want attention, but they don't know where to get it from or how to ask for it. (Luke, 18)

Beyond the challenges and adversities that children and young people faced at home, they also described feeling bored once they stopped attending school and playing sport, and wanting to fit in with their peers.

When I played sports, I didn't get into much trouble. When I stopped sport, I also stopped school. I had so much time to do whatever and started hanging around the wrong people. Hanging out with some people, thought it was cool to steal cars, wanted to fit in with certain people. I was bored. (Scotty, 15)

Could be my upbringing, dad went to jail when I was 2. Mucking around and being stupid with my mates. Didn't have much else to do, we were bored. (Cameron, Aboriginal, 16)

It was just the kids I was hanging around (kids from school and neighbourhood). My parents didn't know English well. My parents thought everything was going well. I was getting into bad stuff, doing drugs and drinking. (Manny, 17)

Pretty much nothing to look forward to... found a couple mates after I went to a party. Everything started going downhill after that. (Samuel, 14)

The evidence gathered through consultations, data, file reviews and existing research highlight the importance of a whole of system approach that seeks to prevent and respond earlier to address the underlying causes of high-risk and harmful behaviours. It also highlights the importance of interventions that build on children and young people's strengths, are appropriate for their age and development, respond to their needs and experiences of trauma, support their healthy development and uphold their rights. As Chapter 4 shows, the current approach does not effectively do this. Responses in the criminal justice system often cause more harms and are having limited effect in reducing children and young people's future involvement in the system.

Finding 2: Children who were engaged in the criminal justice system from an early age often grew up facing significant, complex, and overlapping adversities.

The 26 children who were supervised by Youth Justice in 2023–24 and 2024–25 for offences or alleged offences when they were under 14, were collectively the subject of 250 Children Protection reports that raised concerns for their safety and wellbeing. Family violence was the most common protective concern for the children. Nineteen children were removed from their families due to serious harms and abuse.

More than a third of the 19 children entered out-of-home care before turning five (seven children) and two-thirds (12 children) lived in residential care. Seventy-nine per cent (15 children) experienced multiple placements. Instability is also reflected in the children's educational experiences, with 79 per cent chronically absent from school since 2022.

Finding 3: Cumulative disadvantage shapes children's development, constrains their access to protective factors and heightens their risk of criminal justice system involvement.

When children and young people experience trauma early in their lives followed by instability and limited support – at home, in care and at school – it has lasting effects on their development, wellbeing, sense of self, and behaviour. These conditions increase the risk of children and young people encountering the criminal justice system, particularly when their sense of belonging is undermined and they seek connection in unsafe environments.

Sean's story

'Sean' is a 19-year-old Aboriginal young person who we consulted for this inquiry. His story reflects what he shared with us.

Right now, I've got a couple of years left here in Parkville. I'm doing Year 12 in here. It's hard, but I'll get through it. I like riding motorbikes, working, being outside. I like looking after my Nan. I used to play footy. Loved sport – that's what I was good at. I've always liked animals too. I had French bulldogs growing up. When I get out, I want to get a pair of sugar gliders. I reckon I'd like to work in a zoo, maybe become a vet. Or go work in the mines, make good money, set myself up.

My Nan raised me. Been with her since I was three. Mum didn't really want me. Dad's been in and out of jail most of my life. Nan gave me everything she could. She tried to give me a good life. My auntie helped a lot too. They're the two people I'm closest to. Nan still comes to visit me every second week. She's always stuck by me, no matter what I've done.

School wasn't really my thing – I struggled with reading and writing. I flew through primary school, but high school... I just felt like I didn't belong there. Like I wasn't learning anything. I went to an alternative school. That place was different. The teachers actually cared. They'd sit down with you, talk to you one-on-one, ask what was going on. They still check in on me now. That's the kind of teaching that works. Not just suspending kids and sending them home.

My first contact with police was when I was about 12. I was hanging around with the wrong boys. I was living with my dad at the time, in a rough area. He had his own problems – drugs, jail, all of it. I started running with the kids around there. We were stealing from shops, stuff like that. The first time I got

arrested, they put handcuffs on me and said they were giving me a caution. For the next couple of years, I got heaps of cautions. Then when I was about 15 things got more serious. There were a couple of cops in that town that would bash us. There were no cameras around there. We never told anyone because things would just get worse for us if we did. Probably about five or six of us experienced that. All those kids are now in juvie or jail.

Sometimes they took us for questioning and the cops would threaten us and throw us against the wall and grab our clothes. They never helped us. That's the reason we hate them so much. They act like such good people to white people, but with us they bash us. They'd call us names too – racist stuff. 'Black dogs,' 'little Abo c***s', things like that. We couldn't do anything about it. That kind of treatment – it makes you stop caring. You think, what's the point? That's how you end up deeper in it.

I went to court for the first time at 15. People explained it to me, but I wasn't really listening to all of it. I just wanted to know if I was getting bail, how long I'd be in. I've been in police cells and court cells plenty of times. When I was younger – 14 or 15 – the police cells were the worst. You'd be in there for days sometimes. No food. No blankets. Wet floors. No one checking on you.

I've been on pretty much every youth justice order there is. I've never really completed an order properly. They set it up so you fail. They put the appointments real early in the morning. I'm a kid, I sleep in. Curfews. Drug and alcohol counselling – I don't even listen to my Nan, so why would I listen to them? What they need is people who've lived the life we have lived. Not people who've just studied it. Half the workers

don't know what it's like, what we deal with day to day. I was told I could never be a YJ worker because of my criminal history. But that 16 Yards thing is good, they're people who have lived our lives.

In here, they treat us like little kids. They are helping me with some things though – they're helping me get my cherry picker licence, diggers licence, working in confined spaces ticket. I can't get off this unit much, so they come here and give me lessons.

Yesterday I got a code blue because I refused to go to my room and I got mad. You have to get mad here to get anyone to listen, have to kick off to get staff to pay attention and do something. The Aboriginal Liaison Officers don't really do much for us either – just tick boxes. The cultural programs from Parkville College are better. At least you see them. In adult prison, Aboriginal men get proper spaces, Elders coming in, art rooms. Here, we just get a colouring book. They should bring proper programs like *The Torch* in here.

I was sexually assaulted when I was younger and that had a big impact on me doing drugs and doing crime. Started using marijuana, then ice and Xanax. What would actually help is simple: work with us, not against us. Get people in who've lived it, who know what it's like. Sit down with us properly. Don't just talk at us.

When I get out, I want something different. I want to work. Maybe in the mines. Make good money. Buy my own place. I still think about working with animals too. You miss out on a lot of your childhood living like this. I tell younger kids – don't do it. There's more to life than this. There's more than just jail to be honest.

Chapter 4:

Experiences of the criminal justice system



They think ‘if we treat them like shit and rough them up then they won’t want to do crime.’ But it just fucks us up even more.
(Jimmy, 13)

Effective responses to children’s high-risk and harmful behaviour should reduce future harm, strengthen wellbeing, and contribute to stronger and safer communities, while delivering long-term cost savings. Early contact with the criminal justice system, however, can instead entrench disadvantage and undermine the very goals the system seeks to achieve.

This chapter examines the involvement of children under 14 in the Victorian criminal justice system, focusing on their interactions with police and their experiences under Youth Justice supervision. This includes the 26 children under Youth Justice supervision in 2023–24 and 2024–25, the same children discussed in Chapter 3. Our analysis of their Youth Justice files and data showed:

- for nine children, being remanded into custody was their first experience of Youth Justice supervision
- 12 children experienced remand before the age of 14, spending an overall average of 61 days in custody before turning 14
- 10 children experienced a period of isolation or separation in custody while under the age of 14 (including one child who was confined to their unit 354 unique times for ‘security isolation’ purposes).¹⁸⁵

The purpose of this chapter is to elevate children’s experiences of the system to inform meaningful reform. It was guided by what children and young people shared with us in consultations and from our observations as part of the Commission’s oversight and monitoring functions. Some of what children and young people told us occurred when they were under 14, but they also reflected on recent interactions with the system and provided insights into how it is currently operating.

During the time this inquiry was conducted, several changes were made to the way children are responded to in the criminal justice system, including the age of criminal responsibility increasing to 12 and strengthened ‘*doli incapax*’ laws for children aged 12 and 13. A new pre-charge diversion framework for Victoria Police in the *Youth Justice Act 2024*, will commence on 30 September 2026. While this chapter does not provide a comprehensive review of the criminal justice system, the Commission acknowledges the intended role of these changes, and others in the *Youth Justice Act*, to reduce the criminalisation of children under the age of 14.

Even so, the evidence and issues discussed in this chapter affirm that the criminal justice system should not be the response for children under 14. The age of criminal responsibility should be further raised to 14 in line with evidence and international standards.

¹⁸⁵ Security isolations refer to isolations under section 488(7) of the *Children, Youth and Families Act 2005* (Vic), which allows a child or young person to be held in their room or in an isolation cell when it is in the interests of the security of the centre.

The need to continue rethinking responses to children under 14

Most children do not offend. Those who do, often engage in low-level anti-social behaviours and grow out of them naturally as they mature, without the need for criminal justice system intervention. Typically, these children and young people do not go on to offend as adults. However, a small proportion of children and young people continue to engage in offending behaviour.¹⁸⁶

Data from our inquiry reinforces the existing evidence which shows that early contact with the criminal justice system increases the likelihood of continued and more intensive contact over time (see section 4.1).

For most children under 14, contact with the criminal justice system begins and ends with police. This means that the system already recognises that most children in this age group do not need the most punitive responses the criminal justice system is set up to deliver. Even at this initial stage, contact with the criminal justice system can shape children's perceptions of authority and fairness, and their behaviours and outcomes (see section 4.2).

For the small proportion of children under 14 who progress further into the criminal justice system, evidence suggests that current settings are unlikely to effectively support positive outcomes. The experiences of the children whose case files we reviewed and who spoke with us illustrate the harms children can face when exposed to this system (see section 4.3).

The Commission acknowledges the lasting impact of harmful behaviour and offending on victims and the community. We know from the overwhelming body of evidence, the need for a balanced approach to achieve positive and fair long-term outcomes for children, families and communities (see section 4.4).

4.1 Criminal justice system outcomes for children under 14

Most children under 14 who encounter the criminal justice system are not sentenced to custody or placed on a community youth justice order. In fact, most of their contact is with police, with very few having charges proven.

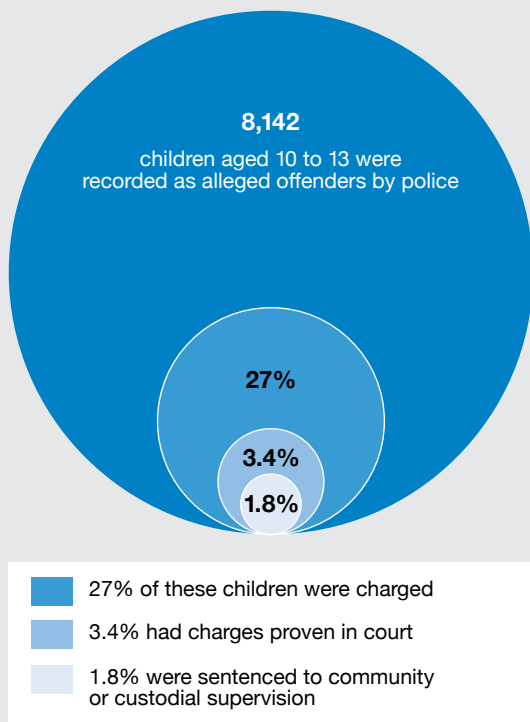
Figure 4 below demonstrates the overall level of contact with the criminal justice system for 10- to 13-year-olds between 2017 and 2023 and the diminishing proportions of those who were recorded as an alleged offender by police to those who were charged, found guilty and sentenced by the courts to Youth Justice supervision.¹⁸⁷ Less than two per cent of the 8,143 children who were initially recorded as an alleged offender were sentenced.¹⁸⁸ That is a total of 143 children over five years, or about 29 per year.

¹⁸⁶ Baidawi S, Ball R, Sheehan R and Papalia N (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, Report to the Criminology Research Advisory Council Grant: CRG 41/20-21, Australian Institute of Criminology; Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, Department of Justice and Community Safety (DJCS), Executive summary, p. 8 and Part 1, pp 144–145.

¹⁸⁷ Information provided by DJCS to the Commission on 17 March 2025. Children aged 10 and 11 are no longer subject to the criminal justice system, from September 2025.

¹⁸⁸ For detail about sentencing outcomes for children aged 10 to 13 in the decade to 2020-21, see: Stewart F, Byles D and Hull M (2025) *Sentencing Younger Children's Offending in Victoria*, Sentencing Advisory Council.

Figure 4: 10- to 13-year-old children in contact with the criminal justice system 2017–18 to 2022–23¹⁸⁹



approximately 14 children.¹⁹³ As reflected in **Figure 4**, ‘most younger children with alleged offences don’t go to court’,¹⁹⁴ and very few come under Youth Justice supervision (discussed further in section 4.3).

This aligns with Victoria Police’s submission to the inquiry, which noted that a small number of children aged under 14 engage in serious and repeat offending that can cause serious harm to others and the community. Victoria Police noted that ‘while most children aged 10 to 13 years commit only one incident within a 12-month period and do not engage in repeat offending, it is crucial any children exhibiting serious, violent and repeat offending behaviour receive support services to prevent them from future offending and address the underlying causes of their behaviour’.¹⁹⁵

Data provided by the Department of Justice and Community Safety (DJCS) also indicates that for the few children under 14 who are charged with what is classified as ‘serious youth offending’,¹⁹⁰ the charges are often dismissed or do not proceed.¹⁹¹ From 2017–18 to 2022–23, approximately 21 children aged 10 to 13 were charged with a ‘Category A’ offence, with charges proven for approximately two children.¹⁹² During the same period, 53 children were charged with a ‘Category B’ offence, with charges proven for

¹⁸⁹ Data provided by DJCS to the Commission in March 2025.

¹⁹⁰ The serious youth offending scheme was introduced into the *Children, Youth and Families Act 2005* (Vic) in 2017.

¹⁹¹ Information provided by DJCS to the Commission on 17 March 2025.

¹⁹² The data is approximate because where the number of children in a particular category was three or less, the data did not provide the exact number of children, to protect children’s privacy. Category A offences include murder, intentionally causing serious injury in circumstances of gross violence, aggravated home invasion and aggravated carjacking. The proven offences were aggravated carjacking, Source: Information provided by DJCS to the Commission 17 March 2025.

¹⁹³ The data is approximate because where the number of children in a particular category was three or less, the data did not provide the exact number of children, to protect children’s privacy. Category B offences include rape, rape by compelling sexual penetration, home invasion and carjacking, Source: Information provided by DJCS to the Commission on 17 March 2025.

¹⁹⁴ Stewart et al (2025) *Sentencing Younger Children’s Offending in Victoria*, p. 11.

¹⁹⁵ Victoria Police, *Submission to Commission for Children and Young People*, June 2025, p. 18–19.

Early contact with the criminal justice system is associated with reoffending

Early contact with the criminal justice system increases the likelihood of continued and more intensive contact over time, including progression into the adult criminal justice system.¹⁹⁶ Consistent with the research outlined in Chapter 2, the data reviewed for this inquiry indicates that most children who first came under Youth Justice supervision before the age of 14 continued to have contact with the system after turning 14. Between 2017–2023, 311 children aged 10 to 13 were supervised by Youth Justice. Of these children, around 70 per cent were later charged with new alleged offences after turning 14.¹⁹⁷

The Commission's file review of the 26 children under Youth Justice supervision in 2023–24 and 2024–25 showed a similar pattern. Among the children who turned 14, almost all had recorded further alleged offending (18 children or 78 per cent).

According to DJCS, these patterns may reflect broader challenges within current service systems, including that they may not be adequately meeting the needs of children who come into early contact with the justice system.¹⁹⁸ Overall, it highlights the limited effectiveness of the criminal justice system in achieving its overarching aims of reducing reoffending by children and young people, supporting them to make meaningful improvements in their lives and strengthening community safety.¹⁹⁹

Criminal responsibility of children (*Doli incapax*)

Under Victorian law, children from the age of 12 can be held criminally responsible. That means a 12-year-old child can be arrested, interviewed and charged by police, prosecuted before the Children's Court, remanded in custody and sentenced to detention in a youth justice custodial centre. These are significant and harmful interventions at a formative stage of life.

The Commission acknowledges the intended role of the *doli incapax* presumption in the *Youth Justice Act 2024*²⁰⁰ to act as a form of protection to limit the criminalisation of children aged 12 and 13. Given it operates inside the criminal justice system, however, it does not minimise children's initial contact with the system, nor the harms they may experience as part of that contact.

The principle of *doli incapax* existed in common law prior to being legislated in the *Youth Justice Act*. It recognises that children under 14 years of age may not fully understand that their actions are seriously wrong. This means that children cannot be held criminally responsible for their actions unless there is sufficient evidence to show that they knew it was seriously wrong.

The principle was enshrined in the *Youth Justice Act* 'so that all justice system actors [e.g. police, prosecutors and courts] understand it and apply it more consistently at different points including [at an earlier stage] when police decide to charge or prosecute a 12 or 13 year old child'.²⁰¹ The changes are expected to increase 'the number of children aged 12 and 13 years who will not receive a criminal justice response'.²⁰²

The Commission remains concerned that this protection does not stop children from being arrested, charged, or taken to court. Many children still go through police processes and court proceedings before a decision is made about whether they can be criminally responsible for their actions. Some children may also be held in custody on remand during this process. This means children can still experience harm from early contact with the criminal justice system, even if they are later found not criminally responsible. In other words, it offers protection to some children already in contact with the system, rather than a structural change to keep them out of it in the first place.

¹⁹⁶ Stewart et al (2025) *Sentencing Younger Children's Offending in Victoria*, pp. 12 and 78.

¹⁹⁷ Information provided by DJCS to the Commission on 17 March 2025.

¹⁹⁸ Ibid.

¹⁹⁹ DJCS, [Youth Justice](#), accessed 2 July 2026.

²⁰⁰ *Youth Justice Act 2024* (Vic) s 11.

²⁰¹ Victoria, [Parliamentary Debates](#), Legislative Assembly, 19 June 2024 (Anthony Carabines, Minister for Police, Minister for Crime Prevention, Minister for Racing).

²⁰² Victoria Police, *Submission to Commission for Children and Young People*, p. 16.

4.2 Victoria Police: entry point to the criminal justice system

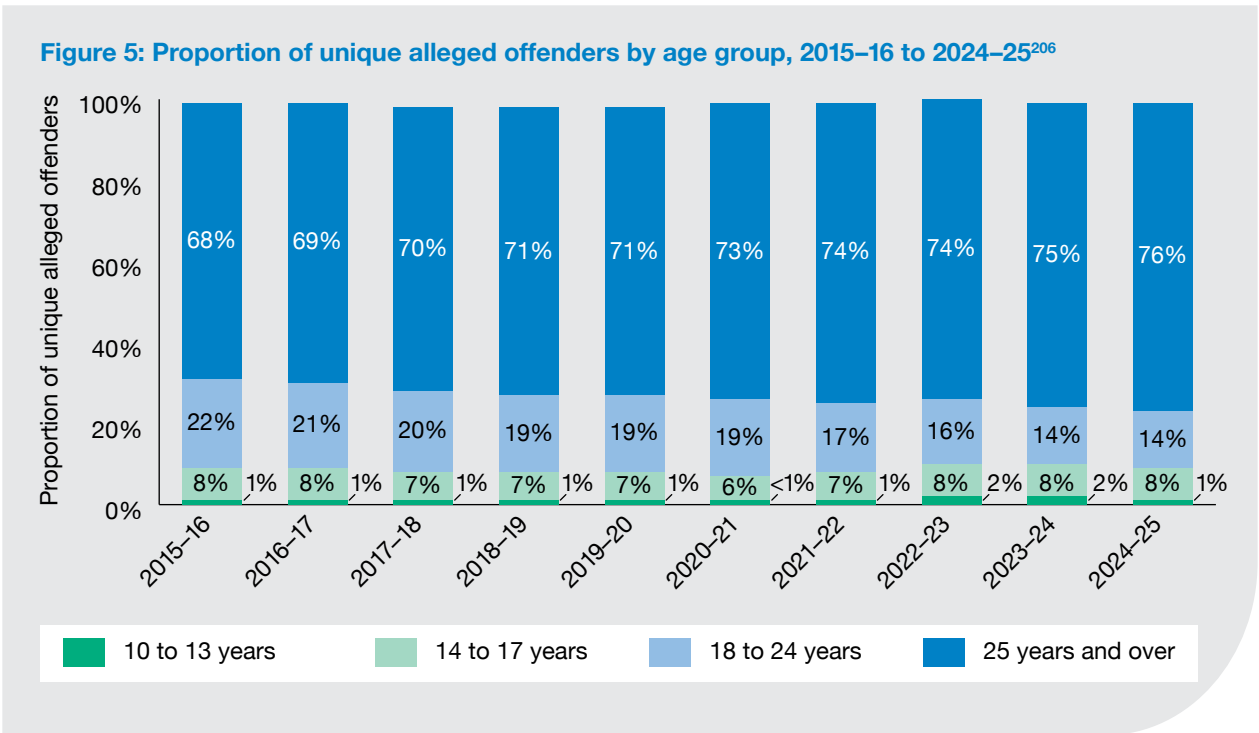
Victoria Police determine the nature and intensity of initial responses to children suspected of offending, including whether to question, warn, caution, arrest or charge a child, or take no formal action. Victoria Police also has broad responsibilities regarding the safety of children and young people, including under the *Children, Youth and Families Act 2005*, and contact with children and young people can occur due to welfare or safety-related concerns rather than enforcement activity.²⁰³ As the Yoorrook Justice Commission (Yoorrook) noted, ‘How a child is treated by police has a profound impact on their wellbeing and future’.²⁰⁴

This section discusses:

- police engagement with children under 14
- interactions with police including experiences of harm children shared during consultations
- the need for strengthened oversight of police practices.

