

Committee Secretary  
Legal and Constitutional Affairs References Committee  
Department of the Senate  
Via [online portal](#)

Dear Committee

Re: Parliamentary Inquiry into Australia's youth justice and incarceration system

The Alcohol and Drug Foundation (ADF) is Australia's leading alcohol and other drug (AOD) harm prevention organisation. We deliver evidence-based AOD policy, education and community programs right across Australia.

The ADF provides this submission to the Committee in response to the following terms of reference:

- 1(d), 1(f): the Commonwealth's international obligations in regards to youth justice and any other matters related to the youth justice and incarceration system) and
- 2(b): effective alternative approaches to incarceration for young people, including diversionary programs.

ADF's interest in this Inquiry arises in the context of the high prevalence of AOD use and harms among children involved in the youth justice system, and in recognition of the many shared risk factors for youth justice engagement and AOD use.

### **Key youth justice and AOD data**

Approaches to youth justice prevention should be informed by the health needs of children in youth justice systems. This includes AOD because it is well-established that children in the youth justice system are at increased risk of AOD harm. For example:

- a Victorian parliamentary inquiry into that state's youth justice services identified that two thirds of young people sentenced or on remand to have a history of harmful AOD use(1)
- a recent survey of youth justice involved young people in Queensland and WA found that most of the participants had used alcohol (89%), tobacco (86%) or other drugs (81%)(2)
- children aged 10–17 under youth justice supervision are 30 times as likely as the general population to have received alcohol and other drug treatment services during that period (33% compared with just over 1%).(3)

Children in the youth justice system are also at increased risk of harm as a result of others' AOD use, making population level AOD prevention important for youth justice prevention more generally. For example:

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- there is a high prevalence of Fetal Alcohol Spectrum Disorders (FASD) among children in the youth justice system – with one Western Australian study showing that 36% of children aged 10-17 sentenced to youth justice detention had FASD. 89% of had at least one form of severe neurodevelopmental impairment.(4)
- Children whose parents who have heavy AOD consumption patterns are at increased risk of youth justice involvement.(5)

### **International obligations and health-informed youth justice prevention**

As well-canvassed in previous submissions to the Inquiry in 2024, and in the Australian Human Rights Commission's *Help way earlier!* report,(6) various international laws to which Australia is a signatory require our governments to invest in policies and programs to prevent youth crime, in particular the *Convention on the Rights of the Child*(7) and the *International Covenant on Economic, Social and Cultural Rights*.(8)

The fundamental principles of youth crime prevention outlined by the *United Nations Guidelines for the Prevention of Juvenile Delinquency* (the Riyadh Guidelines) direct governments to adopt prevention measures that are child-centered and wellbeing focused, are supported across a wide range of services and programs, and informed by local knowledge and partnerships.(9) The Riyadh Guidelines also establish that agencies should give high priority to social and health plans and programs for young persons including evidence-based AOD prevention.(9) The overrepresentation of Aboriginal and Torres Strait Islander children in the youth justice system also engages human rights under the *United Nations Declaration on the Rights of Indigenous People* which, among other things, protects Indigenous peoples' equal right to the enjoyment of the highest attainable standard of physical and mental health (article 24.2).(10)

### **AOD prevention, treatment care and support helps reduce crime**

Youth crime has major physical, mental and social impacts: young people involved in offending experience higher rates of depression, anxiety, trauma and physical injury, often worsened by substance use, which can entrench cycles of harm. The effects of youth crime extend beyond childhood, affecting families and communities through increased healthcare and justice costs and reduced safety.(5)

Routinely providing AOD services that respond to complex needs of justice-involved young people is an essential part of Australia's human rights obligations.(11, 12) It is also:

- effective: for example, residential therapeutic communities can reduce future convictions among young people with drug and alcohol problems who have a high number of convictions prior to referral(13)
- efficient: investment in AOD prevention pays dividends to the justice system. For example, the youth AOD prevention program *Communities That Care* has been assessed as delivering a return of AUD\$2.6 for each dollar invested, with the largest contribution to primary benefits being reductions in crime and violence (93% of the total benefits).(14)

### **Health-informed youth crime prevention**

As the Inquiry has heard in submissions to date, youth justice trends in Australia and in many comparable jurisdictions show that youth crime is declining, mostly among low-level or adolescent offending, but that rates of repeat and chronic youth offending are typically stable or growing.(15) This trend, together with what we know about the complexity of need among youth justice involved young people, means that we need youth crime prevention measures that are child-centred, locally tailored and holistic.

The evidence also tells us that prevention interventions should be offered to young people outside of typical mainstream institutions like secondary schools,(16) so that young people can develop social skills and make positive connections in their local community. Simple, scalable and cost-efficient programs, such as sport-based initiatives, are particularly effective.(17)

**Example – Stronger Through Sport – ADF's holistic youth crime prevention program**

Engagement in community sport has long been recognised as an effective form of secondary prevention (for those at risk of offending) and tertiary prevention (for those who have already offended).(18)

ADF's Stronger Through Sport (STS) program works to build protective factors for young people who are in contact, or at risk of contact, with the criminal justice system, and who are not participating in or who are disengaged from sport.

STS builds the capacity of local sports clubs to support young people – who are referred into the program through participating youth services organisations – to join the club and participate over the course of one or more seasons. Positive role models in sports clubs are trained to support young people and their ongoing participation and success at the club. STS can be tailored to specific age groups.

The [National Foetal Alcohol Spectrum Disorder Strategic Action Plan 2018–2028](#) recommends targeted screening for groups at higher risk of FASD, including children in the youth justice system. Youth justice prevention strategies should also consider the relationship between youth justice prevention and FASD prevention. The ADF notes that, in its submission to the 2024 Inquiry, NOFASD makes a number of other sensible recommendations to prevent FASD, and assess, treat and support children in the youth justice system for FASD-related health and social needs.(19)

**How are Australian governments implementing their prevention commitments?**

As discussed above, Australia's international legal obligations require governments to enact policies and invest in evidence based youth crime prevention. The evidence tells us that these measures need to be child-centred, holistic and place-based, and need to account young people with complex health and social needs, including the need for AOD prevention, treatment, care and support.

While most Australian governments recognise AOD use as a risk factor in offending and identify AOD treatment as a priority, few identify AOD-informed prevention as part of their youth justice strategy. For example:

- Victoria's [Youth Justice Strategic Plan 2020-2030](#) recognises the importance of prevention and supporting early intervention, but there are no upstream AOD prevention programs identified as part of the Strategy.
- South Australia's [Young Offender Plan](#) includes no youth crime prevention initiatives and no AOD prevention programs.
- The Northern Territory's [Reducing Crime - NT Crime Reduction Strategy](#) notes that the NT government will "make sure that at-risk children and young people receive appropriate early intervention at critical life stages" and facilitate referrals to specialist support, but does not identify any policies, or investment to support this.

## Conclusion

The ADF recommends that the federal government support states and territories to develop and implement a mix of AOD prevention, treatment care and support, and health-informed youth crime prevention policies and programs.

Sincerely,



**Erin Lalor**

CEO, Alcohol and Drug Foundation

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