

17 December 2025

Committee Secretary
Senate Legal and Constitutional Affairs Committee
Department of the Senate
Parliament House
Ngunnawal Country
Canberra ACT 2600

SUBMISSION: Inquiry into Australia's youth justice and incarceration system

Dear Committee Secretary,

The National Justice Project (NJP) is a not-for-profit human rights law firm. We use strategic litigation to fight systemic discrimination – including legal action, social justice education, advocacy, and collaborative projects in fighting for the rights of young people in police and prison settings.

We thank the *Senate Legal and Constitutional Affairs Committee* (the Committee) for the opportunity to put forward a joint submission with Jumbunna Institute for Indigenous Education and Research, and to appear before the inquiry hearing on 03 February 2025 to speak to the submission and our work.

The *Alternative First Responders* (AFR) campaign is a project by the NJP. The national AFR campaign was established in response to the growing chorus of concerns about the current police-first response to callouts that would be better suited with an alternative first response.

We thank the Committee for the opportunity to put forward a further submission, focusing on Terms of Reference 2(b): alternative approaches. The AFR campaign advocates for an alternative first response to police and we urge this inquiry to strongly consider alternative first responses in the context of Australia's youth justice and incarceration system and protecting young people's rights. Alternative first responses allow for young people to be better supported, prevent discriminatory policing, and ultimately benefit whole of communities through holistic approaches that are community-based and rooted in care.

An alternative first response is a safer pathway for young people and should be considered with urgency. In this submission we draw on sector concerns, public pledges, and campaign findings to underscore the need for the prioritisation and investment in an alternative first response for young people.

Alternative First Responders Campaign

I. What are alternative first responders, and why do they matter?

An alternative first responder refers to people outside of law enforcement (police) who respond to calls for assistance. They are often community members and/or professionals who are deeply connected to, and understand, the communities they serve. Alternative first responders are highly skilled in helping people get the right care without using force, supporting autonomy by letting individuals decide what they need and how they receive help. They also have the skills to de-escalate situations, reduce harm, and connect people with a wide range of support – both practical and therapeutic.

There is an imperative for an alternative approach that is rooted in care, not force. There is clear evidence of profound harms and negative impacts that come from a police-led response, with some community groups experiencing disproportionate harm and discrimination more than others. This intersects with and includes racialised profiling by police. Young people are one of these cohorts that are subjected to discriminatory and over policing – the [Alternative First Responders Position Paper](#) outlines evidence of this and provides a snapshot of why an alternative first responder is important. We suggest the Committee would find this resource useful.

Coalition and Sector Concerns

The AFR campaign is supported by 33 coalition members across Australia, of which 45% of member organisations either directly or indirectly advocate for young people and their rights – some organisations include National Indigenous Youth Education Coalition, The Shopfront Youth Legal Centre, Central Australia Youth Justice Coalition, Youth Advocacy Centre, Change the Record, and the Justice Reform Initiative.¹ The importance of young people and care is a shared concern of the coalition and there is an understanding that alternative first responders would be a viable and appropriate response to young people.

Throughout 2025, the AFR campaign has consistently heard of concerns regarding youth justice and policing. These concerns have been raised through coalition meetings, collaborative work, the AFR national symposium, and public pledges. Within these concerns is a deep desire for governments to invest in community-led and controlled responses to young people's needs and to urgently minimise law enforcement intervention.

¹ National Justice Project and Alternative First Responders. (2025). 'About' (website) <<https://alternativefirstresponders.com.au/about/>>.

This submission refers to three critical areas where young people are being hyper exposed to policing, leading to a response funnelling young people to the prison system and not community-care. These young people are being failed by a police-first response. The submission will also include outcomes from the national AFR symposium on alternative first responders.

I. Education Institutions

Coalition and advocacy organisations have raised concerns regarding the involvement of police in school and educational settings. Throughout these concerns, it has been widely recognised that police intervention in these settings disproportionately impact First Nations youth. This is clearly evidenced in *The School Exclusion Project: Research Report*,² published by one of our coalition members, National Indigenous Youth Education Coalition. The report outlines damning evidence of the negative consequences of police intervention in schools, noting that young people who encounter a police response at an early age are more likely to spend time in prison as an adult.³ The report also highlighted the racial inequities embedded in school-based policing programs, reflecting patterns of systemic racial profiling, surveillance, and over-policing of First Nations students.⁴

The involvement of police in settings designed to nurture, educate, and support young people diminishes their fundamental purpose. Without appropriate support, young people are hyper-exposed to police contributing to a school-to-prison pipeline. It is an imperative that young people are met with a response that is strictly about increased supports and focuses on getting that young person the care they need. There is no role for law enforcement.