Police engagement with children under 14

In Victoria, children under 14 make up a very small fraction of all people recorded in police data – at an average of one per cent between June 2015 and July 2025 (see **Figure 5**), noting that from 30 September 2025 10- and 11-year-olds are no longer in the criminal justice system.²⁰⁵



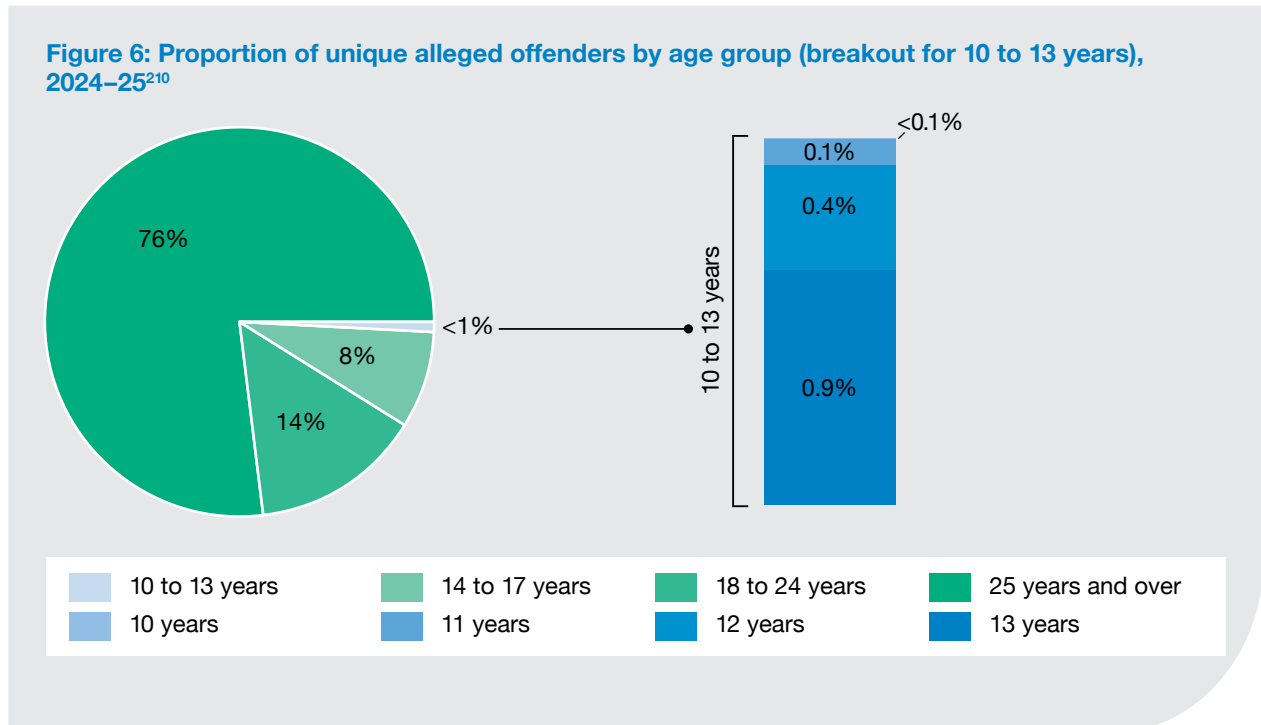
²⁰³ Victoria Police also advised that frequent or repeated police contact does not necessarily indicate inappropriate use of police powers and may be in response to a child’s individual or family circumstances. Source: Information provided by Victoria Police to the Commission on 15 May 2026.

²⁰⁴ Yoorrook for Justice Commission (2023) *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems*, p. 318.

²⁰⁵ Crime Statistics Agency (CSA), *Unique Alleged Offenders–Year ending June 2025*, accessed 23 December 2025.

²⁰⁶ Ibid. The Crimes Statistics Agency (CSA) defines a ‘unique alleged offender’ as ‘as a person who has been involved in one or more alleged offender incidents within a reference period’. Source: CSA, *Glossary and Data dictionary*, accessed 2 July 2026.

Figure 6 shows the age breakdown of people recorded as ‘unique alleged offenders’ in 2024–25 and demonstrates that around one per cent were under the age of 14.



Two-thirds of children aged 10 to 13 years were male (67 per cent),²⁰⁷ and most were aged 13 (66 per cent – 733 children in total) and 12 (25 per cent – 281 children in total).²⁰⁸ Reflecting disproportionate police contact with Aboriginal children, a higher proportion of Aboriginal children aged 10 to 13 were recorded as unique alleged offenders (20 per cent) compared to non-Aboriginal children (14 per cent).²⁰⁹

Consistent with evidence of children’s experiences of family violence in Chapter 3, a substantial proportion of children aged 10 to 13 recorded as unique alleged offenders are also recorded by police as victims of crime or family violence. In the three years from 2022–23 to 2024–25:

- an average of 41 per cent were recorded as either a victim of crime, an ‘Affected Family Member in a family violence matter’, or both
- over half were recorded as a witness to family violence (54 per cent in 2024–25).²¹¹

²⁰⁷ This was slightly lower for Aboriginal children (64 per cent) and slightly higher for non-Aboriginal children (69 per cent). Data provided by CSA to the Commission on 1 December 2025.

²⁰⁸ Ibid.

²⁰⁹ Data provided by CSA to the Commission on 7 November 2025.

²¹⁰ CSA, *Unique Alleged Offenders–Year ending June 2025*, accessed 23 December 2025.

²¹¹ Data provided by CSA to the Commission on 16 December 2025.

From 2015–16 to 2024–25, half of all ‘unique alleged offenders’ aged 10 to 13 were recorded as offending within a group (51 per cent in 2024–25).²¹² More 13-year-olds were classified as alleged ‘group offenders’ than ‘individual offenders’ from 2021–22 to 2024–25.²¹³ Victoria Police noted group offending as a particular challenge.²¹⁴

For most incidents involving children under 14, police issue cautions and warnings.²¹⁵ Cautions and warnings are a key mechanism for keeping children and young people out of formal court processes and diverting them from further offending. As Yoorrook explained:

*Police decisions to take no action, caution or divert a child from the formal criminal legal system can be a circuit breaker from further offending, especially when linked to social supports that address the causes of offending. Conversely, evidence shows the more intensive the response and further into the system a child goes, the higher the likelihood of ongoing involvement, more serious offending and poor life outcomes.*²¹⁶

Victoria Police’s submission to this inquiry noted that ‘children and young people who are cautioned are less likely to reoffend than those charged’, referring to research by the Crime Statistics Agency.²¹⁷

Cautions and warnings were the most common police outcome for alleged offender incidents by children aged 10 to 13 years from 2015–16 to 2024–25, and this has increased in recent years (see **Figure 7**).^{218,219}

²¹² Ibid. The data is similar for young people aged 14 to 17.

²¹³ Ibid. Also, consultations with a range of Victorian professionals by Baidawi et al in 2021 and 2022 found that ‘group-based offending’ was a ‘common context of offending among 10-13-year-olds’ – often ‘with peers of the same age or older children’. Participants also observed that many ‘children who engage in early offending’ were ‘seeking connection and belonging’. Source: Baidawi et al (2024) *Children aged 10 to 13 in the justice system: Characteristics, alleged offending and legal outcomes*, p. 52.

²¹⁴ Victoria Police, *Submission to Commission for Children and Young People*, p. 19.

²¹⁵ This refers to cautions and warnings given under Victoria Police policies. Under the *Youth Justice Act 2024* (Vic), youth cautions are more formal than warnings and require the young person’s consent and the verbal or written authorisation of a sergeant to be issued.

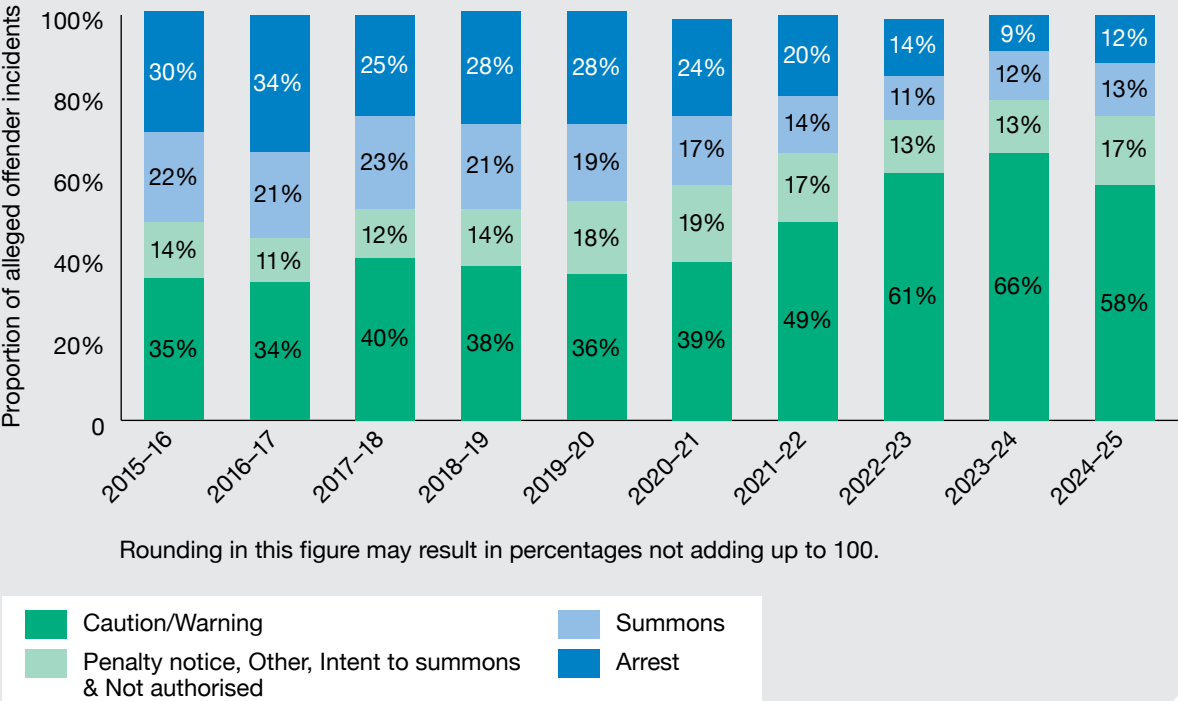
²¹⁶ Yoorrook for Justice Commission, [Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems](#), p. 318. See also the Victorian Government’s 2022 Diversion Statement, [Diversion: keeping young people out of youth justice to lead successful lives](#), accessed 31 March 2025.

²¹⁷ Victoria Police, *Submission to Commission for Children and Young People*, p. 7, citing Crimes Statistics Agency (2017) *The Cautious Approach – Police cautions and the impact on youth offending*.

²¹⁸ Over the decade to 2024–25, the number of alleged incidents for 10- to 13-year-olds with a police outcome of caution or warning more than doubled (113 per cent increase). At the same time, the number of alleged incidents that resulted in arrest or summons decreased by 48 per cent and 24 per cent respectively. Source: Data provided by CSA to the Commission on 7 November 2025.

²¹⁹ A sharp rise in the use of cautions and warnings from 2021 coincided with changes to Victoria Police policy in July 2021, including the statewide expansion of the Aboriginal Youth Cautioning Program (AYCP). Victoria Police commenced the AYCP in 2019 as a pilot in Bendigo, Greater Dandenong and Echuca. The Youth Crime Prevention and Early Intervention Program (YCPEIP) commenced in 2020–21 in Wyndham and Brimbank local government areas. Sources: Yoorrook for Justice Commission, [Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems](#), p. 319; Victoria Police, *Submission to the Commission for Children and Young People*, p. 7.

Figure 7: Proportion of alleged offender incidents (10 to 13 years) by principal police outcome, 2015–16 to 2024–25²²⁰



The *Youth Justice Act* has introduced legislated ‘youth warnings’ and ‘youth cautions’ as part of a new pre-charge framework to divert children from the criminal justice system. Under the framework, police must consider a hierarchy of options, including taking no action, youth warnings²²¹ and youth cautions,²²² before charging a child. The options also include ‘early diversion group conferences’, which police must refer children aged 12 or 13 to,²²³ subject to eligibility criteria.²²⁴ These reforms are intended to reduce criminalisation of children even where police contact occurs.²²⁵

²²⁰ Data provided by CSA to the Commission on 7 November 2025.

²²¹ The aim of a youth warning is to provide an immediate response to alleged offending: *Youth Justice Act 2024* (Vic) Part 4.2.

²²² The aim of a youth caution is to respond to alleged offending with the support of persons significant to the child or young person in a culturally appropriate manner. A youth caution may also be given by a respected member of the child or young person’s cultural or religious community, such as an Elder from an Aboriginal child or young person’s community: *Youth Justice Act 2024* (Vic) Part 4.3.

²²³ If the police officer decides it is clearly inappropriate to take no action or give a youth warning or youth caution.

²²⁴ *Youth Justice Act 2024* (Vic) s 117 and s 118. See generally Part 4.4.

²²⁵ The Sentencing Advisory Council has noted that the number of children aged 12 and 13 sentenced may ‘reduce over time’ as a result of the changes: Stewart et al (2025) *Sentencing Younger Children’s Offending in Victoria*, pp. 49 and 71.

What we heard from children and young people

Most of the children and young people we consulted spoke about their experiences with police. The experiences they shared raise significant concerns about police practice and culture. Children and young people described interactions with police that were often violent, excessive, and harmful. They reported being stopped, questioned, or monitored in ways that were racist, disproportionate, and that, in some instances, escalated situations rather than resolved them.

The Commission has heard accounts like these from children and young people before. They are consistent with the experiences of Aboriginal children and young people,²²⁶ and South Sudanese Australian young people,²²⁷ highlighted in previous Commission reports. *Our youth, our way* outlined Aboriginal children and young people's negative interactions with police, which they said 'made them feel upset, scared, angry and/or disrespected'.²²⁸ Several children and young people spoke about police racism, violence or mistreatment in their first contact with police.²²⁹ Similarly, as reported in the *2023–2024 Youth Forum Report 1*, South Sudanese Australian young people described being racially profiled or mistreated by police, which was upsetting and stigmatising for many of them, especially if they had done nothing wrong.²³⁰ More recent evidence to Yoorrook demonstrated that 'racist over-policing is systemic and prevalent'.²³¹

As demonstrated in these reports, and again in this inquiry, these experiences adversely impact how children and young people understand and engage with police, their willingness to seek help, and their overall trust in the system.

Mistreatment by police during arrest and other contact

Many children and young people we heard from described experiencing police mistreatment, including physical assaults, and some children and young people indicated that police later issued a caution or took no further action.

When I turned 13 or 14, they started putting me in the police cells. I was worried they were going to hurt me and put me in hospital. I was arrested at my mum's house and a police officer punched me in the face and I went unconscious. (Cameron, Aboriginal, 16)

Once, I'm not even joking, this cop, he loves his power. He came up to me and said 'what's your name?' and I said 'don't come at me' and he grabbed me by my neck and said right in my face 'what's your name?'. After I told him he just said 'good' and walked away. (Jimmy, 13)

The most fucked shit ever happened, the guys pulled out my hair. No body cams, hooking me, they gave me the most fucked bald spot. They just kept slamming me against a brick wall, calling me names, saying the most awful shit to me. I was like 'how are you guys letting this happen? Is this even legal?' The other officers just kept saying 'we ain't seen nothing, we ain't seen nothing.' They were all watching. It was fucked. (Arti, 14)

²²⁶ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), pp. 420–436.

²²⁷ Commission for Children and Young People (2024) [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), Commission for Children and Young People, Melbourne, p. 30.

²²⁸ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), p.32.

²²⁹ Ibid.

²³⁰ Commission for Children and Young People, [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), p.30.

²³¹ Yoorrook for Justice Commission, [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), p. 253.

[My first interaction with the police was when I was 13]; the police put guns to our heads. They were dogs, bro, they threw me on the floor. (Kevin, 15)

Another time I was just walking with a mate, they threw me on the floor and bashed my mates, smashed my phone because I was trying to record. (Stefan)

In one instance, a mother told the Commission about her 14-year-old Aboriginal child being assaulted when she called the police for assistance because he was suicidal.

We called because he was suicidal. We called for help... He was having a bad time mentally and he was suicidal. He left the house at night with no phone, keys, or even clothes, he was just wearing shorts. So, I called for help. Apparently, he had a warrant we didn't know about, and the police came for him. It was eight police officers on one boy, with no clothes. They took him down to the station and held him for four hours and then interviewed him for 15 minutes and let him go. When I asked about the warrant, apparently it disappeared off their system. (Samuel's mum)

Her son confirmed the story and spoke about the violence he experienced during the interaction.

I will admit, I was walking away. I was saying 'why should I stop? What have I done?' and I crossed the road, and he was like 'I've asked you to stop seven times now, get here now.' I turned around and just saw this guy running at me, tackled me to the ground, slammed my face in the ground. And then there were eight police tackling me, cuffing me, beating me, and I'm like 'what did I do, what did I do? I'm 14!', and I only had shorts on, no other clothes. (Samuel, Aboriginal, 14)

Some children and young people also stated that they did not make formal complaints because they did not believe any action would be taken, or because their requests to make a complaint were ignored.

They've hurt me while they're arresting me between the ages of 13 to 16. I've been punched in the back of my head. Another time I was knocked out and lost consciousness – I was 14. They talk shit. They said I hope you steal a car and wrap yourself around a tree. That was a Senior Sergeant. Never made a complaint, it's useless. (Chris, 16)

I don't think I've ever felt safe in police custody. Police are nothing other than a street thug, the only difference is a badge. There was a time when I was arrested for a petty crime – not a violent crime. There is a video of it. The cop slammed my head into a metal chair, grabbed me by the hair, I started to get heightened. His knee went into the back of my throat and I couldn't breathe for three minutes and then they threw me back into the divvy and hit my head and then got pepper sprayed – I was 13 or 14. They made me sit there for 10 to 15 minutes before giving me water to wash my eyes out. I asked to make a complaint and I was completely ignored. (Abby, 15)

A while ago I was in handcuffs and I had a cop knee me in the back of the head. I asked for the badge and name and they never gave me nothing. (Benji, Aboriginal, 14)

Experiences of racism by police

Several children and young people described racist interactions with police, including being treated differently because of their cultural background or appearance. These experiences negatively influenced how children understood and responded to police and affected their sense of safety and trust. Aboriginal children and young people described specific experiences of heightened police attention, stereotyping and differential treatment in their interactions with police.

*The police were very racist to us. When they caught us they would call us 'black dogs', 'little Abo c***s'. But can't do anything about it. ... That's the reason we hate them so much. They act like such good people to white people, but with us they bash us. (Sean, Aboriginal, 19)*

There was one time... I was with some mates. This was when I didn't have any bail or arrests or anything. Next thing I know, a divvy pulls up on me and people get out and slam me against the car. I'm like, 'what the fuck what have I done wrong?' They search me, didn't find anything. And my mates got to keep walking, they didn't even acknowledge them. They were white, I was black. I was wearing dark clothes, they were wearing dark clothes. They found nothing on me but my phone. (Samuel, Aboriginal, 14)

Children and young people from multicultural backgrounds also spoke about racist interactions with police, where they felt targeted, unfairly suspected, or spoken to harshly.

Sometimes when they arrest us, they say the most racist things. It just makes you hate cops. (Luke, 18)

There was one time, I was having an amazing day. We were causing ruckus, it caught up to us. We're walking home and I hear the cars, I hear people running. I start running. I see a ton of them behind me and they call out my name. I'm like, how the fuck do they know my name? I ditch my slides and start running faster, jumping fences, almost got bit by their dog. Suddenly they tackled me, I see there's no body cam, and they're just punching me. They threw me against a fence. The guy is calling me a black dog, saying, 'I should have gotten you ages ago', calling me a bitch, saying a bunch of shit. (Arti, 14)

When I got arrested for my last offence — the one where I went to jail for five years — police used excessive force. I know I did something wrong, and I take responsibility for that, but the way they handled it was questionable. They didn't care that neighbours were watching. They were kicking me, calling me racist names, saying 'Apex dog,' 'black this, black that.' It left me with a very heavy heart. (Nick, 27)

Police interactions undermine children and young people's sense of safety and trust

Children and young people told us that prior negative experiences with police caused them to feel unsafe and diminished their trust in police.

I don't like police, but at the same time, if something happens at home, you might need them. Now I question whether it's even safe to call them. Will they see me as the perpetrator instead of the person asking for help? (Nick, 27)

With police, everything they do just makes people hate them and makes people angry. They rip up families and put people in jail. They are not here to make anyone's lives easier and abuse everyone they arrest. (Jake, 18)

Other young people stated that past negative experiences led them to run away from police, even when they had not committed an offence.

I've had instances where they just pick me up and drop me on the ground cos of how I was dressed. Just talking disrespectfully... I've said 'how you going' to a cop one time, they've gone 'you're a fucken...' They just speak to you like shit... So now I just run.... Even when we know we haven't done anything wrong. If I'm walking on the street and I see them I run. (Benji, Aboriginal, 14)

First run ins with cops were like when I was 11 and 12... I was mainly just hanging around. They'd randomly just pull up to you, and being young we'd just run even though we'd done nothing wrong. (Cooper, 19)

Interactions with police increased for children and young people living in residential care

Children and young people living in residential care often have more contact with police than their peers.²³² This contact commonly arises from incidents within care settings or concerns raised by adults, rather than criminal activity by children. Children and young people shared with the Commission that increased police involvement can impact their care experience, influence how they see themselves, and affect their sense of safety and trust in authority.

I got into more trouble with cops for stuff that happened at the house than I did for stuff out in public. That was definitely due to [residential care staff] not knowing how to de-escalate things, their methods of punishment, threats and moving food, locking stuff away, they just couldn't de-escalate. Instead, they'd call the police cos I was screaming at them, and they'd be sitting there telling me I'm going to Parkville. Not the right thing to say to a kid who's angry. (Cooper, 19)

We can't even act like normal teens without cops on our ass. Can't stay at a mate's house or nothing... You stay out for a few hours, you don't answer your phone you have three cop cars looking for you. (Benji, Aboriginal, 14)

Another time when DHS put a Safe Custody Warrant on me, I got detained. They took me into the police station and sat there for nine hours. No one came to me. Just slept on a desk. Nothing to do. Put me in the back of a divvy van, like I had done something wrong, and took me to a foster care place.... I was only there for one night. (Johnny, 19)

Youth Law provided the Commission with examples of two young people who were living in residential care whose experiences with police left them feeling targeted and unsafe.

²³² Department of Health and Human Services (DFFH) (2020) *Framework to reduce the criminalisation of young people in residential care*, State of Victoria p. 84.

Bianca's experience with police

Bianca's first encounters with police were from a young age due to family violence incidents. It became unsafe for her to live at home, and she was placed in residential care at the age of 12. It was around this time Bianca started having more interactions with police. At first, they were for minor incidents relating to littering and graffiti, but once she became known to local police, she felt targeted by them. Small things such as playing an instrument at a bus station attracted their attention and would result in Bianca receiving a fine. These interactions led to Bianca mistrusting the police and to escalations between her and them.

At the age of 13, Bianca was charged with assaulting a police officer. She alleged this officer consistently stopped her in the street and subjected her to searches when she had been doing nothing wrong. On one occasion, the officer found spray paint in her bag and was going to charge her with graffiti related offences. Bianca got upset and started yelling at him.

At court, Bianca went through the *doli incapax* assessment process where it was determined that she did not have the capacity to know that her actions were morally wrong.

