



Tasmanian Council of Social Service Inc.

Aboriginal-Led Youth Justice Actions for the Tasmanian Aboriginal Youth Justice Strategy

July 2025



**INTEGRITY
COMPASSION
INFLUENCE**

About TasCOSS

TasCOSS's vision is for one Tasmania, free of poverty and inequality where everyone has the same opportunity. Our mission is two-fold: to act as the peak body for the community services industry in Tasmania; and to challenge and change the systems, attitudes and behaviours that create poverty, inequality and exclusion.

Our membership includes individuals and organisations active in the provision of community services to Tasmanians on low incomes or living in vulnerable circumstances. TasCOSS represents the interests of our members and their service users to government, regulators, the media and the public. Through our advocacy and policy development, we draw attention to the causes of poverty and disadvantage, and promote the adoption of effective solutions to address these issues.

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Introduction

Overview

TasCOSS welcomes the opportunity to contribute to the development of the Tasmanian Aboriginal Youth Justice Strategy (the ‘Strategy’).

The development of the Strategy presents a critical opportunity to reimagine youth justice through a lens of cultural safety, equity, and community partnership. TasCOSS urges the Tasmanian Government to move beyond tokenistic inclusion and commit to genuine power-sharing with Aboriginal communities. This means embedding Aboriginal leadership at every level of the strategy — from policy design and legislative reform to service delivery and oversight. It also requires sustained investment in Aboriginal community-controlled organisations, recognising their unique capacity to deliver culturally responsive, trauma-informed and effective support to children and families.

Ultimately, meaningful reform will only be achieved through a whole-of-system transformation that centres the voices, rights, and aspirations of Aboriginal children and young people. The current system has failed to deliver justice or safety for too many, for too long. By embracing community-led solutions, prioritising early intervention and holding statutory agencies accountable, Tasmania can lead the way in building a youth justice system that is not only more just, but also more hopeful, healing, and grounded in the strengths of Aboriginal culture and community.

We strongly advocate for a justice system that is culturally safe, community-led, and focussed on early intervention and prevention. Aboriginal-led youth justice actions must be embedded within a broader framework of systemic reform, recognising the disproportionate impact of the current system on Aboriginal children and young people.

Background

In recent years, despite national commitments to reduce the overrepresentation of Aboriginal children in the youth justice system under the *Closing the Gap* framework, Tasmania and other Australian jurisdictions have witnessed policy shifts that risk undermining these goals. While Tasmania has introduced a Youth Justice Reform Taskforce and a *Youth Justice Blueprint (2024-34)* which aims to improve outcomes, concerns remain about the simultaneous investment in new detention infrastructure and the slow pace of legislative reform.¹ Nationally, the rate of Aboriginal and Torres Strait Islander youth in detention remains alarmingly high, with First

¹ Department of Premier and Cabinet Tasmania (2024), publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf.

Nations children 27-times more likely to be detained than their non-Indigenous peers.² These trends reflect a broader pattern of regressive reforms, where punitive responses continue to dominate over therapeutic, community-led and culturally safe alternatives.

To effectively address these challenges, the Strategy must be embedded within a coordinated, whole-of-government approach that aligns with existing frameworks and action plans across intersecting domains. These include disability, mental health and wellbeing, fetal alcohol spectrum disorder (FASD), housing, family violence, and child protection. These issues are deeply interconnected and often co-exist in the lives of children and families who come into contact with the justice system. For example, children with undiagnosed or unsupported disabilities, including FASD, are at heightened risk of criminalisation due to behaviours that are misunderstood or mishandled by statutory services.³

² Australian Government, Australian Institute of Health and Welfare (2025), aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/youth-justice.

³ Foundation for Alcohol Research and Education (2022), fare.org.au/how-australia-is-criminalising-people-with-fasd.

