

Politics

The need for a nationally coordinated approach to youth justice reform

In the absence of a holistic, evidence-led reset on youth justice, Australia risks staying stuck (or further regressing) in its handling of a complex issue that has become a defining crisis of our times for successive governments, writes Dr Jacqueline Rule.

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It's easy to assume that the ongoing hyper-incarceration of First Nations children (particularly the over-represented cohort of Indigenous youth pipelined to 'juvie' through the foster system) is a challenge exclusively for Australia's states and territories to address. After all, it's not the Commonwealth government that looks after prisons or the police or the myriad private providers who run some of these detention centres. Yet, to enact genuine, systemic transformation of youth justice across all Australian jurisdictions, the federal government (which has vast resources at its disposal) needs to come on board to develop and oversee a nationally coordinated approach to youth justice reform.



As the *Bringing Them Home Report* pointed out, the disproportionate over-representation of First Nations children in both the child protection and criminal justice systems is essentially mirroring the separation policies of Australia's colonial past. It is morally unconscionable that a widescale unpicking of this historical harm still embedded in the colonial DNA of our legal and social welfare systems has not yet occurred.

Thus, a role for the federal government in strategically overseeing youth justice reform is not just a practical and logistical imperative, it also has a strong ethical dimension. Our youth justice issues today are, largely, an unaddressed intergenerational consequence of harmful past practices towards First Nations communities that were also overseen by the Commonwealth government. In many instances, Australia's harmful historical child welfare and detention practices were part of a nationally coordinated approach by our federal government.

For example, at a 1937 national conference, the federal government together with their state and Northern Territory counterparts formally endorsed a national framework for an already commonly

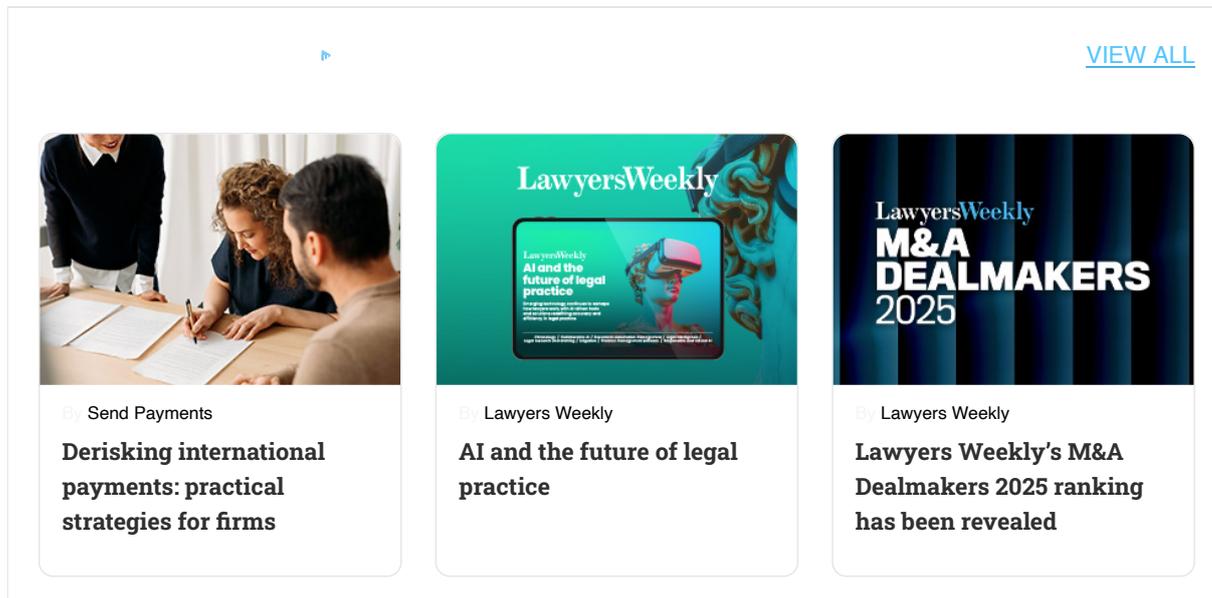
occurring practice: the genocidal policy of assimilation for generations of Indigenous children who would form part of the stolen generations.



Yet without a 'big picture' First Nations-led national approach to systemic reform, the scale of change needed to root out the pernicious colonial mindset still underpinning our systems under 2026 is unlikely to occur. In the absence of a holistic, evidence-led reset on youth justice, Australia risks staying stuck (or further regressing) in its handling of a complex issue that has become a defining crisis of our times for successive governments.

We must move beyond the kind of short-sighted and reactionary political mindset demonstrated recently by the Victorian government's decision to re-open the troubled Malmsbury Youth Justice Centre and to emulate Queensland's draconian approach with "adult time for violent crime" laws in Victoria.

The 2024 *Help way earlier!* report provides a fresh, evidence-informed, and critically important roadmap of recommendations for the way forward. Key recommendations in the report include the creation of a national taskforce for reform of child justice systems, the appointment of a cabinet Minister for Children and the establishment of a Ministerial Council for Child Wellbeing to be chaired by the Minister for Children.



These proposals, which also seek a legislated ban on solitary confinement practices in youth detention centres and the creation of a *National Children's Act* (incorporating the Convention on the Rights of the Child into Australian law) and a federal *Human Rights Act*, would go a long way towards addressing current challenges. They would also help to overcome barriers to transformational reform posed by Australia's fragmented system of government.

As our nation continues to search for a way forward in the wake of the Voice Referendum outcome, it is essential that the federal government pays attention to the important and timely proposals put forward in this comprehensive report from Australia's National Children's Commissioner.

The government has failed to respond to other important recommendations in the past, such as its silence in response to the Australian Law Reform Commission's *Pathways to Justice Report* (2018) on Indigenous over-incarceration. Not to mention that over three decades ago, there were a range of critical

recommendations (contained within the 339 recommendations of the Royal Commission into Aboriginal Deaths in Custody report) directed at the federal government that remain unanswered and unimplemented.

A failure to respond to the recommendations in the *Help way earlier!* report would be a missed opportunity for all levels of government to come together to do the critical work that is required on these systems. It would also raise serious moral concerns as to why our country continues to resist genuine reform when a better path for youth justice based on expert-informed best practice is available to us.

This should be a non-partisan common sense issue, but as the divisive fear-mongering that plagued the Voice Referendum and the 2025 federal election have shown, it unfortunately isn't. It's time for the federal government to demonstrate moral leadership and the political will to steer a nationally coordinated approach by actively working with states and territories to help address the root causes of youth incarceration and to drive holistic reform. For the sake of Australia's vulnerable children, let's hope they can rise above past political failures and ideological noise on this issue.

Dr Jacqueline Rule is an Australian novelist with a background in 'Law and Literature' scholarship. Her debut novel, The Leaves, explores historical trauma, injustice and the cruelty and dysfunction of Australia's out-of-home care and youth detention systems. She is admitted as a solicitor in NSW and spent several years supporting a specialist legal committee on youth detention in the criminal justice system.

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