Billy's experiences with police

Child Protection first became involved with Billy at a young age due to his experiences of family violence. During his time in out-of-home care, it was identified that he had an intellectual disability. Billy was placed in a residential care unit that was not an appropriate home for him given his disability and particular support needs. Billy found the unit overwhelming, as there were three other children with complex needs living there and the environment was loud and chaotic. Billy would often leave the unit, opting to couch surf with friends or sleep rough.

Safe custody warrants were regularly issued, and police were tasked with finding Billy and bringing him back to the unit. Billy found these interactions with police frightening. While he had done nothing wrong, he would be placed in the back of the police van and taken to the police station to wait for his residential care workers to pick him up. Billy was scared that he was being charged with a crime and would resist going with the police. This resulted in police responding to Billy with force and handcuffing him. These traumatic interactions made Billy suspicious and fearful of the criminal justice system.

Increased police intervention of children and young people living in residential care was raised by the Commission in its *Out of sight* inquiry, published in 2021. Around the same time, the Department of Families, Fairness and Housing, DJCS and Victoria Police released the *Framework to reduce criminalisation of young people in residential care*, which aimed to 'reduce the unnecessary and inappropriate contact of young people in residential care with the criminal justice system'.²³³ Ongoing implementation of the framework since its release has been supported by an action plan, a Statewide Implementation Group and an eLearning module.²³⁴ While the Commission acknowledges this work, more is necessary to guide responses when children and young people are absent from their placement.²³⁵ In its submission to this inquiry, Victoria Police stated that it considers it crucial to prevent, where possible, children's exposure to and contact with police in situations that could be managed without police involvement.²³⁶

Interactions with police at school disrupt learning and undermine wellbeing

Some children and young people described being arrested at school and the impact this had on their learning and wellbeing. These incidents were often highly visible and disruptive, affecting their sense of safety and belonging. For some, the experience also influenced how they were perceived by peers and school staff.

Me and [my friend] got caught with cannabis at primary school. That's how I got in here. I was 11. The police came to my school and then they took me to the station. I was crying. (Mel, 14)

My teacher set me up. My teacher came into my class and said, 'I need to come talk to you.' She brought me to the principal's office. The principal said 'tell me about yourself', we start talking, suddenly there were six crime squad people who came into the room and arrested me. It was so fucked. I was blindsided. I never expected to be arrested at school. I felt depressed after. It was humiliating walking out in handcuffs. Everyone at school was making rumours about me, making shit up. When I came back, everyone treated me differently. I hated it. (Ray, 16)

In grade 4...at school, I broke a window with my mate... I chased my friend. He wanted jellybeans from the break room you know. Anyways I came back to school on Monday. The police came to the school and took me back home to pick up my mum. I ended up getting charged. For breaking into the school or something. But not my [white] mate... He didn't get charged, and it was his idea. And I just remember crying when they put me in the back of the police van. And then yeah we went to the police station and they took my fingerprints; they're still in the system to this day. (Lincoln, 27)

Children and young people's accounts of interactions with police at school also highlight the sometimes-harmful approaches that schools can adopt when responding to students displaying complex and difficult behaviours.²³⁷ Punitive approaches, such as involving the police at school, can adversely affect the wellbeing of children and young people who have experienced trauma and for whom school feels like a safe environment. Children and young people feeling stigmatised and distressed at school can also contribute to their disengagement from education.²³⁸

²³³ DFFH (2020) *Framework to reduce the criminalisation of young people in residential care*, p.2.

²³⁴ Commission for Children and Young People (2025) [Wrap-up report card: Progress against past inquiries-2025](#), accessed 19 April 2026.

²³⁵ Ibid.

²³⁶ Victoria Police, *Submission to Commission for Children and Young People*, p.14.

²³⁷ As advised by DE, schools are obliged to keep all students safe from harm, and as mandatory reporters, some circumstances may require support from Victoria Police. Source: Information provided by DE to the Commission on 15 May 2026.

²³⁸ Commission for Children and Young People (2023) [Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care](#), Commission for Children and Young People, Melbourne, p. 186.

As demonstrated in Chapter 3, educational disengagement was a common experience for the 26 children under Youth Justice supervision in 2023–24 and 2024–25, with 79 per cent recorded as chronically absent from school.²³⁹

Children experienced harm in police cells

Children and young people also described distressing experiences in police cells, stating that they felt frightened, isolated and unsure about what would happen next. They raised concerns about the physical conditions of the cells and having limited contact with family or other support people. Several described the emotional impact of confinement, which has been shown to undermine children and young people's sense of safety and wellbeing during a critical stage of development.²⁴⁰

Cops used to threaten to put me in the cells a lot. I remember they threatened me when I was about 10-years-old. I didn't feel safe in the cells. I struggle with empty rooms because of my mental health, trauma wise. They didn't check on me. It took 10-12 knocks to get their attention. (Abby, 15)

When I was younger (14/15) the police cells were the worst things. They wouldn't feed you, would be there for a couple of days. No blankets, no pillows, they were wet sometimes. Sometimes, no contact with anyone. (Sean, Aboriginal, 19)

One of the sergeants, I kept knocking on the door because I was so cold I wanted a blanket. The sergeant yelled, 'what are you doing? You're gonna break it!' And he said 'get on that bed, sit on the bed, and shut the fuck up for half an hour and then I'll bring you a blanket.' Like, I'm freezing cold. They wouldn't give me a blanket, no t-shirt, nothing. My mum gave them clothes for me, they didn't give me anything. I was so cold. (Jimmy, 13)

Oversight of police practices

Evidence gathered during this inquiry about children and young people's interactions with police highlights the need for stronger oversight of police practice.

The Commission previously highlighted that Victoria Police has a significant amount of authority over children and young people. In our 2022 submission to the Victorian Government's review of the Reportable Conduct Scheme we raised that, while the behaviour of Victoria Police members is subject to oversight by bodies such as Independent Broad-based Anti-corruption Commission (IBAC), there may be further scope for increasing the oversight of police engagement with children and young people.²⁴¹

The Commission also recommended in *Our youth, our way* (2021) that the Victorian Government commission an independent body with specialist expertise in children and young people to urgently review Aboriginal children's experiences with police.²⁴² The review was intended to examine police powers and the exercise of discretion when responding to Aboriginal children suspected of offending – including decisions about cautioning, diversion, arrest, summons, custody and complaints – and to make recommendations to improve police policy and practice. This recommendation has yet to be implemented.²⁴³

²³⁹ Data provided by DE to the Commission on 29 January 2026.

²⁴⁰ Cunneen C and Baldry E, 'Locking up kids damages their mental health and leads to more disadvantage. Is this what we want?', *UNSW Sydney Newsroom*, 21 June 2019.

²⁴¹ Commission for Children and Young People (2022) [Submission to Review of Reportable Conduct Scheme](#), accessed 19 April 2026.

²⁴² Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), p.50. See Recommendation 54.

²⁴³ Commission for Children and Young People, [Progress against past inquiries](#) (Our youth, our way), accessed 13 April 2026.

Yoorrook also recommended the establishment of a new independent police oversight authority.²⁴⁴ The Commission supports this recommendation, noting that any new oversight body must include expertise in matters affecting children and young people.²⁴⁵ The Victorian Government has indicated that this recommendation remains under consideration.

The evidence gathered during this inquiry reinforces the need for independent and strengthened oversight that focuses on safe, accountable and appropriate police practices when they interact with children and young people. It also highlights the need for more training and development for police officers to build their confidence and skill in effectively engaging with children and young people. As reflected in consultations with children and young people, negative interactions with police may reduce their willingness to be respectful towards them and to follow the rules.

*I would tell them not to bash kids, it makes kids want to do crime more, to piss the police off.
(Cameron, Aboriginal, 16)*

*It made me mad and made me want to commit more crime. Because the police were mean, they used to bash me. All the police officers did that. I couldn't tell you how many times that happened.
(Scotty, 15)*

That's the reason we hate them so much. They act like such good people to white people, but with us they bash us. That's why we do the crime, we don't care. (Sean, Aboriginal, 19)

This was also reported in the Commission's 2023–24 *Youth Forum Report 1* that reflected on the experiences of South Sudanese Australian young people:

*Experiences of racism, police profiling, a sense of exclusion and 'othering' from the broader community, combined with inadequate support services, were felt to increase risks of anti-social behaviour from South Sudanese Australian young people.*²⁴⁶

While public commentary frequently highlights children and young people's behaviour toward police, less attention is given to the role of systems and professionals in shaping these interactions. Building inclusive, connected and safe communities requires systemic reform, including addressing harmful policing practices.

²⁴⁴ Yoorrook for Justice Commission, [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), pp. 34–35. See Recommendation 27.

²⁴⁵ Commission for Children and Young People, [Yoorrook Justice Commission recommendations could be life-changing, says Commissioner for Aboriginal Children and Young People](#), accessed 19 April 2026.

²⁴⁶ Commission for Children and Young People, [2023–24 Youth Forum Report 1: A snapshot of consultations with young people as part of the South Sudanese Australian Youth Justice Expert Working Group](#), p.11.

Children and young people's experiences in court

While not a common theme in consultations with children and young people, some spoke about their experiences in court proceedings, with most indicating they found it confusing and intimidating.

I went to court at 12 or 13 for the first time. I didn't know what was going on. I was remanded to Parkville then put in secure welfare. (Michael, Aboriginal, 19)

They were talking in big words. The whole time my mindset was they'd get the right people but obviously that wasn't true. I kinda understood what was going on but it wasn't in my control or the YJ workers. (Julian, 21)

I used to ask my lawyer after, what did that mean? (Manny, 17)

It was confusing the way the judges talk. (Jake, 18)

I didn't understand what was going on. It was all just confusing, using big words. No one really explained it to me. I just sat there wondering what they were talking about. (Cameron, Aboriginal, 16)

Some children and young people spoke about having to wait around and their matters being adjourned.

I had to be there from 9:30 to like 2:30, just waiting, and then to see the prosecutor hadn't done anything...The prosecution hadn't done anything with my case, so the judge let us go home. I don't know why we had to be there all day if they hadn't done anything with our case. (Samuel, Aboriginal, 14)

It was a lot of waiting, not too bad. I had to go because they took out an IVO against me. The other kid didn't show up so they threw it out. (Jake, 18)

Court delays and adjournments can prolong time spent on remand for some children and young people. This reinforces the importance of timely case progression.

4.3 Youth Justice supervision

Youth Justice, within DJCS, is responsible for supervising children and young people in the community, or in custodial facilities.²⁴⁷ Children and young people who are on bail, community-based youth justice orders, or parole are supervised in the community.²⁴⁸ Children and young people supervised in youth justice custodial centres include those unsentenced on remand,²⁴⁹ and those who have received a sentence of youth detention through a youth justice centre order. Both are held in the same facilities.

All children and young people under Youth Justice supervision, whether in the community or in custodial centres, are supported by Youth Justice workers through case management and referrals to health and welfare services, education, employment and accommodation.^{250, 251}

This section discusses:

- the small number of children under Youth Justice supervision, including a data snapshot of the 26 children under Youth Justice supervision in 2023–24 and 2024–25

- children and young people's exposure to harmful practices and experiences of disruption and harm in custody.

Children under Youth Justice supervision²⁵²

A small number of children aged under 14 come under Youth Justice supervision, and they are generally boys aged 13,²⁵³ most commonly on supervised bail²⁵⁴ (a Youth Justice bail program to assist children and young people comply with bail conditions).²⁵⁵ On average per day in 2025, Youth Justice supervised one 13-year-old in the community, and less than one in custody.²⁵⁶

Overall, between 2019–20 and 2024–25, Youth Justice supervised 88 children aged 13 on community-based orders, and 67 children aged 13 on remand.²⁵⁷ No children aged 13 (or 10 to 12) were sentenced to a custodial order during this period.²⁵⁸

Aboriginal children and children from multicultural communities were disproportionately subject to Youth Justice supervision through court orders, as shown in Table 2 below.

²⁴⁷ DJCS (2020) [Youth Justice Strategic Plan 2020 – 2030](#), Victorian Government.

²⁴⁸ Ibid, p.19.

²⁴⁹ Children and young people on remand must be placed in youth custodial centres within two working days. Children and young people cannot be held in police gaols longer than two working days. Source: *Children, Youth and Families Act 2005* (Vic), s 347a.

²⁵⁰ DJCS, [Community supervision](#), accessed 16 June 2026.

²⁵¹ The Department of Justice and Community Safety advised that children and young people held on remand receive the same levels of support as children and young people on youth justice centre orders, including the same access to family and professional visits, care teams, education and planning, and access to treatment through the Statewide Rehabilitation Service, which was implemented in 2024. Children and young people also have access to the Disability Practice Advisory team within Youth Justice's Clinical Oversight and Rehabilitation team, in addition to access to specialist services such as the Custodial Forensic Youth Mental Health Services and healthcare under the Healthcare Services Quality Framework for Victoria Youth Justice Facilities 2025. Regarding access to education, Parkville College is a school for children and young people in custody, which offers up to 36 hours of education per week. Sources: Information provided by DJCS to the Commission on 29 May 2026 and DE on 18 May 2026.

²⁵² The data referred to in this section draws on several sources from DJCS that have used different reference periods.

²⁵³ From 2019–20 to 2024–25, no child aged 10 was placed on any form of supervision; three children aged 11 were supervised by Youth Justice (all on supervised bail with one also supervised on remand for one day); and 18 children aged 12 were supervised by Youth Justice (14 were supervised in the community, almost all on supervised bail, nine on remand, six of which were also supervised in the community). Data provided by DJCS to the Commission on 13 January 2026.

²⁵⁴ Of the 88 individual 13-year-old children under community supervision between 2019–20 and 2024–25, 79 (90 per cent) had a period under supervised bail. Data provided by DJCS to the Commission on 13 January 2026.

²⁵⁵ Supervised bail is for children and young people 'who can meet their bail requirements with assistance but without assistance might otherwise be remanded'. The 'program is targeted at young people who have had no previous contact with Youth Justice and are charged with a serious offence or who have been on supervised bail previously and have responded well'. Source: Children's Court of Victoria Research Materials, [Chapter 9: Custody and Bail](#), accessed 3 April 2026.

²⁵⁶ Data provided by DJCS to the Commission on 13 January 2026.

²⁵⁷ Ibid.

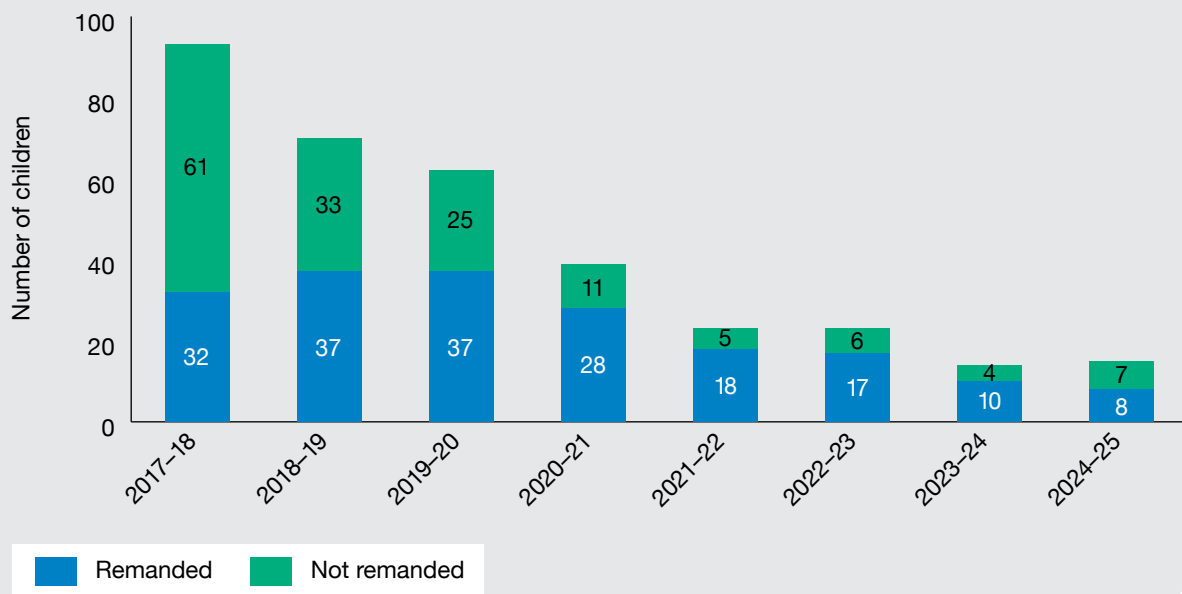
²⁵⁸ This means there were no 13-year-olds in custody on a sentenced 'admission status order' or 'admitting order'. The daily data reflects the child's age and admission status on that day. A child may have been sentenced after turning 14.

Table 2: Characteristics of 13-year-olds under youth justice supervision – 2019–20 to 2024–25²⁵⁹

Characteristic	Community	Custodial (Remand)
Gender	8 Female (9%)	12 Female (18%)
	80 Male (91%)	55 Male (82%)
Aboriginal	24 (27%)	17 (25%)
Sudanese or South Sudanese Australian	16 (15%)	17 (25%)
Other Australian	22 (25%)	11 (16%)
Other multicultural backgrounds	22 (25%)	19 (28%)
Ethnicity unknown	4 (5%)	3 (4%)

The number of children who came under Youth Justice community or custodial supervision decreased substantially from 2017–18 to 2024–25, as shown in **Figure 8** below.²⁶⁰ This shows the number of children who came under Youth Justice supervision each year for an alleged offence committed under the age of 14. The number decreased by 84 per cent from 2017–18 (93 children) to 2024–25 (15 children).

Figure 8: Number of 10- to 13-year-old children under Youth Justice supervision by remand status in financial year²⁶¹



²⁵⁹ Data provided by DJCS to the Commission on 17 March 2025 and 13 January 2026.

²⁶⁰ Some of the children in Figure 8 were 14 when they came under Youth Justice supervision or turned 14 in the financial year they came under supervision. Source: Information provided by DJCS to the Commission on 17 March 2025 and 13 January 2026.

²⁶¹ Data provided by DJCS to the Commission on 17 March 2025 and 13 January 2026.

The decrease included a notable reduction in the number of Aboriginal children, from 20 in 2017–18 to five in 2024–25.²⁶² This reduction occurred during a period of increased investment in Aboriginal community-based initiatives.²⁶³

Figure 8 also shows that the number of children under 14 who were remanded into custody decreased over the eight years, to eight children in 2024–25 (and no Aboriginal child was remanded in 2024–25). These decreases are positive, however, the Commission is concerned that the changed policy and legislative settings may see a reversal of this trend and an increase in children remanded. Further, as highlighted earlier in the chapter, early contact with this system increases the likelihood of continued and more intensive contact over time, and experiences of custody, particularly periods on remand, can severely disrupt a child’s development, access to education, family and community ties, while compounding trauma and other issues.

Data from Youth Justice included a ‘snapshot’ of children’s alleged offences, based on the ‘most serious offence’, for 311 children over the six years from 2017–18 to 2022–23.²⁶⁴ The top two alleged offences (by number of children) were serious assault resulting in injury (25 per cent) and aggravated robbery (17 per cent).²⁶⁵ Final outcomes were known for 197 children: 31 per cent had their charges withdrawn or dismissed (some of which may have been due to the *doli incapax* presumption); 13 per cent received a non-supervised sentence; 53 per cent were sentenced to a youth justice community order; and three per cent received a youth justice custodial order.²⁶⁶

Data snapshot for 26 children in 2023–24 and 2024–25

This inquiry looked at some of the youth justice experiences of the 26 children who were under supervision in 2023–24 and 2024–25 as discussed in Chapter 3. We looked in particular at their first experience of youth justice.²⁶⁷

The file review found:

- almost two-thirds (16) were 13 years old when they first came under Youth Justice supervision
- for over half of the 26 children (58 per cent), supervised bail was their first form of supervision, but for nine children, remand was their first experience of Youth Justice supervision
- the alleged most serious offences that led to the first Youth Justice supervision included burglary or home invasion (35 per cent of children), an offence involving an assault (31 per cent), and robbery or carjacking (just under a quarter). The remaining alleged most serious offences included car theft, shop theft and reckless conduct endangering serious injury
- final outcomes could be identified in 20 cases: in many cases (14), charges were dismissed or no further action was taken; six resulted in a sentence.

Overall, 14 of the 26 children received a community sentence (at the time of the review), and all but one were 14 years old or older when they were sentenced. None of the children received a custodial sentence before the age of 14. Four received custodial sentences for offences committed at the age of 14.

Children did, however, experience a period, or multiple periods, in custody before the age of 14, on remand. Overall, 19 of the 26 children experienced a period on

²⁶² Data provided by DJCS to the Commission on 17 March 2025.

²⁶³ For example, the 2020–21 State Budget allocated \$11.898 million over four years to address the over-representation of Aboriginal children and young people in the youth justice system, including the expansion and enhancement of the community based Aboriginal Youth Justice program to provide after hours and gender-based services.

²⁶⁴ DJCS noted that (1) ‘in practice, children are charged with multiple offences, each with different outcomes, so this analysis provides a snapshot of children’s alleged offending’; and (2) the most serious offence ‘was manually derived in 2022–23 due to a CRIS technical issue. Best efforts were made to report the most serious offence but [the data] may be subject to change’. It is also important to note that ‘there is a risk in focusing only on the most serious offence in cases involving children, because it can create a misperception that most offending by children is violent’. The Sentencing Advisory Council’s 2025 analysis of sentencing data between 1 July 2011 and 30 June 2021 found that theft and property damage were the two most common offence types for sentenced or diverted cases for children aged 10–13 in Victoria. Source: Stewart et al., *Sentencing Younger Children’s Offending in Victoria*, p. 45–46.

²⁶⁵ The next most common were unlawful entry with intent/burglary, break and enter (12 per cent), and common assault (12 per cent).

²⁶⁶ Data provided by DJCS to the Commission on 17 March 2025.

²⁶⁷ The review did not include information about children’s experience of police and courts before contact with Youth Justice.

remand, with 12 children being remanded before the age of 14.²⁶⁸ Of these children:

- 10 were 13 years old, one was 11 years old and another was 12 years old
- one was remanded 11 times before turning 14, for a total of 311 days
- at least half did not receive a sentence, because the *doli incapax* presumption applied or the charges were withdrawn or dismissed.²⁶⁹

These children experienced on average 3.7 episodes of remand, 17 days per episode, and 61 days overall. This means children were removed from their community and existing supports, and exposed to the harms of custody, without ultimately being found guilty or receiving a sentence.