“I’m a primary school teacher and in the community where I work there is a distrust towards police. It’s important to have another port of call where people can access the support they need, when they need it!”⁵ - AFR campaign public pledge.

“We have police being used to respond to behaviour and conflict in school... it’s this real lack of boundaries when it comes to processes which criminalise kids in spaces where they should be safe, free to learn, make friends, make mistakes and do all the normal things

² National Indigenous Youth Education Coalition. (2024). *‘The school exclusion project: Research report’* (online) <<https://www.niyec.com/knowledge-base/the-school-exclusion-project-span-classqsrsite-text-color-blackresearch-reportspan>>.

³ Ibid.

⁴ Ibid.

⁵ National Justice Project. (2025). *‘Alternative First Responders’* (online) <<https://alternativefirstresponders.com.au/>>.

*that young people are meant to do*⁶ – Eva Lazzaro, *Smart Justice for Young People*, AFR symposium.

Removing police from educational setting and providing alternative approaches is crucial and supported by public concerns of the growing presence of police in roles that should be filled by specialised and culturally safe professionals who understand the needs and complexities of young people, such as social workers, support staff, and mentors.

*“I have never felt safe calling the police or in the presence of police. My early experiences with police were really negative. There were sniffer dogs and police brought through my high school every week.”*⁷ – AFR campaign public pledge.

II. Out-of-home Care

Public and advocacy organisations have raised concerns regarding police intervention towards youth in out-of-home care (OOHC). These concerns are underscored by testimonies regarding the over-surveillance of youth within and around residential housing across Australia. Due to the disproportionate rates First Nations youth in OOHC, police intervention disproportionately effects this cohort, contributing to overrepresentation within the youth justice system.

*“We, as a society, must break the out of home care to prison pathway for many First Nations Peoples.”*⁸ – AFR campaign public pledge.

The continuation of the current police-first response and, at times, unjustifiable interventions does not create community safety, rather it negatively impacts the lives of young people and provides no effective avenues for prevention or diversion. An alternative response provides holistic responses that are supportive, caring, and address root causes.

“I am a foster carer and work in the OOHC industry. I want there to be de-escalation options available that are trauma informed and safe for an already incredibly vulnerable cohort. I want people suffering from trauma, mental health conditions and addiction to have an incident response option that includes kindness, de-escalation and support. While

⁶ National Justice Project. (2025). 'Systems Change: Standing Up for our Youth - Alternative First Responders Symposium 2025' (online) <<https://www.youtube.com/watch?v=jLwJ5hEUmqs>>.

⁷ National Justice Project. (2025). 'Alternative First Responders' (online) <<https://alternativefirstresponders.com.au/>>.

⁸ National Justice Project. (2025). 'Alternative First Responders' (online) <<https://alternativefirstresponders.com.au/>>.

consequences may be necessary for our actions, we should all be met with understanding and dignity before judgement.”⁹ – AFR campaign public pledge.

III. Remote and Rural Areas

The lack of services within remote and rural communities creates a reliance on systems, such as police. This is further entrenched in remote areas where racialised policing is more pronounced and there is a lack of culturally safe services available for First Nations young people, despite distrust of police due to colonial and ongoing legacies.

“In the Territory we’re living through a harsh time for young people, we’ve had a change of government last year and a lot of laws and bills changed that have affected young people to an extent that has never happened before.”¹⁰ – Josh Brown, Central Australia Youth Justice Coalition, AFR symposium.

Alternative first responders offer an appropriate and effective approach to address individual and community safety because they are initiatives by community, for community. When First Nations communities are included in decision-making and delivery, the positive impact and need for alternatives is clear.

“We’re talking about a very strong history of trauma, but we also have a strong history of culture. Every person carries the trauma of the past but also carry the strength of their ancestors and their culture.”¹¹ – Josh Brown, Central Australia Youth Justice Coalition, AFR symposium.

Community Court and Community Justice Group

The Anindilyakwa Peacemaker Program is a community-led, culturally responsive initiative established on Groote Eylandt, Northern Territory. The program provides localised problem solving through negotiation, instead of police management. The result: an 88% fall in overall recorded offences between the period of July 2024 to July 2025 compared to the same period in 2019. Regarding youth offences in the same time

⁹ National Justice Project. (2025). ‘Alternative First Responders’ (online) <<https://alternativefirstresponders.com.au/>>.

¹⁰ National Justice Project. (2025). ‘Systems Change: Standing Up for our Youth - Alternative First Responders Symposium 2025’ (online) <<https://www.youtube.com/watch?v=jLwJ5hEUmg>>.