Key Considerations

Objective of the Strategy: Reduced involvement in the criminal legal system

Despite youth crime rates falling in Tasmania and across Australia over the last decade,⁴ a large number of Tasmanian children continue to be involved in the youth justice system. According to the Productivity Commission, Indigenous children are approximately 4.5-times more likely to be in youth detention than non-Indigenous children in Tasmania.⁵ Further, the rate of Tasmanian children who are supervised in the community by Youth Justice is higher than the national average,⁶ and there is also a high number of children held in detention on remand.⁷

Incarceration rates of Tasmanian Aboriginal people continue to rise. In their 2021 report, the Justice Reform Initiative noted “the Aboriginal and Torres Strait Islander prison population has increased by 97% since 2010, compared to 7% for non-Indigenous people”⁸ Even more concerning, the rates of imprisonment for both Aboriginal and Torres Strait Islander adults and children have recently increased even further, rather than decreased,⁹ despite the Tasmanian Government’s stated aims under *Closing the Gap*.¹⁰

The persistent overrepresentation of Aboriginal children in Tasmania’s youth justice system reflects the structural inequalities experienced by and targeted toward Aboriginal children, people, families and communities.

The disproportionately high rates of involvement of Aboriginal children with the criminal legal system are driven by complex and intersecting factors and require a fundamentally different approach to addressing them. Efforts to eliminate the overrepresentation of Aboriginal children must address these major causal factors, including ‘cycles of poverty, intergenerational trauma and grief, the ongoing effects of colonisation and government policy, experiences of

⁴ Sentencing Advisory Council (2021), ‘Sentencing Young Offenders,’ p. 4.

⁵ Productivity Commission (2023), ‘Report on Government Services 2023 — 17 Youth Justice Services,’ Table 17A.5.

⁶ In 2021/22, the national rate (per 10,000 young people aged 10-17) years was 10.7, whereas the Tasmanian rate was 11, higher than NSW, VIC, SA and the ACT. See Productivity Commission (2023), ‘Report on Government Services 2023 — 17 Youth Justice Services,’ Table 17A.1.

⁷ Balen, C (2024), ‘High youth detention figure has Tasmanian children’s commissioner calling for action to get kids out of Ashley,’ *ABC News* (online, 22 May).

⁸ Justice Reform Initiative (2021), ‘State of Incarceration: Tasmania’s Broken Criminal Justice System,’ April, p. 1.

⁹ For children and young people, the rate increased from 6.4 to 6.7 and for adults the rate increased from 761.0 to 796.1. See Productivity Commission (2023), ‘Report on Government Services 2023 — 17 Youth Justice Services,’ Table 17A.5.

¹⁰ The Government has committed to reducing the rate of imprisonment of Aboriginal and Torres Strait Islander adults by 15%, and children by 30%. See Tasmanian Government (2020), ‘*Closing the Gap: Tasmanian Implementation Plan (2021-23)*.’

institutionalised racism, discrimination and the trauma of forced family separation and removals that accumulate over a lifetime'.^{11, 12}

Evidence consistently demonstrates that Aboriginal children 'are more likely to come into contact with police at a younger age, be arrested, charged with an offence, remanded in custody and have their matter determined in court compared to non-Indigenous youth.'¹³ Recent reports note that early involvement with the criminal justice system compounds Aboriginal disadvantage. For example, the Victorian Aboriginal Legal Service emphasises that:

[...] It is not only a custodial sentence that entrenches existing vulnerabilities and cycles of disadvantage. Any involvement with the youth justice system is likely to have a negative impact, including police questioning or interviews, remand and appearing in court. Even if the charges are eventually dropped or the child is found not to have legal capacity, the damage is often already done.¹⁴

Further, research shows there is a clear and established link between early involvement in the criminal legal system and further offending. For example, the age of a child when they were first sentenced is associated with future criminal legal contact, as well as with more serious offending later in life.¹⁵

TasCOSS therefore recommends, as per our previous submissions to the Youth Justice Blueprint,¹⁶ that reducing the involvement of Aboriginal children with the criminal legal system is made a key objective of the Strategy. We also recommend the inclusion of specific measures or actions which aim to reduce youth involvement in the criminal justice system, as well as targets to evaluate progress.