Experiences in custody

Most children aged 12 and 13 who enter custody do so on remand, and many are later found not guilty or receive non-custodial outcomes.²⁷⁰ The 2017 review of Victoria's Youth Justice System, *Youth Justice Review and Strategy: Meeting needs and reducing offending* identified that 'depriving a child or young person of their liberty is detrimental to adolescent development, dislocates young people from any protective factors they may have, and must only be an option of last resort'.²⁷¹ Time in custody, including remand, disrupts children's lives, interrupts access to education and other supports and increases the likelihood of further contact with the criminal justice system.²⁷²

The Sentencing Advisory Council has previously found that more than 80 per cent of young people on a custodial order reoffended.²⁷³ The operating philosophy for Victoria's youth justice custodial centres states that the first priority is to keep the community safe.²⁷⁴ However, once children are detained in custody, too many continue to have ongoing involvement with the system, with limited positive change in their patterns of offending behaviour. This indicates that custody is not able to consistently support a reduction in offending or achieve its stated aim to improve community safety.

In *Our youth, our way*, the Commission recommended that children under the age of 16 not be detained in custody,²⁷⁵ a recommendation also made by Yoorrook.²⁷⁶ While this inquiry focuses on children under 14 – an age group for whom custody is particularly detrimental – the evidence demonstrates that harmful practices in custodial environments, such as isolations, lockdowns²⁷⁷ and potential harms from use of force, places the safety, health and wellbeing of all children and young people at risk. These practices, coupled with limited access to education, therapeutic supports and planning for release, significantly limit the rehabilitative nature of custodial facilities.²⁷⁸

Detention deprives a child of their liberty. In accordance with the *Youth Justice Act*, it must occur in a safe, secure and least restrictive way that protects children from harm and supports their rehabilitation and development.²⁷⁹ The Act states that children and young people held in custody 'are not to be punished,

²⁶⁸ Four received sentences to a custodial order (at time of review), at ages 14 and 15.

²⁶⁹ Data provided by DJCS to the Commission on 5 November 2025.

²⁷⁰ Sentencing Advisory Council (2020) *Children Held on Remand in Victoria*, State of Victoria, Sentencing Advisory Council.

²⁷¹ Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, p.14.

²⁷² Clancey G, Wang S and Lin B, 'Youth Justice in Australia: Themes from recent inquiries', *Australian Government Institute of Criminology*, vol. 605, 2020; Australian Human Rights Commission (2024) ['Help way earlier!' How Australia can transform child justice to improve safety and wellbeing](#); Australian Human Rights Commission (2026) [Left alone: A review of solitary confinement and similar practices in Australia's youth justice systems](#); Commission for Children and Young People (2021) *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*; Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*.

²⁷³ Sentencing Advisory Council (2016) *Reoffending by children and young people in Victoria*, State of Victoria, Sentencing Advisory Council p. 52.

²⁷⁴ DJCS (2019) *An operating philosophy for Victoria's youth justice centres* (unpublished).

²⁷⁵ Commission for Children and Young People (2021) *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system*, p. 41.

²⁷⁶ Yoorrook for Justice Commission (2023) *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*.

²⁷⁷ Lockdowns, also known as security isolations, refer to isolations under section 488(7) of the *Children, Youth and Families Act 2005* (Vic), which allows a child or young person to be held in their room or in an isolation cell when it is in the interests of centre security.

²⁷⁸ Commission for Children and Young People (2025) *Annual report 2024–25*, Commission for Children and Young People, Melbourne, p. 55; Australian Human Rights Commission (2026) [Left alone: A review of solitary confinement and similar practices in Australia's youth justice systems](#).

²⁷⁹ *Youth Justice Act 2024* (Vic) Part 10.1 – Guiding custodial principles.

recognising that confinement resulting from the imposition of a sentence of detention is to be the only punishment a child or young person receives for an offence'.²⁸⁰ However, the Commission has long raised concerns that some practices in youth justice custody could impose additional harm in contravention of these principles.²⁸¹

The use of isolation has been a particular concern over a long period. Isolation includes:

- behavioural isolations – separating a child or young person in a locked room, separate from others and away from the normal routine of the centre where their behaviour presents an immediate threat to themselves or others or property, and all other reasonable steps have been taken²⁸²
- security isolations – isolating a child or young person in their room or in an isolation cell when it is in the interests of the security of the centre.²⁸³ These are also known as 'lockdowns'.²⁸⁴

In 2017, the Commission's *The same four walls* inquiry identified concerns about the use of isolation and lockdown, including:

- The *Children, Youth and Families Act* clearly intends that isolation should only be used as an emergency response, not as an ongoing behaviour management strategy.
- The use of extended and repeated periods of isolation for individual children and young people raises questions about how effective the practice is. At a minimum, it suggests that isolation does not effectively deal with the behaviour it seeks to address.

- Isolation affects young people's ability to access fresh air, regular exercise, education and recreational programs.²⁸⁵

The Commission has continued to have strong concerns, particularly about the substantial increase in behavioural isolations in recent years. In 2024–25 alone, behavioural isolation episodes for all children and young people increased by 77 per cent from the previous year, with 7,085 episodes recorded – more than the total number across the previous three years combined (6,141).²⁸⁶ Security isolations also increased by six per cent from the previous year.

These findings sit alongside broader concerns about conditions in custody. The Commission continues to identify gaps in access to education, with many children unable to participate in consistent, meaningful learning.²⁸⁷ Children and young people also report the use of force by staff, including incidents that cause distress and undermine their sense of safety.²⁸⁸ The use of isolation, including prolonged and repeated episodes, limits access to fresh air, exercise, education and programs, and can contribute to further harm.²⁸⁹ Through the Commission's Independent Visitor Program, children have also raised concerns about food quality and quantity, as well as having limited access to activities and time out of their rooms.

Taken together, these issues indicate growing pressures in Victoria's youth justice custodial centres, driven by increasing numbers of children and young people in custody, workforce capability issues, infrastructure constraints, and children and young people presenting with greater levels of complexity. The Commission is concerned that these pressures are adversely impacting the safety and rehabilitative needs of children and young people being held in these environments.

²⁸⁰ Ibid, s 438 (2).

²⁸¹ See especially Commission for Children and Young People (2017) [The same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system](#), Commission for Children and Young People, Melbourne.

²⁸² *Children, Youth and Families Act 2005* (Vic) s 488 (2).

²⁸³ Ibid, s 488 (7).

²⁸⁴ The duration of isolation episodes varies, and DJCS advised that children and young people may be rotated in and out of their rooms during isolations. Source: Information provided by DJCS to the Commission on 29 May 2026.

²⁸⁵ Commission for Children and Young People (2017) [The same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system](#).

²⁸⁶ Commission for Children and Young People, [Annual report 2024–25](#), p.56.

²⁸⁷ Ibid, p. 61.

²⁸⁸ Ibid, pp. 59–60.

²⁸⁹ Ibid, pp. 55–58.

Higher numbers of children and young people in custody with increasing complexities, coupled with capacity constraints, may require a recalibration of the current operating model that provides for differentiated responses based on emerging risk profiles, and the needs and developmental stages of the children and young people in the custodial centres.

The *Youth Justice Act* includes strengthened safeguards regarding the use of isolation and restricted practices in youth justice custodial centres, which are scheduled to commence in September 2026. The Commission understands that DJCS has substantial work underway to align operational policies and practice guidance with these safeguards. It is critical that the implementation of these safeguards is monitored closely, given the potential impact of the Victorian Government's sentencing laws on the incarceration of children and young people.

Data snapshot for the 26 children

The Commission examined isolation records for the 26 children whose files we reviewed.

The Commission's file review found that 15 of the 26 children under Youth Justice supervision in 2023–24 and 2024–25 experienced periods of isolation while in custody (at any age, not only under 14).²⁹⁰ The periods ranged from 15 minutes to 11 hours.²⁹¹

Collectively, these 15 young people experienced 530 episodes of behavioural isolation, 2,509 security isolations (lockdowns) and 15 episodes of self-isolation, where a child or young person chooses to isolate for their own reasons, from January 2023 to June 2025. One child experienced 273 behavioural isolations, averaging 81 minutes per episode.²⁹² Another child experienced 714 lockdowns (1,136 hours).²⁹³

Ten of the 26 children under Youth Justice supervision experienced a period of isolation in custody while under the age of 14. Six experienced a behavioural

isolation (ranging from one isolation episode to seven isolation episodes) and all 10 experienced a security isolation (ranging from one isolation episode to 354 isolation episodes).²⁹⁴

The Commission also examined data relating to the children's experiences of use of force by staff.²⁹⁵ Physical force was used 110 times against 10 of the 19 children who had experienced remand. One young person had physical force used against him 69 times. All of the young people were over the age of 14 at the time force was used. Half of the incidents were reportedly due to a young person refusing direction.²⁹⁶

What we heard from children and young people

Throughout consultations, children and young people shared their experiences of custody, noting that some of these experiences occurred when they were 14 and older. Children and young people described experiences that disrupted their education, relationships and connection to community, and in some cases exposed them to practices that caused further distress and harm. These findings reinforce the Commission's longstanding concerns about the suitability of custodial environments for children and young people.

A small number of children and young people described positive experiences and opportunities they had while in custody.

²⁹⁰ Data provided by DJCS to the Commission on 5 November 2025.

²⁹¹ Ibid.

²⁹² Data provided by DJCS to the Commission on 22 December 2025.

²⁹³ Data provided by DJCS to the Commission on 5 November 2025.

²⁹⁴ Ibid.

²⁹⁵ Data provided by DJCS to the Commission on 22 December 2025. The Commission analysed data relating to physical, mechanical (handcuffs) or chemical use of force. The analysis excluded data relating to planned use of force, which includes escort requirements, precinct movements and medical escorts.

²⁹⁶ Data provided by DJCS to the Commission on 5 November 2025.

...the classes I go to – barbering, can get your white card, get your learners, there's people who can help you get jobs, I am starting my resume. Talking to the YJ workers – they have encouraged me to get a job and take up opportunities outside...I've done courses about why I get triggered so easily, why do I reoffend? It has been helpful. Now it's starting to hit me, why am I always coming back to this place? When I get out, I think I'm changing everything. (Manny, 17)

They are helping me get my cherry picker licenser, diggers license. Working in confined spaces ticket. Parkville is helping me with that. Can't get off this unit much. They come here and give me lessons etc... (Sean, Aboriginal, 19)

However, most of what children and young people shared in consultations related to the harmful nature of custody and the impact of this on their rehabilitation.

Entered custody at 14. Made me go down the wrong path even more. You think it's cool, you show off to your mates, do more crime and come back and it turns out to be your life, in and out of jail your whole life. It's made my life shit. (Cameron, Aboriginal, 16)

Matter of fact, prison just makes it worse. People talking about 'when I get out, I wanna do this and that'. Most people don't change in jail. The way people spoke about jail in Melbourne back then, it made you want to go to jail. Some things are good, you wake up early and get a little routine. But yeah, I don't really know what jail is good for. (Luke, 18)

I went to Parkville, what, seven times. I stayed out, what, like two years... Because it was so shit, it was nasty, I had to get out. The rotations man. You're locked up by yourself, you're not with your mates. 23 hours a day, you're by yourself. (Patrick, 16)²⁹⁷

It was horrible, it was like 23 hours in your cells. For the first few days, it was 24 hours in your cell. I was like freshly turned 16. I don't think it's good for a 16-year-old to be kept in a cell for that long. The only contact I had was for court via zoom. I only saw my parents via the zoom court. (Luke, 18)

Children and young people stated that custody disrupted their access to education and made it difficult to return to mainstream schooling. The Commission heard about a lack of specific cultural programs for Aboriginal children and young people.

Can't go to classes regularly here, only one literacy and maths class a week. Only been to one maths class since I've been here. They are not offering it regularly. (Chris, 16)

Need more courses in here like stop and go traffic control. Should offer jobs here like adults. School here is boring, we just play cards and listen to music. This place has a lot of rotations, there's not enough staff. (Scotty, 15)

This is my seventh time here, each time it's gets weirder getting out, it's like a time machine coming out, you get out and the world has changed a bit and everyone else has changed. They need to give you time to get used to the world again, the way I am here the way you talk here, you wouldn't be allowed to do that outside. Can't let people stand over you – you get into fights here. Going to school outside is harder. (Chris, 16)

²⁹⁷ DJCS suggested, for context, that the experience of isolation that Patrick described may have been during COVID-19 when mandatory quarantines were in place in accordance with government health advice. The Commission could not verify whether this was the case, but this does not minimise Patrick's experience.

I do the PVC cultural programs. I don't think ALOs [Aboriginal Liaison Officers] do any cultural programs anymore. In adults [prison], Aboriginal people have their own art room, with paints, Elders come in every week. We just get a colouring book here. They should bring The Torch in here. (Sean, Aboriginal, 19)

The Commission heard that being exposed to other young people who had committed offences can normalise offending behaviour and increase the risk of further involvement with the criminal justice system.

Being in here makes kids be around bad influences 24/7. Just hold them outside this world so they don't reoffend. It wastes their childhood, getting them used to jail so when they're 18 they're used to it. (Chris, 16)

Going through the juvenile system that young changes how you see yourself. You start identifying as a criminal. It changes the direction of your life. Instead of rehabilitation, you're thrown in with other kids who reinforce that lifestyle. (Archer, 25)

These experiences show that custody does not meet the developmental, safety and wellbeing needs of children and young people, and can contribute to further harm rather than supporting positive outcomes.

4.4 From contact to custody: harm without rehabilitation

Young people must be at the centre of everything the Youth Justice system does.²⁹⁸

The first priority for Youth Justice is to keep the community safe.²⁹⁹ To do this, the Armytage Ogloff review (2017) found that the criminal justice system needs to provide 'an evidence-based response to youth offending and youth crime that is reflective of the needs and attitudes of young people and the broader community'.³⁰⁰ Current system responses are not consistently achieving this.

Children who have already experienced significant disadvantage – including trauma, involvement with Child Protection, and instability – often face further harm through police contact and time in custody. These responses disrupt relationships, education and support, and can worsen the underlying issues that contribute to offending. Custody, in particular, does not support rehabilitation and can increase the likelihood of further contact with the system. A system that increases harm and fails to address the drivers of harmful or offending behaviour does not improve community safety.

Children and young people are an asset to the community. As identified in *Our youth, our way*, many Aboriginal children and young people also contribute to caring for siblings and extended family, maintain important cultural connections, and, in some cases, have parenting responsibilities.³⁰¹ Contact with the criminal justice system can disrupt these roles and connections, with broader impacts on families and communities. This represents a missed opportunity to recognise and build on children and young people's strengths, and to support their positive contributions and pathways.

It is critical that responses to children and young people prioritise safety, access to support and opportunities for rehabilitation, and that the

²⁹⁸ Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, p. 4.

²⁹⁹ DJCS (2019) *An operating philosophy for Victoria's youth justice centres* (unpublished).

³⁰⁰ Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, p. 4.

³⁰¹ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system](#), p. 83.

Government continues to invest in prevention and early intervention to prevent children's contact with the criminal justice system in the first place. These responses are outlined further in Chapter 5.

Finding 4: The criminal justice system disproportionately impacts boys, Aboriginal children, children from multicultural backgrounds and children with disability.

The 26 children supervised by Youth Justice in 2023–24 and 2024–25, for offences or alleged offences when they were under 14, were male. Twenty-seven per cent identified as Aboriginal, and 42 per cent were from multicultural backgrounds. Eighty-eight per cent of the children were living with a disability.

This reflects the broader body of evidence that consistently highlights that these groups make up a disproportionate percentage of the criminal justice and youth justice custodial systems.

Finding 5: The criminal justice system response to children under 14 does not effectively respond to children's developmental and rehabilitative needs, with early involvement being associated with poorer individual, social and justice outcomes.

Very few children under 14 receive charges that go to court, and even fewer have charges proven and receive a sentence. Despite this, too many children still experience long-lasting harms that arise from contact with the criminal justice system, from negative and sometimes violent interactions with police to multiple episodes of remand.

Supervised bail was the first contact with Youth Justice for over half of the 26 children under Youth Justice supervision in 2023–24 and 2024–25, but for nine of the children, remand was their first experience of Youth Justice supervision.

Early contact with a system that does not effectively recognise children's developmental and holistic needs is linked to continued engagement with the criminal justice system. Of the 26 children supervised by Youth Justice in 2023–24 and 2024–25, 75 per cent had further alleged offending after turning 14.

Finding 6: Children and young people are exposed to significant and compounding harms in youth justice custodial environments, undermining their capacity for positive and sustained changes.

Most children aged 12 and 13 who enter custody do so on remand. Remand significantly disrupts children's lives, interrupting access to education and other support. Twelve of the 26 children under Youth Justice supervision in 2023–24 and 2024–25 experienced remand before the age of 14, and on average, they experienced 3.7 episodes of remand, 17 days per episode, and 61 days overall.

Children experience harmful and restrictive practices in custody including isolations and lockdowns. Fifteen of the 26 children had experienced periods of isolation while in custody. Collectively, they experienced 530 episodes of behavioural isolation, 2,509 security isolations (lockdowns) and 15 episodes of self-isolation from January 2023 to June 2025. One child experienced 273 behavioural isolations. Another child experienced 714 lockdowns (1,136 hours).

Of the 26 children, 10 experienced a period of isolation in custody while under the age of 14, (including one child who was confined to their unit 354 unique times for 'security isolation' purposes).

Johnny's story

'Johnny' is a 19-year-old young person who we consulted for this inquiry. His story reflects what he shared with us.

I love sport. I'll watch pretty much anything except cricket, golf or baseball. I'm into combat sports, footy, boxing, MMA. I love going to the gym and doing weights. When I was a kid, I always wanted to play footy. I used to make music too – writing and recording my own stuff since I was about 12. I like art as well – painting, comic-style stuff, I've always been pretty artistic.

I didn't have the best start to life. I'm an only child and never really had proper family support. My mum was sexually assaulted and I was born as a result. She has paranoid schizophrenia and was never really capable of looking after a child, so DHS was involved from the day I was born. I never felt like I had much real family. That's been one of my core problems. I moved between Mum and foster care – back and forth – never really stable.

With Mum being untreated, I wore all the consequences of that. I missed out on normal stuff – sport, routine, social things, building connections. I didn't really get those opportunities. I struggled to get to school. I didn't trust anyone. The day after my 14th birthday, I tried to kill myself. I just didn't want to live back then.

After that, things got more unstable. I was couch-surfing, living rough, staying with mates. I lived on and off with a friend and his dad – that was probably the most stable I had. Then I left, stayed with a girl for a bit, then went back into resi. That's when I started getting charged – aggravated burglary, stealing cars, all that.

School wasn't the problem – it just didn't work for me. I finished Year 10. I'm not dumb – I'm a quick learner, good memory. I like history and natural disasters. I'm good at explaining how I feel when I want to. What I liked most about school was the social side. It gave me

something to do. Some of my memories of school are good. I think tailored learning is the biggest thing. The normal curriculum doesn't work for everyone. If a kid loves cars, teach maths through buying a car. Let them learn through things they actually care about.

My first contact with police was when I was really young, when I saw my mum getting bashed and her boyfriend trying to kill her. The first time I got in trouble with police, I was 12. Police have always made me feel like an object – no empathy. There was another time when DHS put a Safe Custody Warrant on me. Police detained me, took me to the station and left me there for nine hours. No one came to talk to me. I just slept on a desk with nothing to do. Then they put me in the back of a divvy van like I'd done something wrong and drove me to a foster carer's house. I was only there one night.

No one has ever really asked me what I wanted. It was always: chuck him in resi care and not ask him anything about what he wants. All these kids have so much trauma that needs to be healed and no one asks them what do you want to do with your life and what makes you happy. Everyone just gives them the bare minimum and ticks a box – completing their duty of care. I never felt like anyone cared for me in the community.

There was one worker from [agency] who was different. She treated me like a person. She was real with me. She trusted me with information. She told me straight that I had a chance to make something of myself. That's what helps. Treat kids like they're human. Talk to them like you'd talk to family or a friend. Make it feel more fucking real. My best experience in resi was when I watched the Champions League soccer with my resi worker and it felt like I was actually at home. That's the most personalised it got.

When I get out, I want something different. I want to have a family and buy a house.

Chapter 5: **Solutions**



*We need to reframe the question to centre on what children need...
(Community Service Organisation)*

Children under 14 do not belong in the criminal justice system. They need safe, stable relationships, access to early support and opportunities that enable them to grow, learn and thrive. When they engage in high-risk and harmful behaviours, they need timely, evidence-based, therapeutic and developmentally appropriate responses.

Punitive approaches to children's high-risk and harmful behaviours do not work. They disregard the evidence, disproportionately impact children already experiencing disadvantage, and increase the likelihood of reoffending. Over time, they reduce, rather than improve, community safety and impose significant financial costs.

There is a better way, one that requires an intentional and sustained shift away from short-term, siloed and punitive responses that have been proven time and again to cause long-term harm. It requires a shift towards a whole of system approach grounded in child-centred principles and care, and responses that address a child's needs, culture and context, and prioritise prevention, early support and strengthening families' capacity to support their children's healthy development.

No single agency can do this alone. Rather, government departments and service systems must work together and directly with children and young people to address their needs in a coordinated and holistic way across child and family, health, education, housing and other related services.

This chapter sets out a continuum of solutions to keep children out of the criminal justice system and promote strong and safe communities. Our recommendations focus on:

- centring the experiences and voices of children and young people in the design of solutions (section 5.1)
- strengthening collective responsibility to meet children and young people's needs (section 5.2)
- prevention and early support to address needs before issues escalate (section 5.3)
- tailoring approaches to community needs (section 5.4)
- service responses to high-risk and harmful behaviours that support children to stay out of the criminal justice system (section 5.5)
- improvements to current tertiary responses to minimise harm, promote rehabilitation and reduce reoffending (section 5.6).

The recommendations in this chapter build on previous inquiries and emerging initiatives. They are aimed at steering Victoria back towards a system that respects children's rights, responds to their needs, and supports their long-term safety, wellbeing and participation in community life. While the recommendations largely focus on children under 14, the benefits extend more broadly to older children and young people.

5.1 Centring children and young people in solutions

During consultations, the Commission asked children and young people about supports that made a positive difference to their lives. The Commission also asked what would best support other children and young people to avoid the criminal justice system. Children and young people spoke about valuing the support they received from family, friends and partners. This was also the case for those living in out-of-home care.

*My mum. Still speak to mum every day.
(Cameron, Aboriginal, 16)*

My parents have always been there, they have never missed a court appearance and would always come to the police station. (Manny, 17)

*Nan tried to give me the best life and I feel like I took advantage of it because I started hanging out with the wrong people and doing crimes. She has always stuck by me though. She comes and visits me every second week.
(Sean, Aboriginal, 19)*

Children and young people also valued the support they received from key workers – including Youth Justice, Child Protection and education staff.

