

16 December 2025

Legal and Constitutional Affairs References Committee
Australian Senate

By way of: Monika Sheppard, A/g Committee Secretary

Dear Committee members

Re: Australia's Youth Justice and Incarceration System

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) appreciates the opportunity to provide further input into the Senate's Inquiry into Australia's Youth Justice and Incarceration System. The RANZCP has made a [submission](#) to the previous Inquiry. We fully reiterate the details and recommendations that we outlined in that submission, which remain the RANZCP's policy position regarding youth justice.

However, the RANZCP would like to take this opportunity to highlight some of the key details that were contained within that submission, and to address key developments in this area that has occurred since.

The RANZCP stands by our recommendation that the Minimum Age of Criminal Responsibility (MACR) should be raised to 14 without exception. Individuals aged below 14 are still developing, which makes the current age of criminal responsibility a significant concern. Incarcerating young people during this formative period can inhibit their growth and worsen pre-existing mental health issues.[1] The [Draft Final Report 2020 by the Standing Council of Attorneys-General](#) emphasised that detention can lead to severe mental health challenges, which are frequently compounded by existing conditions and a lack of access to effective support within the justice system. This is incredibly prescient given the extreme overrepresentation of young people with mental health conditions in the justice system.[2-4]

The RANZCP acknowledges that there have been concerns raised, both during and after the Inquiry, regarding the practical disruptions and economic burden that raising the age may place upon jurisdictions. However, the Report from the Age of Criminal Responsibility Advisory Group on the review of the Age of Criminal Responsibility (Scotland) Act 2019, which was published in December 2024, shows that this is not the case. The effect of raising the age not only produced positive justice and health outcomes but was implemented with minimal disruption and system alterations. There is also [strong international evidence](#) showing economic benefits associated with a higher MACR.

There is a growing body of evidence that incarceration is ineffective in addressing and reducing young people's interaction with the justice system.[5] Detention often exacerbates existing problems, creating a cycle of recidivism and future issues, including ongoing mental health challenges and repeated interactions with the justice system. The current youth justice and incarceration system does not prioritise rehabilitation, and instead focuses on retributive forms of justice, punishment, and politicised appeals to 'community safety'.

The RANZCP recommends that youth justice and incarceration systems are developed in line with the principles of restorative and rehabilitative justice. Data and research has long shown that prioritising these principles and diversionary programmes have significant benefits to recidivism, economic burden, and both victim, perpetrator, and community satisfaction with the justice system.[6, 7]

For these reasons the RANZCP is deeply concerned about the trends in many jurisdictions to press for harsh bail and justice reforms targeting young people. The 'Adult Time for Adult Crime' initiatives in Queensland and Victoria are not being driven by evidence or designed to reduce crime. Instead, they are sacrificing the health, safety and wellbeing of young people, and the community, to advance political initiatives. To address these regressions in youth justice, and to meet the ongoing needs highlighted in our first submission, the RANZCP recommends that all jurisdictions implement the recommendations of the two reports recently released by the Standing Council of Attorneys-General: [The Bail and Remand Reform Working Group Final Report](#) and the [Justice Policy Partnership Report on bail and remand reform for Closing the Gap](#).

Current medical and health evidence confirms that detention is harmful for all children. Current trends are to focus on punishment and politics instead of rehabilitation and long-term solutions to offending. The RANZCP recommends that any reforms to the youth justice and incarceration systems are evidence-based, human-rights focussed, and designed to meet the needs of perpetrators, victims and the community.

The RANZCP would welcome the opportunity to provide further evidence and comment on this important area. Many of our members are heavily involved in forensic health systems and have a wealth of practical knowledge. If you have any queries regarding this submission, please contact Damian Ferrie, CEO and Interim Executive Manager, Compliance and Policy Department via policy@ranzcp.org.

Yours sincerely



Dr Astha Tomar
President

References

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