

18/11/2025

Committee Secretary
Senate Legal and Constitutional Affairs References Committee
Parliament of Australia

Dear Committee Secretary,

On behalf of the Multicultural Youth Advocacy Network (MYAN), Australia's national peak body representing young people from migrant and refugee backgrounds, we welcome the opportunity to contribute to the Inquiry into Australia's Youth Justice and Incarceration System.

Multicultural young people remain significantly over represented in Australia's youth justice systems, often due to systemic inequities, racism, structural disadvantage, trauma, and a lack of culturally informed supports, not higher rates of offending. As Centre for Multicultural Youth¹ (CMY) outlines, these patterns reflect "a system that is not working for multicultural young people."²

Data also shows that 39% of children in youth justice are culturally and linguistically diverse, a figure that should compel urgent national action to redress this.³

Our submission presents a compelling case for a national, rights-based, evidence-driven approach to youth justice, one that invests in proven community-led interventions (such as CMY's YRIPP and Target Zero initiatives⁴), strengthens prevention and diversion, and ends the reliance on incarceration as an early intervention tool.

We welcome the Committee's leadership in progressing this critical reform path and would be pleased to provide oral evidence or participate in roundtables.

Yours sincerely,

Rana Ebrahimi

On behalf of the Multicultural Youth Advocacy Network Australia (MYAN)

¹ MYAN's Victorian partner organisation

² CMY (2023) CMY Position Statement on Youth Justice Available at: <https://www.cmy.net.au/resource/cmy-position-statement-on-youth-justice/>

³ Parker, Rhiannon (2023) *Rethinking Australia's youth justice system by embracing child rights* Centre for Social Impact <https://www.csi.edu.au/news/rethinking-australias-youth-justice-system-by-embracing-child-rights/>

⁴ Youth Referral and Independent Person Program <https://www.cmy.net.au/yripp/> Target Zero <https://www.cmy.net.au/targetzero/>

EXECUTIVE SUMMARY

Australia's youth justice system is failing to meet the needs, rights and safety of multicultural young people. Evidence from CMY's Youth Justice Position Statement⁵ and MYAN's previous national submission in response to this topic⁶, and ongoing community consultation demonstrates:

- **Persistent Over-Representation:** Multicultural young people have been over-represented in youth justice for decades, reaching the highest levels since the 1990s.
- **Systemic Failures:** These young people are not more likely to offend, they face unmet needs, exclusion, structural disadvantage and racism that intensify contact with the system.
- **Ineffective Intervention:** Despite investment, early intervention "has failed to make a dent" in reducing CALD youth justice involvement.
- **Harmful Impacts of Detention:** Detention has a *criminogenic effect*, increasing reoffending, weakening family connection, and compounding disadvantage.
- **Need for National Consistency:** The absence of enforceable national standards leads to inconsistent and sometimes harmful practices across jurisdictions.

Australia cannot continue to rely on punitive, reactive models that fail both young people and the community. Evidence shows that culturally grounded, community-led programs deliver far better safety and long-term outcomes. Effective youth justice reform is not only a legal obligation, it is a moral and practical necessity.

MYAN recommends:

1. Adoption of National Youth Justice Minimum Standards, aligned with Australia's international human rights obligations.
2. Raising the minimum age of criminal responsibility to 14.
3. National expansion of proven community-led diversion programs (e.g., YRIPP) and long-term prevention partnerships (e.g., Target Zero).
4. A whole-of-government Multicultural Youth Justice Strategy.
5. Investment in anti-racist practice across youth justice, policing, courts and detention.

⁵ CMY (2023) CMY Position Statement on Youth Justice Available at: <https://www.cmy.net.au/resource/cmy-position-statement-on-youth-justice/>

⁶ MYAN Australia (2024) Response to the Senate Inquiry into Australia's youth justice and incarceration system Available at: <https://myan.org.au/documents/submission-to-the-senate-inquiry-into-australias-youth-justice-and-incarceration-system/>

6. Strong participation of young people with lived experience throughout the inquiry.

1. Introduction

MYAN welcomes the Senate's leadership in examining Australia's youth justice systems. As the national voice for young people from migrant and refugee backgrounds, we see firsthand how deeply systemic inequities shape youth justice outcomes.

CMY's Youth Justice Position Statement highlights that multicultural youth over-representation has persisted "for the last five years" at levels "not seen since the 1990s". These trends are reinforced by racism, disadvantage, and underinvestment in culturally responsive supports not by higher rates of offending.⁷

MYAN's earlier submission emphasises a critical point: youth incarceration harms young people and undermines community safety. There is strong national and international evidence that detention drives further criminalisation, trauma, and disconnection.⁸

Justice systems must protect young people, not deepen the inequalities that bring them into contact with the system.