They're not all bad. There is a really nice guy in Child Protection who helped me make a deal with my mum. (Lizzie, 14)

I think it just came down to them understanding you a bit and stuff. That made the biggest difference. To a point it was almost like someone believing in you. When they have a bit more of a personal connection with you, rather than just saying what they have to say. It made me listen to them more. (Cooper, 19)

[CSO] workers supported me. I had the same workers for a fair while – they seemed like they cared. One still supports me to this day. He's trying to push for me to get housing when I get out. (Jake, 17)

*Fuck the support that they provide you is good. It's more than a school. The teachers there care about people, and the way it is run, they know how kids work; they're flexible and they put the people first, not the policies and shit.
(Cooper, 19)*

Children and young people also spoke to the Commission about what they felt was needed to better support other children and young people to avoid the criminal justice system. They spoke about having access to more activities, programs and services.

*Sports, some parents can't afford it.
(Patrick, 16)*

If there were other options at that age I would have been there. (Cooper, 19)

*Keep their days busy. Take your kids to sports games and parks, and play sport.
(Cameron, Aboriginal, 16)*

Try to keep them more busy. Sports, music, whatever they like. If you give a group of teenagers nothing but spare time, they are going to come up with bad things. (Julian, 21)

I think we should push for this sort of thing (Boys to the Bush), one on one mentoring... community skills. Life skills, the stuff that means something and you have a connection with someone that is good. (Benji, Aboriginal, 14)

Children and young people also spoke about the value of having mentors with lived experience similar to theirs.

One-on-one mentoring that I have is good... that's actually made a difference in my life too because it's a person who is willing to give me the time of day. Not judge me. And they do shit with me. Stuff like this you never had if you're like me, because people are just paid to do shit with you and then you're moved on to the next person. (Cooper, 19)

Crime was never discussed at school. I feel like it would be interesting to have a talk about it when you're growing up. Letting them know if they were ever going down that track, they could talk to someone and a talk about how it's going to fuck up your life. (Abby, 15)

I just wanted an older guy to lead the way. (Jake, 17)

Let people that have been in jail/youth justice teach them. They need a person that has done the same stuff in their life to help them. (Manny, 17)

They need people that have lived the life we have lived, not civilians. Half of the YJ workers don't know what we're feeling. That 16 Yards thing is good, they're people who have lived our lives. (Manny, 17)

They gave me and my friends all these mentors, they've actually been through all the same things as us. They're actually good role models. (Luke, 18)

Ultimately, children and young people told the Commission that they wanted to be heard and listened to.

Treat them like the kids they are. Speak to them like they're your family or friend. Make it feel more fucking real. (Johnny, 19)

They need to actually listen to us and give us more of a say. (Tommy, 14)

Let us actually have a say. When we say something actually listen to us. (Benji, Aboriginal, 14)

Children and young people have a right to be heard and to have a say in decisions that impact them,³⁰² and they know what can make a difference. They hold vital information about their own needs and how to reduce their contact with the criminal justice system. Meaningful engagement with children and young people improves the relevance, accessibility and effectiveness of solutions, ensuring policies and services are responsive to the realities of their lives.

Recommendation 1: Centre children and young people's experiences and voices in solutions

That the Victorian Government engage with children and young people as part of its response to this report and in implementing this inquiry's recommendations.

³⁰² Convention on the Rights of the Child 1989, Article 12.

5.2 Strengthening collective responsibility to meet children's needs

The evidence shows that preventing and reducing the criminalisation of children requires strong, coordinated service responses. However, existing systems remain fragmented and under-resourced and do not consistently meet children's needs. This contributes to ongoing instability in their lives and increases the likelihood they will have repeated contact with multiple systems, including the criminal justice system.

This is not a new issue. Over the years, the Commission has consistently raised concerns in its individual, child death inquiries and systemic inquiries about siloed service delivery and identified opportunities where more effective collaboration, coordination and information sharing could strengthen outcomes for children and young people experiencing vulnerability.³⁰³ While some improvements have been observed within and across departments, further action is needed to achieve broader coordination.

Current opportunities to strengthen collective responsibility across the Victorian Government exist in two recent initiatives: the Supporting Stable and Strong Families (SSSF) Scheme and Violence Reduction Unit (VRU). Both initiatives are based on

international models, with the SSSF Scheme modelled on Scotland's Corporate Parenting Approach³⁰⁴ and the VRU modelled on similar units in Scotland and London.³⁰⁵ Combined with the Victorian Government's Early Intervention Investment Framework (EIIF), these initiatives could in part provide the formal infrastructure to prioritise investment in prevention and early intervention responses across government departments while also reducing fragmentation in service delivery. This is central to shifting the Victorian Government's approach to preventing children and young people's involvement in the criminal justice system.

³⁰³ Section 34 of the *Commission for Children and Young People Act 2012* (Vic) provides that the Commission must conduct an inquiry in relation to a child who has died and who was a child protection client at the time, or within 12 months of their death. Over the past five years, the Commission made 18 recommendations in its child death inquiries (of which 14 have been fully implemented) aimed at improving collaboration and information sharing between a range of services for the benefit of children and young people. Source: Commission for Children and Young People, [Annual Report 2024–25](#), Commission for Children and Young People, Melbourne 2025, p.38. The Commission has also made recommendations to strengthen collaboration between Victorian Government departments in several of its systemic inquiries, including [Let us learn: Systemic inquiry into the educational experiences of children and young people living in out-of-home care](#) (2023); [Out of sight: Systemic inquiry into children and young people who are absent and missing from residential care](#) (2021); [Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system](#) (2021); [Keep caring: Systemic inquiry into services for young people transitioning from out-of-home care](#) (2020) and [Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection](#) (2019).

³⁰⁴ Scottish Government, [Corporate parenting](#), accessed 20 April 2026.

³⁰⁵ Scottish Violence Reduction Unit, [What we do](#), accessed 17 April 2026; Mayor of London, [London's Violence Reduction Unit \(VRU\)](#), accessed 20 April 2026.

Supporting Stable and Strong Families Scheme

The corporate parenting model is a really powerful weapon... that may be a really good leverage to think about how it improves accountability – the departments can't say it isn't my issue. You can say 'yes, it is, you're government you're all one'. I like that concept. Scotland and the way they have to report back on that, it's great.
(Community Service Organisation)

In March 2026, the Victorian Government introduced the SSSF Scheme,³⁰⁶ scheduled to commence on 30 September 2026.³⁰⁷ The scheme requires Ministers, Department Heads and the Chief Commissioner of Victoria Police to plan for, and respond to, the needs of 'vulnerable children and care leavers',³⁰⁸ as well as report on the outcomes they achieve through SSSF plans and SSSF progress reports.³⁰⁹

The SSSF Scheme recognises that children often experience multiple, overlapping challenges that require coordinated support across service systems, including health and mental health care, education, disability services and housing. It places shared responsibility for children and young people's wellbeing across all government portfolios, rather than limiting it to the child and family service system.

Under the Scheme, vulnerable children are those identified as involved in the child protection system and receiving or identified as needing support.³¹⁰ As demonstrated in Chapter 3, this includes children and

young people in contact or at risk of contact with the criminal justice system.

Under the Scheme, the Victorian Government now has legislated 'SSSF partners' who are required to deliver responsibilities and improve outcomes for children and families across the outcome measures established for the Scheme.³¹¹ The Scheme legislates outcome areas, including health, education, justice, housing, Aboriginal self-determination, and employment.

There is an opportunity to require a focus on outcomes for children and young people at risk of or in contact with the criminal justice system under the justice outcome area. Setting this goal would support a shift in focus from punitive to more preventative and supportive approaches and affirm collective responsibility to ensure the safety and care of these children. Further, prescribing this as an outcome area will require all SSSF partners to report publicly on the actions they have each developed and enacted to achieve this outcome.³¹²

The Commission notes the range of views that have been expressed about the introduction of the Scheme. One concern, raised by the Victorian Aboriginal Legal Service, is that the Scheme risks diverting the Victorian Government's attention away from implementing reforms recommended by the Yoorrook Justice Commission (Yoorrook) and the Commission's *Our youth, our way* inquiry, and that without sufficient resourcing and accountability mechanisms, the SSSF Scheme may not deliver meaningful change.³¹³

The Commission recognises this concern and has previously noted the need for the Victorian Government to implement outstanding

³⁰⁶ The Victorian Parliament passed the *Supporting Stable and Strong Families Bill 2025* (Vic) in March 2026.

³⁰⁷ Victorian Government, [Nation-leading laws to keep children safe, families strong](#), 5 March 2026.

³⁰⁸ Vulnerable children refers to those who have been the subject of a Child Protection report and who require and have or have not received support from a community service, and whose primary family carer requires and has or has not received support from a community service, which would in effect increase the safety and wellbeing of the child. Care leavers refer to persons under the age of 25 who are no longer in out-of-home and either live independently or are of an age or intend to live independently. Source: *Children, Youth and Families Amendment (Supporting Stable and Strong Families) Act 2026* (Vic), s 20G (1).

³⁰⁹ An SSSF plan is a formal plan prepared by government Ministers that sets out what actions they will take to support children and families under the SSSF Scheme and an SSSF progress report shows how these actions are being carried out. Source: *Children, Youth and Families Amendment (Supporting Stable and Strong Families) Act 2026* (Vic), s 20J, 20O.

³¹⁰ *Ibid*, s 20F, s 20G(1).

³¹¹ *Ibid*, s 20I (c).

³¹² *Ibid*.

³¹³ Victorian Aboriginal Legal Service, VALS Position Statement: *The Children, Youth and Families (Supporting Stable and Strong Families) Bill 2025*.

recommendations from both inquiries to strengthen outcomes for Aboriginal children, young people and their families. Without adequate resourcing, enforceable obligations and genuine accountability to Aboriginal communities, the SSSF Scheme risks becoming a procedural or administrative exercise that does not change practice on the ground. The Scheme must be informed by, and aligned with, existing evidence and reform directions, including recommendations made by Yoorrook, *Our youth, our way* and this inquiry.

Recommendation 2: Improve outcomes for children and young people through collective systems action

That under the Supporting Stable and Strong Families (SSSF) Scheme, the Victorian Government have a focus on improved outcomes for children and young people at risk of or in contact with the criminal justice system (under the justice outcome area), including to prevent and reduce the criminalisation of those children and young people. Each SSSF partner should use this inquiry's final report to inform development of their action plan to achieve the outcome measures.

Better coordination between departments to address cross-over between child protection and criminal justice systems

Sustained, joined-up responses are critical to strengthening protective factors and improving long term outcomes for children and young people who are involved in the child protection, out-of-home care and criminal justice systems. Strong coordination between the Department of Justice and Community Safety (DJCS) and the Department of Families, Fairness and Housing (DFFH) is essential to effectively address the multiple and interconnected needs of this cohort of children and young people.

The *Framework to reduce the criminalisation of young people in residential care* has contributed somewhat to improved coordination, although more work is needed to implement the Framework. The Commission notes the recommendation to the Victorian Government in *Yoorrook for Justice* to urgently ensure the Framework is applied in all cases, and among other things, 'fund the development and delivery of training to residential care providers and Victoria Police on implementing the Framework in practice'.^{314,315} Yoorrook also recommended that the Commission for Children and Young People and the Commissioner for Aboriginal Children and Young People formally monitor compliance with the Framework.³¹⁶ The Victorian Government supported these recommendations 'in principle'.³¹⁷

Better coordination between DFFH and DJCS and other key agencies (including those responsible for health, education, policing and disability support) should seek to ensure that children and young people in both systems receive integrated supports, such as joint case planning or multidisciplinary wraparound support, that respond to their specific needs to reduce further contact with the criminal justice system. This would involve strengthening shared systemic knowledge about the needs and outcomes of this cohort of children and young people, information sharing, data capture around Child Protection histories

³¹⁴ Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, see Recommendation 23.

³¹⁵ The Department of Families, Fairness and Housing (DFFH) advised that training for residential care staff is embedded into the Residential Care Learning and Development Strategy. Source: Information provided by DFFH to the Commission on 29 May 2026.

³¹⁶ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, see Recommendation 24.

³¹⁷ Victorian Government, *Victorian Government response to Yoorrook for Justice report*, accessed 20 April 2026, pp.23-24.

and care types and experiences, clear roles and responsibilities and contemporary outcome measures. This should be a priority for DFFH and DJCS as they undertake joint work to provide consistent guidance to each workforce on commencement of the *Youth Justice Act 2024*,³¹⁸ and in advance of developing actions plans under the SSSF Scheme.

Recommendation 3: Strengthen joined-up approaches for children and young people in child protection and criminal justice systems

That the Department of Justice and Community Safety and the Department of Families, Fairness and Housing review the currency and adequacy of their joint approach to children and young people who are the subject of both Child Protection and Youth Justice orders to ensure they create the optimal environment to minimise further progression into the criminal justice system. This should include review of:

- data capture and information sharing
- interdepartmental agreements
- governance
- operating guidance.

Cost-benefit analysis to inform Victorian Government investment in community safety

Achieving better outcomes for children and creating stronger and safer communities requires a rebalancing of investment away from punitive measures and towards prevention and early intervention. Incarcerating children places a substantial burden on taxpayers without achieving positive changes for children or the broader community.

The Victorian Government's Early Intervention Investment Framework (EIIF) provides a foundation for evidence-based investment decisions by requiring departments to assess outcomes, estimate avoided costs and demonstrate the long-term benefits of early intervention initiatives.³¹⁹ The Victorian Government has invested \$4 billion through the EIIF since 2021, with more than \$4.5 billion estimated to be generated in economic and financial benefits, including for children at risk of coming into contact with the criminal justice system, children at risk of being placed in out-of-home care and other young people experiencing vulnerability.³²⁰

The Victorian Auditor-General's Office has conducted an audit into *Investing in Early Intervention Initiatives*, which examined whether implementation of the EIIF supports 'the government to make evidence-based funding decisions' and made recommendations to improve its operation.³²¹ Several initiatives reviewed by VAGO specifically relate to children and young people at risk of contact with the criminal justice system, including initiatives relating to:

- preventing family violence and supporting victim-survivors
- supporting children at risk of homelessness or violence
- youth crime prevention and support for a stable youth justice system
- student health and wellbeing at schools.³²²

³¹⁸ Information provided by DFFH to the Commission on 29 May 2026.

³¹⁹ Department of Treasury and Finance, [Early Intervention Investment Framework](#), accessed 19 April 2026.

³²⁰ Department of Treasury and Finance, [Early Intervention Investment Framework](#), accessed 3 July 2026; Victorian Government (2026) [2026-27 Budget Paper No.3 Appendix B](#), Victorian Government, Melbourne.

³²¹ Victorian Auditor-General's Office (2026), [Investing in Early Intervention Initiatives](#), accessed 3 July 2026.

³²² Ibid.

Building on this audit and to inform each SSSF partners' plan of actions, the Victorian Government should conduct a rigorous cost-benefit analysis of the costs associated with children and young people's contact with the criminal justice system, such as policing, courts, community supervision and youth justice custody. The analysis should compare these with the costs and benefits of prevention and early intervention responses for children under 14, including education-related initiatives such as the implementation of the *Our Place* model in Victorian public schools.³²³

It is critical that this analysis be made publicly available to better inform the community about how to effectively strengthen children's wellbeing and long-term community safety.

This cost-benefit analysis would align with the EIIF's focus on quantifying outcomes and avoided costs, and support more informed, cross-portfolio decision-making about where investment will deliver the greatest community safety impact. This should strengthen the economic case for shifting resources toward early support, reduce long-term demand on acute services, and ensure that funding is directed to approaches that achieve better outcomes for children and the broader community. To achieve long-term positive outcomes for children and communities, the Victorian Government must rebalance its investments to prioritise prevention and early intervention initiatives over punishment.

Recommendation 4: Rebalance investment through rigorous cost-benefit analysis

That the Victorian Government rebalance investment through rigorous cost-benefit analysis to increase funding for proven and cost-effective initiatives that support children, young people, families and communities and prevent the criminalisation of children and young people.

323 The Our Place model is a partnership between the Colman Education Foundation and the Victorian Department of Education that operates in schools as a central, place-based hub where multiple service partners collaborate to support the education, health and development of children and families. It co-locates services and uses dedicated facilities and staff to increase access to supports and reduce barriers to participation, with evaluation findings showing increased family engagement, Source: Our Place, [Evaluation Report 2025](#), accessed 19 April 2026.

Violence Reduction Unit

The Victorian Government established the VRU in November 2025 to work on responses to violence involving children and young people, with a focus on prevention and early intervention.³²⁴ It is designed to lead a state-wide, public health approach to preventing and reducing violence and operate as a systems connector, strengthening partnerships across government, community organisations, academia and frontline services to drive prevention, early intervention and community-led solutions.³²⁵

Since its establishment, the VRU has funded a range of initiatives, across the crime prevention continuum,³²⁶ with many targeted at young people who have not yet engaged with the criminal justice system.³²⁷

Consistent with the public health approach on which the VRU is based, the Commission is strongly of the view that VRU's efforts should place greater emphasis on prevention to address risk factors early in children and young people's lives that can lead to them engaging in harmful behaviour. It is critical to address the underlying societal causes of violence, before harm occurs.

The Scottish VRU, which the Victorian model is based on, recognises the importance of primary prevention, highlighting that 'public health is all about prevention' and primary prevention seeks to 'tackle the conditions which allow violence to develop and breed'.³²⁸ This requires investment in supports for children of all ages and families, noting that the VRUs in both Scotland and London have strengthened their commitment to the earlier years over time. Infants, children and young people are now a key focus area for the Scottish VRU:

Our vision to create a safer Scotland includes making

sure young people have the best start in life, to allow them to grow and reach their full potential.

*Primary prevention activity is designed to reduce the impact of adverse childhood experiences and negative drivers. It is also designed to build on the strengths and assets that exist in the lives of children ensuring there are protective factors in place. Some of the ways we work to deliver on that is supporting the delivery of social and emotional learning programmes in nursery schools; hosting development days for school-based engagement officers addressing a range of issues facing young people; working with schools and wider communities to help provide the best possible outcomes for all young people.*³²⁹

Similarly, the London VRU's approach is rooted in prevention and early intervention, with the five priority areas of reducing harm for children and young people; providing positive opportunities for children and young people; families; education; communities and place.³³⁰

The Commission acknowledges the VRU's pilot that places Early Intervention Officers (EIO) in schools to provide targeted and early support to children and young people at risk of disengaging from education.³³¹ Currently, the EIOs are primarily positioned in secondary schools. Depending on the pilot outcomes, expanding these prevention efforts to more primary schools will be critical to intervening earlier in children's lives, including through supporting their transition from primary to secondary school and ongoing participation in education.

The Commission considers the VRU to have significant potential if it is empowered to operate as a central coordinating body across the Victorian Government that seeks to:

³²⁴ Premier of Victoria, Hon. Jacinta Allan MP, [Violence Reduction Unit to Stop Crime Before it Starts](#), accessed 19 April 2026; Information provided by DPC to the Commission on 21 May 2026.

³²⁵ Violence Reduction Unit (2026) *VRU Townhall presentation slides* (unpublished).

³²⁶ These initiatives include \$750,000 in one-off funding for three Community Support Groups; \$5.6 million for early intervention officers in schools; \$4.9 million over four years for early intervention sports and activities; and \$7.7 million for lived experience mentors delivered through the Centre for Multicultural Youth and 16 Yards. The VRU is also expanding mental health supports for young people from multicultural communities, developing a statewide anti-gang grooming and exploitation campaign, and has also implemented a rapid response model to address risks at a local level, support families and communities following violent incidents, prevent escalation or retaliatory harm, and support recovery.

³²⁷ Information provided by DPC to the Commission on 21 May 2026.

³²⁸ Scottish Violence Reduction Unit, [Our approach](#), accessed 10 June 2026.

³²⁹ Scottish Violence Reduction Unit, [What we do](#), accessed 17 April 2026.

³³⁰ London Violence Reduction Unit, [London's Violence Reduction Unit – Our strategy to 2025](#), accessed 10 June 2026.

³³¹ School-based social workers who provide targeted, early support to children and young people at risk of disengaging from school and becoming involved in harmful behaviour. Source: Premier of Victoria, Hon. Jacinta Allan MP, [Early Intervention Officers in Schools to Keep Kids on Track](#), accessed 19 April 2026.

- drive a cohesive ‘whole-of-child’ approach in reducing the criminalisation of children that aligns government department objectives, clarifies roles and responsibilities, reduces duplication and inconsistencies in service and program delivery and strengthens integration between departments and agencies
- lead the development of innovative initiatives that are evidence-based, informed by the lived experiences of children and young people in the criminal justice and other relevant systems, and grounded in the principles of self-determination for Aboriginal and multicultural communities
- address, or at least not be limited by, short-term funding cycles that disrupt service and program delivery, undermine continuity of care to children, young people and families and, in effect, weaken community safety outcomes.

To have the greatest impact in reducing violence, it is imperative that the VRU centre its efforts, funding and partnerships around initiatives grounded in primary prevention and early intervention principles, and that focus on children of all ages, including their early years and early adolescence.

Recommendation 5: Ensure the Violence Reduction Unit has a focus on prevention and addressing early risk factors

That the Violence Reduction Unit embed an ongoing priority focus on primary prevention and early intervention that promotes initiatives for children and young people, including in the early years, to have the best start in life and address the drivers of violence.

5.3 Early support for children, young people and families

I don't think there are bad kids, I don't think there are mean kids, I think there are kids that can't regulate and have trauma responses. ... if there's never an early intervention right at the start... how can we ever expect them to change? Adults can't regulate, but we're asking kids with a whole bunch of challenges... to regulate when we can barely do that.
(Regional Aboriginal Justice Advisory Committee member)

Identifying and responding early to the needs of children, young people and their families requires service systems, such as schools, hospitals, child and family services, to work together to share information, coordinate responses and provide consistent support over time. A strong child and family system is central to this approach. While the system has clear pathways to connect families with services to address safety and wellbeing issues, it does not always work as intended.

This is especially detrimental for Aboriginal children, young people and their families, and is compounded when services lack cultural safety and Aboriginal Community Controlled Organisations (ACCO) are not funded adequately to provide culturally safe services at the level required across Victoria. This was addressed at length by Yoorrook, which made several recommendations to contribute to more responsive and culturally safe services in both the child and family and universal systems. In particular, recommendation 8 focuses on early help, early intervention and prevention, and among other things, recommended that the Victorian Government adopt a consistent definition of these intervention types that align with the perspectives of First Peoples (see Box 1). This recommendation requires immediate implementation by the Victorian Government.