¹¹ Ibid.

periods, there has been a significant decline from 267 offences in 2019 to 28 offences in 2025 (an 89.5% decrease).¹²

The Anindilyakwa Peacemaker Program is part of a wider initiative under the Aboriginal Justice Agreement. Under the Agreement, law and justice groups in remote Northern Territory communities inform judges of culturally appropriate punishments for crimes, through newly re-established Community Court and Community Justice Group initiatives.¹³

Alternative First Responders National Online Symposium

In October 2025, we hosted a national online symposium calling for alternative first responders to police. The symposium brought together two international keynote speakers, a dozen national speakers, artists (including a young person), and over 200 registered attendees. The symposium amplified the voice of speakers, who spoke of their lived experience and expertise on what is needed.

Due to growing concerns from the public, sector, and coalition members relating to youth justice, the symposium held a youth focused panel, *Systems change: standing up for young people and delivering on alternatives*.¹⁴ During panel discussions, alternative approaches were discussed in length and panellists spoke to policy considerations to make this possible for better outcomes.

With over 200 registered attendees, it is clear an alternative response is something people are deeply invested in. The key takeaways from the youth panel included:

- Importance of pushing back on 'tough on crime' agendas that disproportionately target young people and drive bad policy.
- Addressing reactionary policy, focusing on non-punitive alternative responses that are supportive and safe.
- The importance of co-designing alternative models with young people.

The full report and panel discussion for the Committee to consider is linked for your reference – [Alternative First Responders Symposium Report 2025](#).

¹² National Indigenous Times. (2025). 'Aboriginal-led justice initiatives deliver remarkable 88 per cent fall in crime on Groote Eylandt' (online) <<https://nit.com.au/11-07-2025/19082/aboriginal-led-initiatives-deliver-remarkable-outcomes-on-groote-eylandt-justice-healing>>.

¹³ Ibid.

¹⁴ National Justice Project. (2025). 'Systems Change: Standing Up for our Youth - Alternative First Responders Symposium 2025' (online) <<https://www.youtube.com/watch?v=jLwJ5hEUmqg>>.

Australia's Human Rights Obligations

The recent and ongoing criticisms of the Australian Government's failure to uphold international human rights obligations highlights the need for national minimum standards (Terms of Reference 1(e)), and the imperative to invest in an alternative approach.

The AFR campaign recently published the [AFR Human Rights Report](#), which provides a critical assessment of Australia's compliance with international standards and obligations and demonstrates how implementing alternative approaches enables Australia to better fulfil its human rights obligations and reduced the harms identified in criticisms.

The report discussed several specific groups, including young people, outlining commentary and criticism of the current approach and the positive effect of alternative approaches. The report highlighted concerns regarding treatment of young people in custody, including police custody (Terms of Reference 1(d)) and explored an alternative first responder case study (Terms of Reference 2(b)). We link the report for the Committee's consideration.

Night Place

The Night Place is a community-based youth initiative launched by Marra Worra Worra Aboriginal Corporation in the remote region of Fitzroy Crossing, Western Australia. The program provides a safe and welcoming space for young people, regularly hosting an average of forty and up to ninety children each night. Beyond offering a safe space, the Night Place delivers structured workshops on important life lessons such as cooking, substance abuse awareness, legal education, and employment readiness.¹⁵

In the first seven months of operation, nearly 400 young people attended, with over 8,000 visits and 12,500 hot meals served. Between January and March 2025 this year police have noted an 85% fall in car thefts compared to the same period in 2024. At the same time, the program has sparked youth re-engagement with education, helping re-enrol nearly thirty young people back into school.¹⁶

¹⁵ ABC News. (2025). 'Safety, food and hope replace youth crime at Fitzroy Crossing's Night Place' (online) <<https://www.abc.net.au/news/2025-05-14/fitzroy-crossing-night-place-reduces-youth-crime/105281556>>; National Indigenous Times. (2025). 'Substantial drop in youth crime prompts WA's top judges to tour Fitzroy Crossing's Night Space' (online) <<https://nit.com.au/28-10-2025/20947/substantial-drop-in-youth-crime-prompts-was-top-judges-to-tour-fitzy-crossings-night-space>>.

¹⁶ Ibid.

Call to Action

We strongly urge the Committee to take into consideration the growing chorus of concern from sectors, professionals, and community members about the harms of policing on young people. We need urgent investment into alternative first responders to police, amplifying public calls, and pointing to evidence-based approaches.

The AFR campaign calls for prioritisation of alternative first responder models, such as those explored in this submission and annexures, to reduce youth contact with law enforcement and provide a community-based response that is culturally appropriate, rooted in care and support, and adequately addresses concerns of community safety, including for young people.

Thank you for the opportunity to comment. We welcome any questions you may have for further information. This submission has been authored by Jacinta Wright of the National Justice Project.