Addressing driving factors

We believe the strategy should address the underlying factors which contribute to Aboriginal children's involvement with the criminal legal system. The Standing Council of Attorneys-General has highlighted the broad scope of this kind of work:

Almost all of the underlying causes of negative behaviour displayed by children lie beyond the reach of the youth justice system. It is vital that health and mental health, disability, education,

¹¹ National Aboriginal and Torres Strait Islander Legal Services, Submission to the Council of Attorneys-General, Age of Criminal Responsibility Working Group's 2020 draft Report (28 February 2020) 11. See also Council of Attorneys-General Age of Criminal Responsibility Working Group (n 49) 61–62 – cited in Standing Council of Attorneys-General, [Age of Criminal Responsibility Working Group Report](#) (2023), p. 27.

¹² TasCOSS, Submission in response to 'Reforming Tasmania's Youth Justice System: A pathway for improving outcomes across the youth justice support continuum' (March 2022), p. 7.

¹³ Chris Cunneen, 'Changing the Neo-Colonial Impacts of Juvenile Justice' (2008) 20(1) Current Issues in Criminal Justice 43, 47–50. – cited in Standing Council of Attorneys-General, [Age of Criminal Responsibility Working Group Report](#) (2023), p. 28.

¹⁴ Victorian Aboriginal Legal Service, 'Submission to Council of Attorney Generals (COAG) Age of Criminal Responsibility Working Group' (February 2020), 15-16.

¹⁵ Sentencing Advisory Council (Tasmania), 'Sentencing Young Offenders' (October 2021), 26-29.

¹⁶ TasCOSS and Create Foundation, joint submission to the Youth Justice Blueprint (December 2022), p. 3-4.

*social care and other services form part of an integrated, multi-agency response that supports the child's wellbeing. These same services should intervene with at-risk children and families before their experiences manifest themselves in negative behaviours.*¹⁷

In our joint submission to the Draft Youth Justice Blueprint,¹⁸ we emphasised the need for specific objectives, measures and targets relating to the underlying factors that contribute to a child's expression of criminalised behaviours and involvement with the criminal legal system. This includes specific and targeted measures to address housing insecurity, alcohol and other drugs, mental health, and child protection involvement.

Prevention and early intervention

Research and inquiries consistently emphasise that prevention and early intervention are the most effective ways to prevent and reduce a child's contact with the criminal legal system.¹⁹ In consultation with the National Children's Commissioner about how Australia can transform child justice to improve safety and wellbeing, children and young people said that they 'needed 'help way earlier.' They said: 'stop it before it happens,' and 'don't wait until it all falls apart.'²⁰

Addressing the overrepresentation of Aboriginal children in the criminal legal system requires a fundamental shift in how the legal system interacts with Aboriginal children and their families. This includes dismantling the structural drivers of involvement with the criminal legal system across the Aboriginal determinants of justice and addressing structural racism in policy, legislative and practice, including in statutory services such as police and child safety services. Responses need to be centred around:

*Protective factors that enhance resilience, strengthen identity and support good health and wellbeing for Aboriginal and Torres Strait Islander children. Cultural determinants include, but are not limited to, connection to Country, family, kinship and community, beliefs and knowledge, cultural expression and continuity, language, self-determination and leadership.*²¹

This must be supported by sustained investment in culturally appropriate, community-controlled services across the continuum of legal system involvement.

There are numerous examples of effective prevention and early intervention initiatives. For example, TasCOSS has previously advocated for development and implementation of a multidisciplinary panel, recommended in jurisdictions such as the Australian Capital Territory,²²

¹⁷ Standing Council of Attorneys-General (2023), '[Age of Criminal Responsibility Working Group Report](#)', p. 25.

¹⁸ TasCOSS and CREATE Foundation (2022), 'Joint Submission to the Youth Justice Blueprint,' December, p. 8-10.

¹⁹ NSW Legislative Assembly Committee on Law and Safety (2025), '[Community safety in regional and rural communities Interim report: Addressing the drivers of youth crime through early intervention](#),' May, Report 2/58.