2. Term of Reference Responses

a) Impacts of youth incarceration

Across MYAN and CMY evidence:

- Detention increases the likelihood of future offending. CMY notes it "has a criminogenic effect".
- Multicultural youth often experience compounding disadvantage—racism, trauma, settlement stress, family separation—which detention exacerbates, often irreversibly.
- Justice involvement disrupts education, leading to generational cycles of poverty and exclusion.

Every dollar spent incarcerating children is a dollar taken from the programs that keep them safe, connected and thriving. Detention must be a last resort, not standard practice.

b) Over-incarceration of First Nations children

MYAN supports First Nations community calls for self-determined, culturally grounded justice systems. MYAN emphasises that multicultural youth justice reform must "learn from cultural approaches, namely First Nations approaches".

⁷ CMY (2023) CMY Position Statement on Youth Justice Available at: <https://www.cmy.net.au/resource/cmy-position-statement-on-youth-justice/>

⁸ MYAN Australia (2024) Response to the Senate Inquiry into Australia's youth justice and incarceration system Available at: <https://myan.org.au/documents/submission-to-the-senate-inquiry-into-australias-youth-justice-and-incarceration-system/>

Shared systemic drivers include:

- Racial profiling and over-policing
- Trauma and intergenerational disadvantage
- Poor access to culturally competent services

Advocacy Message:

Youth justice reform must be led by and for the communities most affected including First Nations communities and multicultural communities.

c) Human rights compliance in detention

Across multiple jurisdictions, rights violations remain widespread, including:

- Overuse of isolation, restraint and lockdown
- Failure to meet education and health obligations
- Lack of culturally informed support
- Inconsistent access to legal representation

Current systems “are not working for multicultural young people”. Children’s rights are not optional. Australia must implement enforceable national safeguards to ensure no child is left behind or harmed in our systems.

d) National minimum standards

MYAN’s earlier submission strongly supports national standards and highlights their benefits:

- Strengthened child-rights protections
- Consistency across states
- Accountability and oversight
- Reduced reoffending through rehabilitative models

This aligns directly with the call for a whole-of-government multicultural youth justice strategy that addresses structural barriers and racism.

A postcode should not determine a child’s rights or access to fair treatment. National standards are essential.

3. Case Studies of Effective Practice

3.1 YRIPP — Youth Referral and Independent Person Program (CMY)

As outlined in MYAN’s earlier submissions:

- Provides Independent Persons for young people in police interviews when a guardian is absent.
- Trained IPs de-escalate tensions and challenge misconceptions, especially in multicultural contexts.
- Connects young people to health and welfare supports, reducing reoffending risk.

YRIPP demonstrates that when communities surround young people with support, not punishment, everyone benefits. We recommend national expansion of YRIPP.

3.2 Target Zero — CMY & West justice (2024–2029)

This new, 5-year, multi-agency initiative aims to end criminalisation of young people aged 10–25 in Brimbank, Melton and Wyndham, regions with high CALD and First Nations populations.

It directly responds to systemic issues, including structural disadvantage, racism, and lack of culturally responsive early intervention.

Target Zero represents the future of youth justice—long-term, community-led, culturally grounded, and focused on ending harm at its source.

This model is suitable for national adaptation.

3.3 Youth in Power Program (SSI Queensland)

Adventure-based learning, case management and family engagement to reduce antisocial behaviour and increase resilience.

4. Concerns About Victoria's New Youth Justice Rules

With recent regulations in Victoria MYAN and our Victorian partner CMY are concerned that:

- Overrepresentation of multicultural youth is worsening, reaching the highest rates in decades.
- Early intervention “has failed to make a dent”.
- Racism in policing and justice contributes to criminalisation.
- New rules risk increasing reliance on punitive responses without addressing root causes.

We cannot punish our way out of systemic failure. Victoria's new rules must be reviewed to ensure they do not worsen harms for already marginalised young people.

5. Recommendations

1. Create a National Youth Justice Standards Framework, aligned with international obligations.
2. Raise the minimum age of criminal responsibility to at least 14.
3. Scale up early intervention and diversion, with national rollout of YRIPP.
4. Fund long-term, place-based initiatives—like Target Zero—that address systemic drivers of justice involvement.
5. Establish a national Multicultural Youth Justice Strategy.
6. Mandate anti-racist practice and cultural competency across systems.
7. Ensure lived experience participation and accountability mechanisms.

Prepared by MYAN

Contact person – Shannon White- National Policy Lead

[REDACTED]