Box 1: Recommendation 8 from the Yoorrook Justice Commission³³²

The Victorian Government must:

- work with Aboriginal organisations to develop a consistent definition of early help, early intervention and prevention that aligns with the perspectives of First Peoples. This definition should be adopted across the Victorian Government
- enshrine prevention and early help/intervention as a guiding principle in the *Children, Youth and Families Act 2005* (Vic) and take all necessary steps to implement this principle in the administration of the Act
- as an immediate action, substantially increase investment in Aboriginal Community Controlled Organisation prevention and early help/intervention services to keep First Peoples children out of the child protection system and to prevent their involvement from escalating when it does occur, and
- review the governance model for implementing target 12 of the Closing the Gap Agreement, with a view to broadening the responsibility to achieve this target beyond the Department of Families, Fairness and Housing.

The Commission's *Left behind* inquiry³³³ found that there are many missed opportunities in the child and family system to intervene early in a child's life before their circumstances reach crisis point. *Left behind*, like this inquiry, highlights the importance of timely and targeted early supports for children, young people and their families, to change the course of their lives. It makes several recommendations to the Victorian Government to achieve this, including initiatives to address growing demand on Child Protection, The Orange Door, child and family services, and family violence services. Key recommendations from *Left behind* are relevant to the findings of this inquiry and

part of the solution to preventing and reducing the criminalisation of children and young people.

Recommendation 13 from *Left behind* seeks increased government investment in child and family services and family violence services to ensure children, young people and families receive the support they need before risk escalates. By increasing the capacity of voluntary services to intervene earlier, the recommendation seeks to reduce the risk of harm to children and young people and pressure on the child protection system (see Box 2).

Box 2: Recommendation 13 from *Left behind*³³⁴

That the Victorian Government increase the availability of child and family services and family violence services to support timely access, reduce waitlists and work towards meeting demand, including ensuring age-appropriate, flexible service provision for children, young people and families.

Recommendation 4 from *Left behind* seeks to address the critical service gaps in the provision of specialised programs and supports for children and young people (see Box 3). Too often, they are perceived in the system as extensions of their parents, and their needs are overlooked or referral pathways are either limited or non-existent. This recommendation aims to give children and young people access to age-appropriate services that focus specifically on their needs, rather than those of their parents or guardians, and reduce the impact of trauma on their lives.

³³² Yoorrook Justice Commission, [Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems](#), see Recommendation 8.

³³³ Commission for Children and Young People (2026) [Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection](#), Commission for Children and Young People, Melbourne.

³³⁴ Commission for Children and Young People (2026) [Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection](#), p.120.

In this inquiry, children, young people and stakeholders spoke about the impact of limited access to services, such as alcohol and other drug (AOD), mental health care, disability and housing services to address some of the underlying causes of children's behaviours.

For many, by the time you can access AOD services, you're well entrenched in your substance use by that stage. Substance use does drive or cause a lot of offending behaviour. (Aboriginal Community Controlled Organisation)

Drug use is commencing earlier and earlier. In order to get eligible for AOD counselling, you have to be 12. We have a lot of preventative programs but they are still 12 plus. (Community Service Organisation)

We see it all the time with AOD and residential programs, the waitlist is ridiculous. When you're under 14, there may not be the ability to wait six months. (Aboriginal peak body)

Box 3: Recommendation 4 from *Left behind*³³⁵

That the Victorian Government address critical service gaps in age-appropriate and specialised programs for children and young people experiencing vulnerability, especially victim-survivors of family violence. This should include establishing, where appropriate, and funding:

- increased availability of specialised, accessible therapeutic counselling services for children and young people to reduce high waitlists across the state
- increased availability of appropriate family violence crisis accommodation for children and young people who need it, particularly those seeking safety on their own
- youth specific family violence case management programs, such as Amplify, state-wide across DFFH regions
- state-wide youth specific case management for other priority cohorts, such as Aboriginal children and young people.

Children and young people require developmentally appropriate and culturally safe support that recognises their unique experiences, needs and strengths. In monitoring the Victorian Government's implementation of the *Left behind* recommendations, the Commission will have oversight of the broader impact of these recommendations that cut across the issues identified for children and young people in this inquiry.

The Commission also looks forward to the Victorian Government progressing implementation of the Barooka Youth Healing Centre for Aboriginal children and young people, as recommended in *Our youth, our way*.³³⁶ The establishment of this and other healing centres will address specific gaps in mental health and AOD services for Aboriginal children and young people and support them, as part of their healing process, to be strong in their identity and connected to Country. In turn, this will contribute to reducing the

³³⁵ Commission for Children and Young People (2026) *Left behind: Systemic inquiry into responses to children and young people who are the subject of multiple reports to Child Protection*, p.83.

³³⁶ Commission for Children and Young People (2021) *Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system*, Commission for Children and Young People, Melbourne, see Recommendation 47.

number of Aboriginal children and young people in contact with the criminal justice system.³³⁷

Strengthening schools to keep children connected and provide early support

Educational engagement is essential to prevent and reduce the criminalisation of children and young people. Schools provide a consistent point of contact in their lives and can strengthen protective factors, including a sense of safety, connection and belonging. Schools also foster positive relationships with peers and trusted adults. This is especially important for children and young people experiencing adversity and instability in other areas of their lives, as demonstrated for many of the 26 children under Youth Justice supervision in Chapter 3.

Supporting ongoing connection and learning for children experiencing vulnerability

In *Let us learn*, the Commission recommended that Victorian Government schools adopt a whole school approach to trauma,³³⁸ and DE review its suspensions policy with a view to suspensions in primary schools only occurring in exceptional circumstances and as a last resort.³³⁹ The Commission also made several recommendations to address racism and a lack of cultural safety in schools, key contributing factors to educational disengagement among Aboriginal students.³⁴⁰

The Commission made these recommendations in part to reduce the use of exclusionary and punitive practices in response to student's challenging behaviours. These recommendations also recognise the need to support children and young people's engagement at school through culturally safe, relational and developmentally appropriate responses.

These types of responses are important in the classroom but also the broader school environment, including when children engage in criminal behaviours. In these instances, Victorian public schools are guided by the joint Victoria Police and DE's policy, *Police – Department Protocol on Reporting Criminal Activity*.³⁴¹ The protocol requires school principals to refer matters to Victoria Police when a student is alleged to have committed criminal activity and outlines the relevant types of alleged criminal activity, the requirements of school principals and responsibilities of the police contact person. The protocol would be improved by specific advice relating to supporting students during and after these circumstances.

Further, DE's policy *Police and Child Protection Interviews* assists school principals to respond to a request by Victoria Police or DFFH to interview a student at school.³⁴² The policy requires principals to facilitate such interviews when they are satisfied that school is the only appropriate location for the interview, and the only time the interview can occur is during school hours.

The policy stipulates that when students are interviewed by Child Protection or by Victoria Police in instances when they are a victim or witness to an alleged crime, principals should, among other things, 'ensure the student is appropriately supported'. The principal or their delegate can act as a 'supportive adult' when the student is interviewed by Child Protection, or as an 'independent person' in some situations when a student is a victim of or witness to a crime and is interviewed by police. There is no guidance about providing support to students who are being interviewed by police for an alleged crime.³⁴³

The Commission is of the view that child-centred, trauma informed approaches are critical during a student's interactions with police on school grounds,

³³⁷ Ibid, p.367

³³⁸ Commission for Children and Young People (2023) *Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care*, Commission for Children and Young People, Melbourne, Recommendation 14.

³³⁹ Ibid, see Recommendation 26.

³⁴⁰ Ibid, see Recommendations 19 to 24. In response, DE introduced a statewide *Preventing and Addressing Racism in Schools* policy to strengthen schools' culture and practice to prevent and address racism, religious intolerance, and vilification. This is now mandatory for all government schools. Source: Information provided by DE to the Commission on 15 May 2026.

³⁴¹ Victorian Government, *School operations: Police – Department Protocol on Reporting Criminal Activity*, accessed 25 June 2026.

³⁴² DE, *Police and Child Protection Interviews*, accessed 2 July 2026.

³⁴³ The policy states that for police interviews where a student is a suspect, school staff should not perform the independent person role. Source: DE, *Police and Child Protection Interviews*, accessed 2 July 2026.

regardless of the reason, and noting that the presumption of innocence applies to all children.

The Commission strongly opposes children aged 12 and 13 being held criminally responsible. However, until this changes, it is imperative that DE update the *Police and Child Protection Interviews* policy to require principals or their delegates to support all students' wellbeing when they are interviewed by Victoria Police on school grounds (separate from the independent support person process and legal support). This is important to maintain a safe, trusting and constructive connection with the student in question, and others involved, safeguarding them from undue distress or harm and contributing to their ongoing educational engagement.

Recommendation 6: Improve support for students when interviewed by police at school

That the Department of Education update the *Police and Child Protection Interviews* policy and relevant guidance to support students in a child-centred and trauma-informed way during their interactions with police on school grounds, whether the child is a victim, witness or alleged offender.

Coordinating early support

An issue raised by several stakeholders in this inquiry and identified in *Let us learn* is that disengagement from education is occurring in primary school, often among younger children. For some children, this is a factor in their participation in anti-social behaviours.

The Department of Education has several initiatives to address disengagement among younger students, including the Navigator Program pilot for 10- and 11-year-olds³⁴⁴ and Project REAL, which works with grade four to six students with complex educational needs at significant risk of disengaging from school.³⁴⁵

During this inquiry, stakeholders highlighted the need to support children's educational engagement long before they are identified as at risk of disengagement. Otherwise, it becomes more difficult to address their gaps in learning and optimise opportunities for psychosocial development in the school environment. For children with developmental delays and/or experiencing other vulnerabilities, preventative and early, targeted support in primary schools enables educational engagement from the time they start school.

While still in development, *Thriving Kids*, the new disability support system for children eight years and under, will contribute to identifying developmental delays and providing additional supports to children where needed.³⁴⁶ From October 2026, all Victorian children will receive two new developmental assessments – one before kindergarten and one before school – to identify developmental delays early and connect them with support where they 'live, learn and play'.³⁴⁷ This will help to connect families with professional supports and 'ensure any development delay is picked up early, and that all children and families can get the support they need for success at kinder and school'.³⁴⁸ The Commission is of the view that this is all critical to ongoing and meaningful educational engagement for children.

Some other initiatives that support children's wellbeing and broader engagement in school is DE's universally provided Mental Health in Primary Schools program³⁴⁹ and the targeted initiatives of School Community

³⁴⁴ A pilot to expand the program to support students aged 10 to 11, to enable earlier intervention and support through the transition from primary school to secondary school. Source: Hon. Natalie Hutchins MP, Minister for Education, [Helping At-risk Students to Navigate School](#), accessed 19 April 2026.

³⁴⁵ Project REAL is a re-engagement program for 9- to 12-year-olds who are experiencing disengagement from mainstream education. It aims to support children, their families and schools to develop skills that foster positive engagement. Source: NCESE Engagement in Learning, [Project REAL](#), accessed 19 April 2026.

³⁴⁶ Department of Health, Disability and Ageing, [Thriving Kids](#), accessed 26 June 2026.

³⁴⁷ Victorian Government, [Thriving Kids Victoria](#), accessed 26 June 2026.

³⁴⁸ Ibid.

³⁴⁹ Information provided by DE to the Commission on 15 May 2026.

Liaison Officers³⁵⁰ and Koorie Engagement Support Officers.³⁵¹ As noted in the section regarding the VRU, Early Intervention officers (EIO) are also being piloted in some schools,³⁵² noting their location in primary schools is limited to one P-9 school and one P-12 school.³⁵³

The increasing recognition of the role of educational settings in supporting children's mental health and wellbeing, highlights the need for a stronger coordination function within schools to maximise the positive collective impact that a range of services can have on children's learning and development.

With greater visibility of children's needs, schools are well placed to facilitate holistic support and serve as a connector to services in and outside the school environment. This might include referring students and families to appropriate services, coordinating communication between different service providers and among families and teachers, and ensuring supports are aligned with a shared understanding of a child's needs. While some of these functions already exist for Mental Health and Wellbeing Leaders³⁵⁴ and other wellbeing staff in primary schools, this type of coordination should be expanded to respond to other concerns and risk factors in children's lives.

A holistic, place-based approach to supporting students and families in communities is an underlying principle of the Our Place model.³⁵⁵ This model is not readily replicable across all schools without significant investment, although the Commission heard from stakeholders that some schools, particularly in low socioeconomic communities, prioritise service coordination and integrated case management with

their existing resources. As this is largely driven by school leadership teams, it is not offered consistently across the State.

In *Let us learn* and *Left behind*, the Commission advocated for strengthening schools' capacity to identify and facilitate support for students experiencing vulnerability through early intervention and referral pathways to community services.³⁵⁶ This inquiry calls for it again, acknowledging that early intervention and coordinated support in schools will improve children and families' access to appropriate and timely supports. Additional resourcing to support building this capability and capacity across Victorian primary schools is also needed. Strengthening this function will help to address many of the underlying causes of high harm behaviours among children, including disengagement from schools, unmet developmental delays, mental health needs, family violence and other safety concerns in the home. It is imperative that DE build this expectation among Victorian primary schools.

³⁵⁰ School Community Liaison Officers (SCLOs) operate across Victoria in 44 schools and up to 50 surrounding schools, with a high proportion of students with African and Pasifika heritage. They facilitate communication between students, families and educators, advocating for access to community services and equitable education. Source: Victorian Government, [Improving education outcomes for young African Victorian students](#), accessed 19 April 2026, and information provided by DE to the Commission on 30 June 2026.

³⁵¹ Koorie Engagement Support Officers are members of the local Aboriginal community employed by DE to provide advice to schools about culturally inclusive learning environments and work with families, community and service providers to support engagement and improved outcomes for Aboriginal children and young people. They also support students and families through transitions across all learning stages, from the early years to further education. Source: Commission for Children and Young People (2023) [Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care](#), p 20.

³⁵² School-based social workers who provide targeted, early support to children and young people at risk of disengaging from school and becoming involved in harmful behaviour. Source: Premier of Victoria, Hon. Jacinta Allan MP, [Early Intervention Officers in Schools to Keep Kids on Track](#), accessed 19 April 2026.

³⁵³ Information provided by DE to the Commission on 1 July 2026.

³⁵⁴ Victorian Government, [Mental Health in Primary Schools \(MHIPS\)](#), accessed 25 June 2026.

³⁵⁵ Our place, [Our approach](#), accessed 23 June 2026.

³⁵⁶ Commission for Children and Young People (2023) [Let us learn: systemic inquiry into the experiences of children and young people in out-of-home care](#), p.190-191; Commission for Children and Young People (2026) [Left behind: systemic inquiry into the experiences of children and young people who are the subject of multiple reports to Child Protection](#), p. 86-88.

Recommendation 7: Improve service coordination in primary schools

That the Department of Education formalise an expectation, and provide appropriate support for implementation, that Victorian primary schools provide a service coordination function for students where needed to support their holistic needs and sustained educational engagement.

5.4 Place and community-based approaches

We see lots of little things that happen around the community, one or two small positive activities, or options for these kids, but nothing where we are funding a significant amount for pro social activities, getting them actively engaged in an ongoing, meaningful way, where they build connection and trust.
(Community Service Organisation)

Throughout the inquiry, the Commission heard about the need for greater investment in place-based or community-based approaches, noting that factors that place children at greater risk of criminal justice system involvement can be concentrated in specific areas. Of the 26 children under Youth Justice supervision in 2023–24 and 2024–25,³⁵⁷ over 50 per cent were located in one area and 23 per cent were in another area at the time of the review.³⁵⁸

Place-based responses deliver coordinated, accessible and culturally responsive services where children and families live. They are grounded in local knowledge and driven by local communities, which means they are well placed to reach the children and families most in need, to build the trusting relationships that make engagement possible, and to sustain that engagement over time. These approaches strengthen early intervention by aligning services around the child and reducing barriers to access. Existing examples of some place-based initiatives already underway in Victoria are outlined in Box 4.

³⁵⁷ For offences or alleged offences when under the age of 14.

³⁵⁸ Information provided by DJCS to the Commission on 30 September 2025.

Box 4: Victorian place-based initiatives

- **Target ZERO**, which brings together services, schools and communities in Melbourne's west to prevent the criminalisation of children and young people through coordinated, community-led action.³⁵⁹
- **Ngang Gak: Keeping Aboriginal children aged 10 to 13 out of the justice system**, an early intervention, family-centred initiative designed to support Aboriginal children aged 14 and under. Youth justice involvement is not required for children to be eligible. The program is delivered by Aboriginal Community Controlled Organisations.
- **Aboriginal Youth Justice hubs**, as recommended in *Our youth, our way*, to provide a culturally-based, multi-service, accessible youth hub in each region to coordinate and provide holistic supports for Aboriginal children and young people.³⁶⁰
- **Our Place** is a partnership between the Colman Education Foundation and DE that operates in schools as a central, place-based hub where multiple service partners collaborate to support the education, health and development of children and families. It co-locates services and uses dedicated facilities and staff to increase access to supports and reduce barriers to participation, with evaluation findings showing increased family engagement.³⁶¹

Place-based approaches also provide the greatest opportunities to build protective factors for Aboriginal children and young people and children and young people from multicultural backgrounds. Aboriginal Community Controlled Organisations and community-led initiatives play a central role in strengthening children's connection to culture, community and identity through locally delivered, culturally responsive programs.

We need more programs so we can send people back on Country... Build life skills... Camping, teaching the culture again... they are disconnected from culture... More funding for spaces like youth hubs, we need the justice system to work with us – instead of just saying you promise you're going to be good. (Aboriginal Community Controlled Organisation)

Children and young people and other stakeholders spoke to the Commission about the importance of access to safe, inclusive and locally available activities. This is critical to reducing children and young people's involvement in anti-social behaviours. Opportunities to participate in sport, arts and other structured activities support positive peer relationships, reduce unstructured time and provide pathways for engagement with education and community life.

Many children face barriers to participation, including cost, transport and limited local options, particularly in regional areas. Place-based approaches can address these barriers by providing accessible, community-based opportunities.

A lot of young people have a lot of unsupervised time with their peers. There are a million other things the young person could be doing, but there are barriers. That could be cost, or how to get to a location ... for the sport or whatever they want to do. (Academic)

The establishment of the VRU provides an opportunity to strengthen place-based prevention, specifically the sustained funding of existing youth and community hubs and the establishment of new ones in priority areas. Community hubs enable multi-agency collaboration at the local level, through linking and improving children and young people's access to child and family, health, education, employment and other social services. Youth hubs also provide children and young people with welcoming spaces where they can

³⁵⁹ Centre for Multicultural Youth, [Target Zero](#), accessed 20 April 2026; Centre for Multicultural Youth, [Submission to the Senate inquiry into Australia's youth justice and incarceration system 2024](#), 24 October 2024; Westjustice, [Submission to Inquiry into Australia's youth justice and incarceration system](#), 10 October 2024.

³⁶⁰ Commission for Children and Young People (2021) [Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system](#), See Recommendation 7; Premier of Victoria, [Supporting Young Aboriginal Victorians to Thrive](#), accessed 20 April; Victorian Government, [Aboriginal Affairs Report 2024](#), accessed 20 April 2026, p. 154.

³⁶¹ Our Place, [Evaluation Report, 2025](#), accessed 20 April 2026.

focus their attention on structured and informal recreational activities, such as sports, arts and music. This can reduce boredom, isolation and unsupervised time, while also fostering a sense of belonging and positive peer connections. Sustained funding of youth hubs is critical to their operation and overall success.

We're supposed to have the hub open, free for all, after hours. We don't have the capacity or the funding. Night shift workers would also be good. This place [the youth hub] open at nighttime would be great, even after school from 3pm to 7pm. But we can't ask staff who've done a full week of work to work extra...There's nothing for kids to do.

(Aboriginal Community Controlled Organisation)

Recommendation 8: Invest in place-based youth hubs

That the Victorian Government fund the development and operation of place-based youth hubs in priority locations across Victoria. Each hub should involve local children and young people in its design to ensure they are tailored to their needs, supporting their access to recreational activities, community services and engagement in education. Priority should be given to identifying and adequately resourcing existing youth hubs.

5.5 Responding to incidents with support, not criminalisation

These children need to be seen as victims of crime themselves and treated appropriately and supported appropriately.

(Aboriginal Community Controlled Organisation)

To prevent criminalisation of children under the age of 14, a coordinated approach is needed that addresses both prevention and tailored intervention when incidents occur. This includes:

- an alternative first responder model to minimise unnecessary police contact at the earliest stage
- an alternative service model to support children who exhibit high-risk and harmful behaviours through community-based interventions
- measures to ensure no child under 14 is held in youth justice custody, including on remand.

Together, these components form a continuum of support aimed at protecting children, promoting rehabilitation, and improving community safety.

Shifting first response from police to services

In its submission to the inquiry, Victoria Police advised that to minimise the risk of criminalisation, children's exposure to and contact with police should be minimised in situations that could be better managed without its involvement.³⁶² As an alternative, Victoria Police proposed a statewide, 24-hour incident response that enables appropriately funded services to support children and young people, particularly children under the minimum age of criminal responsibility.³⁶³

Victoria Police noted that, following the increase to the minimum age of criminal responsibility to 12, more children are likely to come into contact with police for behaviours that do not constitute criminal offences.³⁶⁴

There are various international models that reduce police involvement in situations requiring a health, social or peer-led response. Such models are less common in Australia, although a Victorian-based example is the health-led response to public intoxication following the decriminalisation of public intoxication in late 2023.³⁶⁵ The model promotes culturally safe and therapeutic pathways to support people who are intoxicated in public, while minimising their contact with the criminal justice system. This includes outreach services, sobering centres, and places of safety, including dedicated services for Aboriginal people.³⁶⁶ The Commission notes an independent evaluation of the model was scheduled for completion and release in late 2025.³⁶⁷

Another related example is the Embedded Youth Outreach Program (EYOP). While it is not completely an alternative first responder model, the EYOP comprises the pairing of youth workers with police officers to provide an after-hours secondary response to children and young people in contact with police. It is a Victoria Police initiative that currently operates across four police stations in metropolitan and regional Victoria: Werribee, Dandenong, Caroline Springs, and Shepparton.³⁶⁸

The program aims to provide children and young people with support and referrals to services tailored to their individual needs, including family intervention, behavioural intervention, education, employment, housing, mental health, and alcohol and other drug services.³⁶⁹ It seeks to do this before further offences take place.³⁷⁰ Victoria Police referred to an independent 2020 evaluation of the EYOP, which found it provided significant value for money and resulted in a nine per cent reduction in the annual rate of offending among EYOP clients with a history of offending following intervention, compared to a 38 per cent increase in the offence rate of children and young people without any intervention who had a similar offending history.³⁷¹ Police members also observed the effectiveness of youth workers' approach to de-escalating and engaging with young people.³⁷² Further evaluations are underway.³⁷³

The Commission supports an alternative first responder model for children under the age of 14. In recognition of the potential complexity of establishing such a model, it is recommended that the Victorian

³⁶² Victoria Police, *Submission to the Commission for Children and Young People*, June 2025, p. 4.

³⁶³ Ibid, pp. 17-18.

³⁶⁴ Ibid. Since 30 September 2025, Victoria Police have the power to transport children aged 10 and 11 who are at risk of serious harm to themselves or others to a place of safety. The powers enable police to take a child into 'care and control' and transport them to a suitable person, such as a parent or relative, or a health or welfare agency. Source: *Youth Justice Act 2024* (Vic), Chapter 3. These powers operate under a 'care and control' framework, similar to those used in mental health contexts, and are intended to provide an alternative to a criminal justice police response. However, as these powers still involve police intervention and can involve taking a child to a police station as a last resort, there is a risk that children will experience harm. The Commission has oversight of how Victoria Police use these powers and is monitoring this closely.

³⁶⁵ Department of Health, [Public Intoxication Reform](#), accessed 19 April 2026.

³⁶⁶ Ibid.

³⁶⁷ First Peoples – State Relations, [Monitoring and evaluating Victoria Police's conduct relating to public intoxication reforms](#), accessed 19 April 2026.

³⁶⁸ Victoria Police, [Embedded Youth Outreach Program](#), accessed 19 April 2026.

³⁶⁹ Ibid.

³⁷⁰ Ibid.

³⁷¹ Victoria Police, *Submission to the Commission for Children and Young People*, p. 8. The executive summary of the independent evaluation is available at: Victoria Police, [Embedded Youth Outreach Program](#), accessed 3 July 2026.

³⁷² Victoria Police, [Embedded Youth Outreach Program](#), accessed 19 April 2026.

³⁷³ Ibid.

Government undertake a scoping project to examine the legal, social and operational factors involved in responding to high-risk behaviours and other incidents involving children under 14 through a community service response rather than a law enforcement approach. A clear shift in policing practice is required to reduce children's unnecessary, harmful contact with police.

Recommendation 9: Undertake a scoping project for an alternative first responder model

In recognition that preventing children's contact with police is critical to minimising the risk of criminalisation, the Victorian Government conduct a scoping project to examine the feasibility of an alternative first responder model that enables appropriately funded services to respond to and support children under the age of 14 years.

Supporting children with an alternative service model

The Supporting Children at Risk of Justice Engagement (SCRJE) pilot

In 2023, the Victorian Government established an Independent Expert Panel to advise on an alternative service model to accompany the increase in the minimum age of criminal responsibility from 10 to 14.³⁷⁴ The Panel provided advice on a model for 10- to 13-year-old children, although this was not established following the Victorian Government reversing its policy position to raise the minimum age to 14, after an initial increase to 12.

The Department of Families, Fairness and Housing developed a model to support children aged 10 and 11. The *Supporting Children at Risk of Justice Engagement* (SCRJE) pilot commenced on 30 September 2025 and has been implemented incrementally during this inquiry.

The Department advised that the service model draws on evidence and stakeholder feedback received by the Panel about what works for children aged 10 to 13,³⁷⁵ but does not reflect the Panel's full recommended model.³⁷⁶

The pilot targets children aged 10 and 11 who display high-harm behaviour and meet strict eligibility criteria.³⁷⁷ Subject to the program's capacity, it may extend to some children aged 12 and 13 who are found *doli incapax*.³⁷⁸ The high eligibility threshold reflects the policy intent to focus on children who, before the increase in the minimum age, would likely have been charged and received a custodial or youth justice response.³⁷⁹ Currently, the pilot is funded to support 38 children through intensive family support, with additional capacity in the statewide specialist services and behaviour change supports.³⁸⁰

³⁷⁴ Premier of Victoria, Hon. Jacinta Allan MP, [Experts To Guide Raising The Age Of Criminal Responsibility](#), accessed 19 April 2026.

³⁷⁵ The Panel consulted more than 50 stakeholders from over 40 agencies and community service organisations, including legal, health, child and family services, ACCOs, academics and peak bodies, between February and May 2024. Source: Information provided by DFFH to the Commission on 10 March 2026.

³⁷⁶ Information provided by DFFH to the Commission on 10 March 2026. As discussed in Chapter 1, the Commission has not seen the Independent Expert Panel's recommendations, as the Panel's report was not available to the Commission for this inquiry.

³⁷⁷ Information provided by DFFH to the Commission on 11 November 2026.

³⁷⁸ Information provided by DFFHS to the Commission on 4 December 2025 and 11 November 2026.

³⁷⁹ Information provided by DFFH to the Commission on 11 November 2026.

³⁸⁰ Information provided by DFFH to the Commission on 11 November 2026 and 29 May 2026.

The intention of the SCRJE pilot is to intervene early to address children's unmet needs and underlying drivers of their behaviours, and reduce the likelihood of future contact with the justice system.³⁸¹ It enables early, intensive support for children with the most complex needs, within the available funding.³⁸² According to DFFH, the 'service model contains components identified as most beneficial for younger children', which include:

- intensive family supports, including brokerage to tailor supports (through the existing Family Preservation and Reunification and Response program)
- child focused behaviour change supports (new services commissioned for the pilot)
- priority access to specialist forensic mental health, disability and educational support
- a centralised statewide coordination role responsible for coordinating and monitoring access to specialist assessment, interventions and case input.³⁸³

The model is intended to provide an intensive, wraparound response to meet children's intersecting needs.

It also incorporates Multi-agency Area-based Safety Planning (MASP), which is the primary referral pathway to SCRJE. MASPs are local cross-agency partnerships which share information to identify children engaging in, or at risk of engaging in, serious harmful behaviour in the local area, and may recommend referral to SCRJE services.³⁸⁴ Partnerships may also recommend that an 'incident

response plan' be created for a child. These plans are intended to minimise the role of frontline police in incident responses, by providing a list of suitable people who can transport the child from an incident attended by police to a place of safety if required.³⁸⁵

Opportunities to build on the pilot

The establishment of the SCRJE pilot is a promising development and important opportunity to learn from and build on, noting that at the time this report is published, SCRJE is still a new model with some service components in development. Acknowledging that, the Commission has identified some limitations that could impact its effectiveness:

- **Limited funding:** The pilot was initially funded at \$5 million for one year.³⁸⁶ This constrains capacity and limits planning for a sustained model. The pilot received further funding for two years in the 2026/27 State Budget.³⁸⁷
- **Engagement with Aboriginal organisations:** DFFH advised that funding and time constraints presented challenges in properly engaging with Aboriginal communities.³⁸⁸ Measures intended for Aboriginal children must be designed and led by Aboriginal organisations.
- **Connection to schools:** The pilot relies on existing education supports and does not provide priority access or new services.³⁸⁹ Stronger support is needed to address school disengagement.
- **Reporting on outcomes:** Outcome measures and evaluation are still in development. Limited scale

³⁸¹ Information provided by DFFH to the Commission on 10 March 2026 and 29 May 2026.

³⁸² Information provided by DFFH to the Commission on 11 November 2026.

³⁸³ Information provided by DFFH to the Commission on 10 March 2026.

³⁸⁴ MASP partner agencies share information to understand a child's behaviours, risk factors and peer and family dynamics to determine if a child is suitable for the SCRJE service model. The SCRJE Statewide coordinator, who provides a centralised intake point, receives and assesses referrals from local MASPs against the SCRJE's eligibility criteria and determines access to the pilot's streams of intensive family, specialist or behaviour change supports, or other identified services. Source: Information provided by DFFH to the Commission on 10 March 2026 and 29 May 2026.

³⁸⁵ Information provided by DFFH to the Commission on 24 September 2025 and 29 May 2026.

³⁸⁶ Department of Treasury and Finance, [Victorian Government Budget 2023–24: Doing what matters Budget Paper 3: Service Delivery](#), accessed 20 April 2026, p.43.

³⁸⁷ Department of Treasury and Finance, [Victorian Government Budget 2026/27: Easier. Safer. More Affordable. Service Delivery, Budget Paper No.3](#) accessed 14 July 2026, p.37–38.

³⁸⁸ Information provided by DFFH to the Commission on 10 March 2026. Note: DFFH stated that culturally-led service delivery for Aboriginal children and children from multicultural backgrounds overrepresented in the cohort is recognised as being critical to effective intervention for the SCRJE cohort, and is being progressed insofar as is possible, noting the challenge of engaging communities in a time-limited funding environment.

³⁸⁹ Information provided by DFFH to the Commission on 10 March 2026.

and funding constrain data collection, and findings will be qualified.³⁹⁰

For the model to work effectively, children and families need to be well-supported to engage in services. This includes services working collectively, in a coordinated way, and with a shared understanding of children and families' holistic needs and agreed outcomes. Shared practice governance and accountability is also critical to the model's effectiveness. The Commission will continue to engage with DFFH to understand the implementation and progress of the pilot. A robust evaluation of the pilot is critical, to understand who is receiving services, whether implementation has been effective and the program is achieving its intended outcomes, and how the model could be refined and strengthened.

Ultimately, in line with the need to increase the age of criminal responsibility to 14 (see Recommendation 12), we consider a well-resourced, evidence-based, age and developmentally appropriate, integrated service response should replace the criminal justice response for children and young people aged 12 and 13 (in addition to children aged 10 and 11). This would be a more effective approach. Currently, the SCRJE pilot is available to children aged 12 and 13 who are found *doli incapax*, if there is capacity in the program to support them – meaning some children who may benefit from the program may not be able to access it if there is no capacity. Access to the pilot is important, because we heard that children who are *doli incapax* often need support, and there is a gap for those children. Victoria Police told the Commission 'it is essential appropriate services are available to support these children'.³⁹¹

The current pilot should be available to all children aged 12 and 13 found *doli incapax* who need the level of support that the program provides (noting that not all children will need this level of support), as this could be a critical opportunity to provide support, prevent behaviour escalating and improve child and community outcomes. This may require expanding the pilot's capacity, with further funding. It is all the more important to adequately fund supports to address high-harm behaviour for children under 14, given the

extremely significant consequences children can now face in the adult system if they engage, or are alleged to engage, in certain serious offences after turning 14.

Clear governance, monitoring, oversight and accountability is also critical, at both the practice level and the systems level. At the systems level, SCRJE should be part of a whole-of-government approach to violence reduction, early intervention and responses to children under 14 at risk of entering the criminal justice system, or involved in it. Given children's interconnected needs, and the holistic approach required, all relevant government systems should be involved in the oversight approach. Key functions of the oversight should include addressing system barriers and service gaps. As DFFH explained, the gaps in the broader service system for younger children (for example, in AOD and mental health services) are beyond the scope of the SCRJE model to address.³⁹² Governance arrangements should also analyse performance and outcomes data, and identify opportunities to build and scale successful, integrated responses. It may be appropriate that such arrangements form part of the SSSF Scheme.

The Government should commit to developing an expanded service model that responds effectively to harmful behaviour by children aged 12 and 13, to ultimately replace the criminal justice response. Development of the model should build on the lessons of the SCRJE pilot, the expertise of the sector and researchers, direct engagement with children and the Independent Expert Panel's advice. The Commission is strongly of the view that Government should publicly release the Panel's report to inform this work. But this is not the only reason to release the report. The Panel completed a substantial piece of work, to which many organisations working in this area contributed. Its report is therefore important evidence to inform the community and research, as well as government.

³⁹⁰ Information provided by DFFH to the Commission on 10 and 19 March 2026.

³⁹¹ Victoria Police, *Submission to the Commission for Children and Young People*, p. 16.

³⁹² Information provided by DFFH to the Commission on 10 March and 29 May 2026.

Recommendation 10: Build on the Supporting Children at Risk of Justice Engagement (SCRJE) model

That the Victorian Government:

- resource, conduct and publish a robust independent evaluation of the SCRJE pilot to:
 - understand uptake of the services, and the characteristics and needs of the children and families who have received support
 - assess matters including its implementation, effectiveness (including as an integrated service model), outcomes, and how well it provides culturally safe and responsive support
 - identify opportunities to strengthen the model
- expand the capacity of the current SCRJE pilot, with appropriate funding, so that it can be accessed by all children aged 12 and 13 found *doli incapax* who meet the eligibility criteria
- commit to developing and delivering an expanded model to respond effectively to high-harm behaviours by children aged 12 and 13, instead of criminal justice responses. The model should build on the lessons from the SCRJE pilot (including through the recommended evaluation) and be informed by the Independent Expert Panel's report and consultation with children and young people, the sector and communities. This must involve Aboriginal-led organisations and other organisations that support multicultural communities.

Recommendation 11: Establish strong systems and practice oversight

That the Victorian Government:

- establish a whole-of-government monitoring and oversight approach for responses intended to support children under 14 involved with, or at risk of involvement with, the criminal justice system. This approach should include oversight of the Supporting Children at Risk of Justice Engagement (SCRJE) pilot as well as other responses for this cohort across the child and family, education, violence reduction, family violence, justice and community safety, police, disability, health and mental health service systems. Key objectives of the approach should include addressing system barriers and service gaps, analysing performance and outcomes data, and identifying opportunities to build and scale successful, integrated responses.
- ensure the SCRJE pilot has clear practice and service governance and oversight that reports to the whole-of-government monitoring and oversight approach.

Keeping children aged 12 and 13 out of the criminal justice system

The Commission recommended in *Our youth, our way* that the minimum age of criminal responsibility be increased to 14 years without exceptions.³⁹³ Since then, Yoorrook recommended that the Victorian Government urgently raise the age to 14 years without exceptions.³⁹⁴ Multiple other inquiries and reviews have made similar recommendations,³⁹⁵ the ACT has increased its minimum age to 14 and Tasmania has committed to doing so.³⁹⁶ The evidence in this inquiry provides further support for raising the minimum age to 14. We repeat this recommendation to the Victorian Government.

Until this occurs, children aged 12 and 13 should not be held in youth justice custody. The *Youth Justice Act 2024* recognises this, with qualifications: it includes a presumption that a sentence of detention cannot be imposed on child who was under 14 when they committed an offence, except in certain situations.³⁹⁷

Despite this, and the other new protections in the *Youth Justice Act* for children aged 12 and 13,³⁹⁸ they can still be remanded into youth justice custody under the *Bail Act 1977* (Vic). This may be more likely following the 2025 changes to the *Bail Act*.³⁹⁹ This means that children continue to be exposed to what is widely recognised as the most damaging part of the legal system, which includes disruption to education, separation from family and supports, exposure to unsafe environments, and increased likelihood of

entrenching offending behaviour. These risks are particularly acute for children under 14.⁴⁰⁰

Exposing children aged 12 and 13 to these risks is also unnecessary and unacceptable, given many will not be criminally responsible because *doli incapax* applies,⁴⁰¹ or even if the presumption is rebutted and they have committed an offence, they would be unlikely to receive a custodial sentence. No child aged 12 or 13 was sentenced to a custodial order in the six years of data reviewed for this inquiry (even before the new *Youth Justice Act* protections).⁴⁰²

The number of children aged 12 and 13 who are remanded in custody is currently very small. This means that removing children in this age group from the custodial system is not only necessary – it is achievable.

Recommendation 12: Raise the age of criminal responsibility to 14

That the Victorian Government raise the age of criminal responsibility from 12 to 14, without exceptions. Until this occurs, no child under 14 should be held in youth justice custody.

³⁹³ Commission for Children and Young People (2021) *Our youth, our way: Inquiry into the overrepresentation of Aboriginal children and young people in Victoria's youth justice system*, see Recommendation 8.

³⁹⁴ Yoorrook Justice Commission (2023) *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, Recommendation 35.

³⁹⁵ Legislative Council's Legal and Social Issues Committee (2022) *Inquiry into Victoria's criminal justice system*, Volume 1, Parliament of Victoria, March 2022; Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), *Final Report, Volume 8: Criminal justice and people with disability*, Commonwealth of Australia; Australian Human Rights Commission (2024) *'Help way earlier!' How Australia can transform child justice to improve safety and wellbeing*.

³⁹⁶ State of Tasmania, Department for Education, Children and Young People (2023) *Youth Justice Blueprint 2024–2034: Keeping children and young people out of the youth justice system*. The Tasmanian Government made this commitment in response to Recommendation 12.11 of the *Commission of Inquiry into the Tasmanian Government's Response to Child Sexual Abuse in Institutional Settings*.

³⁹⁷ *Youth Justice Act 2024* (Vic), s 324.

³⁹⁸ See Chapter 4.

³⁹⁹ The Commission has warned the 2025 changes will capture a broader group of children and young people than the small group who have engaged in serious, repeated offending behaviour that the changes were said to target. See Commission for Children and Young People, *New bail laws will undermine community safety at the cost of vulnerable children and young people, children's commissioners say*, 21 March 2025.

⁴⁰⁰ See section 4.3 and 5.6 below.

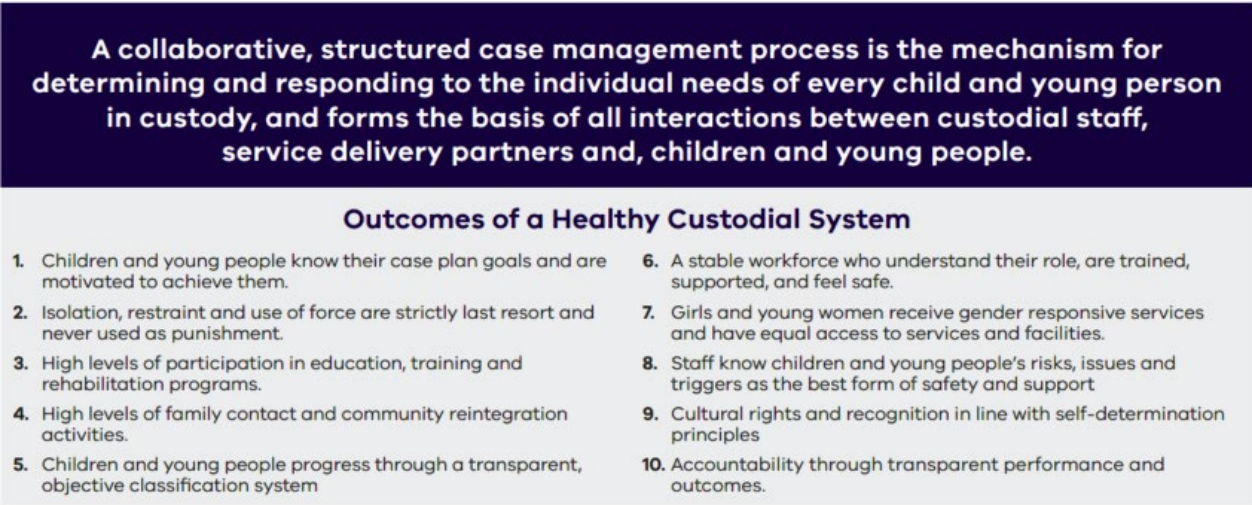
⁴⁰¹ See section 4.1.

⁴⁰² See section 4.3.

5.6 Making custody safer and rehabilitative for children and young people

As discussed in Chapter 4, growing pressures in youth justice custodial centres, driven by higher populations, capacity constraints and children and young people presenting with greater levels of complexity, adversely impact the safety and rehabilitation of children and young people in custody. This raises concerns about whether the current operating model (see **Figure 9**) and availability of services within youth justice custody adequately facilitates the safety and wellbeing of children and young people, and the capability of the Youth Justice workforce to support children and young people and respond to incidents appropriately, consistently and through a therapeutic and developmental lens.

Figure 9: An extract from DJSC’s operating philosophy for Victoria’s youth justice custodial centres⁴⁰³



For many of the children and young people incarcerated in Victoria’s youth justice custodial centres – children and young people who have experienced abuse, trauma, family violence, and significant disadvantage – the quality of custodial conditions directly affects their rehabilitation. A custodial system that fails to deliver on the evidence of what works does not merely fall short of policy commitments, it harms children at the most critical point of intervention, and it undermines the broader objectives of the criminal justice system, including to reduce reoffending and make the community safer.⁴⁰⁴

While the Commission strongly opposes children aged 12 and 13 being held in youth justice custody, the current policy environment means that some of the children whose lives and experiences we examined in this inquiry may be detained in the foreseeable future. Further, the Victorian Government’s introduction of adult sentences for children and young people increases the seriousness of consequences faced by them and the length of time they will be in custody.

This heightens the Government’s responsibility to urgently ensure youth justice custody is both safe and genuinely rehabilitative. Without this, harsher sentencing will entrench children and young people in the criminal justice system, rather than reduce serious offending. Community safety will not be achieved through detaining children and young people in unsafe or punitive environments.

⁴⁰³ DJCS (2019), *An operating philosophy for Victoria’s youth justice centres* (unpublished).

⁴⁰⁴ Ibid.

Delivering safe and rehabilitative custodial environments

Custodial environments must support children and young people to maintain connections to education, family and community, and to access therapeutic supports. This is critical for all children and young people who are detained in custody.

A key component of a rehabilitative environment for children and young people in custody is a structured day. Structured days provide purpose, clear expectations and boundaries, and the opportunity to engage in learning and other meaningful activities. They also serve as a safety measure as it keeps children and young people active and builds skills and confidence to support their release from custody.

The 2017 review of Victoria's Youth Justice System, *Youth Justice Review and Strategy: Meeting needs and reducing offending* identified structured days as a common feature of successful operating models in other jurisdictions.⁴⁰⁵ Embedding a 'fully structured day' was also a key action to be implemented by Youth Justice in 2020-2024 under the *Youth Justice Strategic Plan 2023-2030*.⁴⁰⁶ The Commission has observed, however, through its monitoring activities that children and young people are not always provided with an effective structured day.

This was also found in the *Report of the South Sudanese Australian Youth Justice Expert Working Group*, which stated that 'the failure to reliably deliver a structured day weakens accountability, undermines behaviour management and erodes rehabilitation'.⁴⁰⁷ The Working Group made a recommendation to address this issue, which the Commission strongly supports and has repeated for the purposes of this inquiry.

Recommendation 13: Ensure children and young people have a structured day in custody

That the Victorian Government, through the Department of Justice and Community Safety, improve delivery and oversight of the structured day through:

- developing practice guidance for staff that establishes expectations for delivering on the objectives of the 'meaningful and structured activity' custody operating principle
- implementing appropriate direction and oversight to ensure custodial staff are consistently facilitating young people's participation in daily scheduled activities, including getting young people up and ready in the morning
- developing data and analytic capability to monitor delivery of structured activity at the individual and system level
- reporting on the hours and types of structured activity young people participate in, and the hours of lockdowns they experience.

A skilled and capable workforce is another common feature of successful custodial operating models. Staff play a central role in ensuring children's safety, wellbeing, development and rehabilitation. A strong workforce that can facilitate specialised, therapeutic and developmentally appropriate responses is especially important in the context of growing pressures on the Victorian youth justice custodial system.

The Commission has raised concerns that this, combined with the inexperience of Youth Justice workers and staffing shortages, will increase the use of isolations and lockdowns.⁴⁰⁸ Chapter 4 highlighted the substantial rise in behavioural isolations over the past three years.

⁴⁰⁵ Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, Executive summary, p 25.

⁴⁰⁶ DJCS (2020) *Youth Justice Strategic Plan 2020 – 2030*, Victorian Government, p.29.

⁴⁰⁷ DJCS (2026) *Report of the South Sudanese Australian Youth Justice Expert Working Group*, State of Victoria, Melbourne, p.177.

⁴⁰⁸ Commission for Children and Young People (2025) *Annual report 2024–25*, Commission for Children and Young People, Melbourne, p.55.

The Commission has urged Youth Justice to continue to explore alternative approaches to manage complex behaviours and build a skilled workforce with the appropriate expertise to take a trauma-informed approach and de-escalate situations using non-contact options where possible.⁴⁰⁹ The *Report of the South Sudanese Australian Youth Justice Expert Working Group* also highlights the role of strengthening staff confidence, capability and consistency as one of three ways to improve behaviour management among children and young people in youth justice custodial centres, alongside the implementation of evidence-based behaviour change approaches and the expanded use of restorative practices.⁴¹⁰ The Commission strongly supports the Working Group's recommendation and repeats it for the purpose of this inquiry.

Recommendation 14: Improve how behaviour is managed in custody

That the Victorian Government, through the Department of Justice and Community Safety, improve behaviour management in custody through:

- **re-examining Youth Justice custodial staffing structures and behaviour management approaches to strengthen staff capability to provide consistent expectations, communication and responses. These approaches will enable young people to be engaged in positive, structured daily routines.**
- **expansion of restorative practices in the custodial operating model, drawing on external restorative practice expertise to support continued delivery of high-quality evidence-based practice.**

Strong governance to strengthen outcomes for children and young people

The 2017 review of Victoria's Youth Justice System also called for the Victorian Government to urgently develop a clear operating philosophy with core principles 'to create a shared vision and integrated services delivery across all [youth justice custodial facilities]'.⁴¹¹ This was implemented soon after, along with many of the other recommendations from the review. Further, as highlighted throughout this report, several reforms in the *Youth Justice Act* will be implemented in youth justice custodial centres from 30 September 2026. The Department of Justice and Community Safety is currently reviewing the custodial operating philosophy in line with changes coming into effect through the Act and intends to monitor implementation through established governance structures.⁴¹² The Commission is strongly of the view that ongoing monitoring and review of the reforms will be critical to their success in youth justice custodial centres, and should focus on ensuring the centres are safe, therapeutic and rehabilitative for children and young people as a result.

A monitoring framework should ensure clear measures to assess how centres are delivering on safety, therapeutic and rehabilitative outcomes, and should address how children and young people's voices and experiences inform these measures. It should also support identification of systemic issues and strategic decision-making on necessary systems improvements, including those that require multi-agency or whole-of system attention.

⁴⁰⁹ Ibid, p.58.

⁴¹⁰ DJCS (2026) *Report of the South Sudanese Australian Youth Justice Expert Working Group*, p.173.

⁴¹¹ Armytage P and Ogloff J (2017) *Youth justice review and strategy: meeting needs and reducing offending*, Executive summary, p 25.

⁴¹² Information provided by DJCS to the Commission on 29 May 2026.

Recommendation 15: Strengthen strategic governance to deliver positive outcomes for children

That the Department of Justice and Community Safety establish a monitoring framework to strengthen strategic governance and evaluate the extent to which implementation of reforms in the *Youth Justice Act 2024* relating to the operation of youth justice custodial centres are achieving:

- the defined outcomes in the Department's operating philosophy
- the purposes of the Act to support children and young people's rehabilitation and positive development, to reduce their offending and promote community safety.

Appendix 1:

Abbreviations and acronyms, Definitions



Abbreviations and acronyms

ACCO	Aboriginal Community Controlled Organisation
ACT	Australian Capital Territory
AOD	Alcohol and other drugs
AVITH	Adolescence using violence in the home
CIMS	Client Incident Management System
Commission	Commission for Children and Young People
CSA	Crime Statistics Agency
CSO	Community service organisation
CYFA	<i>Children, Youth and Families Act 2005</i>
DE	Department of Education
DFFH	Department of Families, Fairness and Housing
DJCS	Department of Justice and Community Safety
EIIF	Early Intervention Investment Framework
EIO	Early Intervention Officers
EYOP	Embedded Youth Outreach Program
ISP	Individual Support Program
JSS	Jesuit Social Services
L17	Victoria Police Risk Assessment and Management Report
MASP	Multi-agency Area-based Safety Planning
NDIS	National Disability Insurance Scheme
SAC	Sentencing Advisory Council
SCRJE	Supporting Children at Risk of Justice Engagement
SSSF	Supporting Stable and Strong Families
TSP	Therapeutic Support Panel
VACCA	Victorian Aboriginal Child and Community Agency
VAGO	Victorian Auditor General's Office
VRU	Violence Reduction Unit

Definitions

Aboriginal

We recognise the diversity of Aboriginal people living in Victoria. The term ‘Aboriginal’ in this report refers to Aboriginal and Torres Strait Islander people.

The terms ‘Koori’ and ‘Koorie’, which refer to Aboriginal people from south-east Australia, are used in the title of an organisation, report, program or role, for example in relation to the Department of Education’s Koorie Engagement Support Officers. The spelling of ‘Koori(e)’ in this report varies depending on the context.

Bail

A decision to allow a person charged with an offence to remain at liberty pending the finalisation of criminal proceedings, on the condition that the person return to court at a specified time. The alternative to bail is remand. The *Bail Act 1977* (Vic) requires bail decision-makers to consider a range of factors in determining whether to grant bail or remand a child in custody.

Caution

A formal warning given by police to a child as an alternative to prosecution.

The *Youth Justice Act 2024* (Vic) has introduced legislated ‘youth warnings’ and ‘youth cautions’, which commence from September 2026.

Child and family services

Child and family services support children, young people and their families to improve safety and developmental outcomes, while building capacity and resilience for children, families and communities. These services include Aboriginal Community Controlled Organisations, integrated family services and parenting support.

Child Protection

The Victorian Child Protection service is delivered by the Department of Families Fairness and Housing (DFFH) and is specifically targeted to support those children at risk of harm or where parents are unable to protect them.

Commission

The Commission for Children and Young People (Victoria).

Criminal justice system

For the purposes of this inquiry, criminal justice system is defined broadly to include police (including police processes that do not result in prosecution, such as giving warnings and cautions), bail and remand, court processes, supervision by Youth Justice and custody in youth justice centres. It also includes the adult criminal courts and custodial system.

Age of criminal responsibility

The age at which a child is legally deemed to be capable of committing a criminal offence and may be subjected to criminal legal processes such as being charged (see also ‘*doli incapax*’ below). In Victoria, the age of criminal responsibility is 12 years, from 30 September 2025. From this date, under the *Youth Justice Act 2024* (Vic), it is conclusively presumed that a child under the age of 12 cannot commit an offence.

The age of criminal responsibility changed during this inquiry. For part of the inquiry, children aged 10 and 11 could still be held criminally responsible. This remains the case in most jurisdictions in Australia.

Doli incapax

The legal presumption that a child is incapable of committing an offence. In Victoria, the presumption is now contained in the *Youth Justice Act 2024* (Vic) and applies to children aged 12 and 13. To rebut the presumption, the prosecution must prove that at the time of the alleged offence the child knew that their actions were ‘seriously wrong’.

Family violence

Under section 5 of the *Family Violence Protection Act 2008* (Vic), family violence is behaviour by a person towards a family member that is physically, sexually, psychologically or economically abusive; or is threatening, coercive or in any other way controls or dominates the family member to feel fear for their safety or the wellbeing of another person; or behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of these behaviours.

Independent Visitor Program

A program administered by the Commission for Children and Young People that facilitates monthly visits by independent volunteers to Victoria’s youth justice custodial centres to observe conditions, provide independent, confidential support to children and young people, and raise issues of concern that must then be addressed by centre management. The program also operates a phone line for children and young people to contact Commission staff at other times.

Isolation

The placement of a child or young person detained in a youth justice custodial centre in a locked room, cell, or other contained area separated from others and from the normal routine of the centre. There are three types of isolation:

- ‘behavioural isolations’ – isolations under section 488(2) of the *Children, Youth and Families Act 2005* (Vic) (CYFA), where a child or young person’s behaviour presents an immediate threat to themselves or others or property, and all other reasonable steps have been taken
- ‘security isolations’ (also described as ‘lockdowns’) – isolations under section 488(7) of the CYFA, which allows a child or young person to be held in their room or in an isolation cell when it is in the interests of the security of the centre
- ‘self-isolation’ – where a child or young person has opted to self-isolate for their own reasons.

Isolation will be governed by the *Youth Justice Act 2024* (Vic) from September 2026.

Lockdown

See ‘security isolations’ above. A lockdown can apply to an entire youth justice custodial centre or to part of a centre. It can also occur as part of ‘rotations’, where units or parts of units are locked down for a set amount of time while other children and young people are allowed out of their rooms.

L17 reports

An L17 report refers to the Victoria Police Risk Assessment and Management Report that Victoria Police is required to complete after they have attended a family incident. The report is completed when family incidents, interfamilial-related sexual offences and child abuse are reported to police.

Out-of-home care

Temporary, medium- or long-term living arrangement for children and young people who cannot live in their family home. This most commonly refers to statutory out-of-home care, where a child or young person cannot live with their family at home and a legal order is in place to support the arrangement. Statutory out-of-home care consists of kinship care, foster care, residential care and lead tenant arrangements. In Victoria, the Department of Families, Fairness and Housing has oversight of these arrangements.

Remand

A decision to hold a person in custody pending the finalisation of criminal proceedings against them, rather than releasing them on bail. This term also refers to a category of custody (sometimes described as ‘unsentenced detention’) and is used in contrast to sentenced detention.

Report (to Child Protection)

Section 28 of the *Children, Youth and Families Act 2005* (Vic) states that a person may make a report to Child Protection (via the Secretary) if they have ‘a significant concern for the wellbeing of a child’.

Secure Care

Secure Care is governed under the *Children, Youth and Families Act 2005* (Vic) and is a state-funded locked residential facility for children and young people who are at immediate, substantial risk of harming themselves. Secure Care is a crisis-stabilisation measure that aims to provide 24-hour care for children and young people while a case plan is developed to return them to a less restrictive environment as soon as possible.

The Orange Door

The Orange Door has been implemented at 18 primary sites, which includes locations across Victoria to provide a simplified referral pathway and coordinated support for people who are experiencing and/or using family violence, and/or for people who need support with the care and wellbeing of children and young people. The Orange Door can provide risk and needs assessment, safety planning and crisis support, and can connect people to a range of other services.

Use of force

Use of force by Youth Justice custodial staff on children and young people in youth justice custody. It includes physical force, such as the use of restraint techniques, as well as the use mechanical devices such as handcuffs, and chemicals (such as OC spray).

Use of force by staff is governed by legislation (currently the *Children, Youth and Families Act 2005* (Vic), the *Youth Justice Act 2024* (Vic) from September 2026) and Youth Justice policies and procedures.

Youth Justice

The agency responsible for the statutory supervision of children and young people in the youth justice system. This includes supervision of the children and young people in the community (for example, on supervised or intensive bail, or on community-based sentencing orders such probation), and in youth justice custody.

(Community supervision also includes parole, but parole is not discussed in this report.)

Youth justice custody

In this report, a general term used to refer to the deprivation of a child or young person’s liberty in a youth justice custodial centre, whether on sentence or remand. Sometimes the term ‘custody’ is also used – this also refers to youth justice custody.

Youth Justice supervision

See ‘Youth Justice’ above. In this report, Youth Justice supervision generally refers to both supervision of children in the community and in youth justice custody collectively (unless specified otherwise).

Youth justice sentence order

In this report, youth justice centre order refers to a custodial sentence imposed on a child or young person who is guilty of an offence, served in a youth justice custodial centre. Different terms are used in the *Children, Youth and Families Act 2005* (‘youth residential centre order’ and ‘youth justice centre order’) and *Youth Justice Act 2024* (‘youth justice custodial order’). For simplicity, youth justice centre order is the term used in this report.

Youth justice custodial centre

A secure, government-operated custodial facility for children and young people from the age of 12. There are currently three youth justice custodial centres in Victoria, at Parkville, Cherry Creek and Malmsbury. The Malmsbury centre closed in December 2023 following the centre at Cherry Creek opening, but was re-opened during this inquiry.

Appendix 2:

**Relevant recommendations from
Our youth, our way and
*Yoorrook for Justice***



Our youth, our way recommendations⁴¹³

Rec #	Recommendation	Department lead and government response	Commission assessment, 2024–25
4	That the Department of Justice and Community Safety (DJCS), in partnership with the Aboriginal community, establish a centralised mechanism for the regular publishing of accurate, cross-agency, linked data to provide a single, authoritative source of information on Aboriginal children and young people in the youth justice system and their outcomes.	DJCS Support	Progress made – ongoing systemic effort required
8	That the <i>Children, Youth and Families Act 2005 (CYFA)</i> be amended to increase the minimum age of criminal responsibility (MACR) in Victoria to 14 years. This should not be subject to any exceptions.	DJCS Under review	Limited progress made – ongoing systemic effort required
9	That the Victorian Government, in partnership with Aboriginal organisations, develop and provide a range of culturally responsive and gender-specific programs and services that are tailored to meet the needs of Aboriginal children under the age of 14 years who are engaging in anti-social behaviour, and to address the factors contributing to the behaviour.	DJCS Support	Progress made – ongoing systemic effort required
10	That the CYFA, the <i>Sentencing Act 1991</i> and the <i>Bail Act 1977</i> be amended to prohibit: a) children under the age of 16 years being sentenced to, or remanded in, youth justice custody b) children under the age of 18 years being sentenced to adult imprisonment c) the transfer of children under the age of 18 years from youth justice custody to an adult prison.	Under review	No progress in the past year
13	That Youth Justice ensure that the proposed Aboriginal Case Management Review Panels (the Panels) are chaired by a senior Aboriginal person, include senior representatives of relevant departments and service providers, adopt a strengths-based approach, give due weight to the views of the child or young person and place culture at their centre. The panels should be monitored at Secretary level by all relevant departments to ensure collaboration and accountability in relation to nominated actions, and to identify and address any systemic issues that arise. The panels should be established in consultation with the Commissioner for Aboriginal Children and Young People.	DJCS Support	Progress made – ongoing systemic effort required
18	That Youth Justice develop a framework to identify an Aboriginal child or young person's most trusted worker and give them a central role in planning and decision making concerning the child or young person's care. DFFH should commit to the same framework for Aboriginal children and young people for whom DFFH has joint responsibility with Youth Justice. This should be reflected in the revised protocol between Child Protection and Youth Justice (see recommendation 40).	DJCS Support	Limited progress made
39	That DFFH work in partnership with the Aboriginal Children's Forum, the Aboriginal Justice Forum and relevant departments to develop a strategy to divert Aboriginal children in out-of-home care from entering or progressing in the youth justice system.	DFFH Support in principle	Limited progress made – ongoing systemic effort required

⁴¹³ For more detail on progress on recommendations, see: [Progress against past recommendations \(Our youth, our way\)](#).

Our youth, our way recommendations

Rec #	Recommendation	Department lead and government response	Commission assessment, 2024–25
41	That DFFH ensure that Child Protection is properly supporting children and young people involved in both the youth justice and child protection systems, preferably by establishing a senior 'crossover' role in each division or by another mechanism that achieves the same outcome.	DFFH Support in principle	Progress made – ongoing systemic effort required
47	That the Victorian Government work with the Aboriginal community to design and establish at least two healing centres for Aboriginal children and young people, in addition to Bunjilwarra and Baroona. Consideration should be given to establishing a dedicated healing centre for Aboriginal girls and young women, and another for Aboriginal children and young people under the age of 16 years.	DJCS Support in principle	Progress made – ongoing systemic effort required
57	That the <i>Bail Act 1977</i> be amended to exclude children and young people from the operation of the 2017 and 2018 amendments, including the requirement to show exceptional circumstances or compelling reasons.	DJCS Under review	No progress in the past year
61	That the Victorian Government work towards having no Aboriginal child or young person on remand. As a step towards this, the Victorian Government should provide community-based alternatives to custody for Aboriginal young people on remand. In particular, DJCS should invest in establishing a minimum of two small, home-like facilities that provide therapeutic and culturally appropriate care for Aboriginal children and young people on remand.	DJCS Support in principle	Progress made – ongoing systemic effort required
74	That the Victorian Government work towards having no Aboriginal child or young person in custody. As a step towards this, the Victorian Government should work with Aboriginal communities to establish three small, home-like facilities for Aboriginal children and young people serving custodial sentences. These facilities should have no more than six beds. Although these facilities would be secure, they must allow for Aboriginal children and young people to connect with their culture and community.	DJCS Support in principle	No progress in the past year

Yoorrook for Justice recommendations⁴¹⁴

Rec #	Recommendation	Department lead and government response
8	The Victorian Government must: a) work with Aboriginal organisations to develop a consistent definition of early help, early intervention and prevention that aligns with the perspectives of First Peoples. This definition should be adopted across the Victorian Government b) enshrine prevention and early help/intervention as a guiding principle in the <i>Children, Youth and Families Act 2005</i> (Vic) and take all necessary steps to implement this principle in the administration of the Act c) as an immediate action, substantially increase investment in Aboriginal Community Controlled Organisation prevention and early help/intervention services to keep First Peoples children out of the child protection system and to prevent their involvement from escalating when it does occur, and d) review the governance model for implementing target 12 of the Closing the Gap Agreement, with a view to broadening the responsibility to achieve this target beyond the Department of Families, Fairness and Housing.	DFFH Under consideration
9	The Victorian Government must publicly report annually on the amount and proportion: a) of total child protection and family services funding allocated to early intervention (family and parenting services) compared to secondary and tertiary services (community delivered child protection services, care services, transition from care services and other activities), and b) of funding allocated to Aboriginal Community Controlled Organisations compared to mainstream services for early intervention (family and parenting services), secondary and tertiary services.	DFFH Support
21	The Victorian Government must amend the <i>Children, Youth and Families Act 2005</i> (Vic) to require the Department of Families, Fairness and Housing to ensure that all children who are placed in out of home care receive a developmental disability assessment and health assessment consistent with the National Out of Home Care Standards and in a timely way.	DFFH Support in principle
23	The Victorian Government must urgently: a) ensure that the Framework to Reduce Criminalisation of Young People in Residential Care is applied in all cases b) establish a mechanism within the Commission for Children and Young People through which young people can report that a residential care provider or Victoria Police has failed to apply the Framework, so that the Commissioner can advocate for that young person, including (in the case of police) by referring the matter to an independent police oversight body c) ensure that, when the Commissioner for Aboriginal Children and Young People is placed on a statutory footing, these functions are performed by that Commissioner with respect to those children and young people, and d) fund the development and delivery of training to residential care providers and Victoria Police on implementing the Framework in practice.	DFFH Support in principle
24	The Commission for Children and Young People and Commissioner for Aboriginal Children and Young People must: a) monitor compliance with the Framework to Reduce Criminalisation of young people in residential care current 18-month action plan b) review individual cases c) specify targets for reduced police contact, and d) publicly report on outcomes.	DFFH Support in principle

⁴¹⁴ For more information on progress on recommendations, see: [Inquiry into Victoria's Child Protection and Criminal Justice Systems: Yoorrook for Justice Victorian Government Implementation Progress Report \(October 2024\)](#).

Yoorrook for Justice recommendations

Rec #	Recommendation	Department lead and government response
27	The Victorian Government must establish and adequately resource a new independent police oversight authority, headed by a statutory officer who has not been a police officer, to: a) investigate and determine all complaints about police (except for minor customer service matters) b) investigate and report on all police contact deaths and serious incidents c) conduct independent monitoring of and reporting on police custody and detention d) on its own motion, monitor, audit, systemically review and report on the exercise of police powers and interactions with the public including customer service matters e) undertake own motion, public interest investigations, and f) publish reports in the public interest. The new authority must: g) have powers to arrest, search property and compel the production of information including from Victoria Police, and h) include a dedicated division for complaints from First Peoples that is under First Peoples leadership.	DJCS Under consideration
35	The Victorian Government must urgently introduce legislation to raise the minimum age of criminal responsibility in Victoria to 14 years without exceptions and to prohibit the detention of children under 16 years.	DJCS Do not support
36	The Victorian Government's planned new Youth Justice Act must: a) explicitly recognise the paramountcy of human rights, including the distinct cultural rights of First Peoples, in all aspects of the youth justice system b) embed these rights in the machinery of the Act, and c) require all those involved in the administration of the Act to ensure those rights.	DJCS Support in principle
37	Part b) amend the Sentencing Act to require courts to, in appropriate cases, consider alternatives to imprisonment for all offenders, with particular attention to the circumstances of Aboriginal offenders.	DJCS Support in principle
39	The Victorian Government must: a) where appropriate decriminalise offences linked with disadvantage arising from poverty, homelessness, disability, mental ill-health and other forms of social exclusion, and b) review and then reform legislation as necessary to reclassify certain indictable offences (such as those kinds of offences) as summary offences, and for this purpose, by 29 February 2024, refer these matters to the Victorian Law Reform Commission (or similar independent review body) for urgent examination which includes consultation with the First Peoples' Assembly of Victoria and relevant Aboriginal organisations.	DJCS Under consideration
44	The Victorian Government must: a) take all legislative, administrative and other steps to implement the <i>United Nations Standard Minimum Rules for the Treatment of Prisoners</i> in relation to the use of solitary confinement at all Victorian prisons and youth justice centres, including an express prohibition on the use of solitary confinement on children and on the use of prolonged or indefinite solitary confinement on adults, and b) ensure that Victorian prisons and youth justice centres are adequately funded and properly operated so that the common practice of locking down prisoners in their cells for prolonged periods for administrative or management reasons in violation of their human and cultural rights is ended.	DJCS Support in principle



Commission for Children and Young People logo

The logo represents our vision for all children to be strong in health, education, culture and identity, and face the world with confidence.

The people are connected, equal in size and importance, and there is a fluidity that binds them together.

The mission of the Commission is for all young Victorians to achieve these goals.

The symbol is a Koori design created by Marcus Lee for the Commission.

The Commission respectfully acknowledges the Traditional Owners of the country throughout Victoria and pays respect to the ongoing living cultures of First Peoples.



COMMISSION FOR CHILDREN
AND YOUNG PEOPLE