²⁰ Australian Human Rights Commission (2024), '[Help way earlier! How Australia can transform child justice to improve safety and wellbeing](#),' p. 11.

²¹ Australian Department of Health and Aged Care (2013), 'National Aboriginal and Torres Strait Islander Health Plan,' July, p. 24; cited in Standing Council of Attorneys-General (2023), '[Age of Criminal Responsibility Working Group Report](#)', pp. 25-27.

²² McArthur, M, Suomi, A & Kendall, B (2021), 'Review of the service system and implementation requirements for raising the minimum age of criminal responsibility in the Australian Capital Territory,' p. 51.

to provide a central point for information and support to address the needs of children and young people. A multidisciplinary panel made up of representatives from health, education, child protection, and Aboriginal community organisations could provide a coordinated and culturally responsive approach to identifying and addressing risks before they escalate to preliminary or further involvement with the criminal legal system. Such a panel could sit alongside formal criminal legal systems to ensure that children receive timely, wraparound support tailored to their individual and family needs and context.

Importantly, early intervention must not replicate punitive or surveillance-based models under the guise of support. Instead, it should be grounded in principles of self-determination, cultural safety and healing. Aboriginal community-controlled organisations are best placed to lead this work, given their deep understanding of community needs and strengths. Their leadership in designing and delivering early intervention programs ensures that responses are not only effective but also empowering. Embedding Aboriginal voices at every stage — from referral and assessment to service delivery and evaluation — will help build trust, reduce stigma and create pathways for young people to thrive outside of the legal system.

Beyond Aboriginal-Led Actions: The Need for Systemic Reform

While Aboriginal-led initiatives are essential, they must be supported by: **Policy, practice, and legislative reform across statutory agencies** (e.g. police, child safety).

- **Infrastructure such as secure and appropriate resourcing.** Diversion of control to Aboriginal community-led organisations must be supported and accompanied by robust support structures, not just funding. While financial investment is critical, it alone is insufficient to achieve meaningful outcomes. Organisations need sustained and secure resourcing, infrastructure, workforce development and policy support to meet their obligations and deliver culturally safe, trauma-informed services. Without these foundational elements, the burden of reform risks being unfairly shifted onto communities without the tools necessary to succeed, ultimately undermining the goals of self-determination and justice transformation.
- **Acknowledgement of existing consultations and incorporation of recommendations from prior reports and submissions** (e.g. Closing the Gap Community consultations).
- **Commitment to structural change, without which Aboriginal-led initiatives risk being undermined.**

To create an environment where Aboriginal-led youth justice initiatives can thrive, it is essential to address the systemic barriers embedded within statutory agencies. This includes reforming the practices of police, child safety services, and the broader criminal legal system, which operate in ways that disproportionately criminalise and disadvantage Aboriginal children. Without these foundational changes, even the most well-designed Aboriginal-led programs risk being undermined by a system that continues to perpetuate harm. For example, the over-policing of Aboriginal communities and the lack of culturally safe responses to behavioural issues in schools and public spaces contribute to a pipeline that funnels children into the legal system rather than supporting them and their families through community-based care.

Further, several features of the out-of-home care experience may also contribute to offending or involvement in the criminal legal system,²³ including a lack of stability and/or permanence in relationships, difficulties accessing specialist support to address underlying issues, further traumatic experiences in care, and living with other ‘high risk’ and traumatised young people, possibly increasing exposure to problematic or criminogenic behaviours and attitudes.²⁴ These initiatives should include measures designed to reduce the number of children who are involved

²³ TasCOSS and CREATE Foundation (2022), ‘Reforming Tasmania’s Youth Justice System,’ March, p. 8.

²⁴ Victoria Legal Aid (2016), ‘Care Not Custody: A new approach to keep kids in residential care out of the criminal justice system,’ p. 7.

with both the out-of-home care and youth justice system ('crossover children'), as well as measures to decriminalise behaviours in residential care settings.

Furthermore, the Tasmanian Government must recognise and act upon the extensive body of work already produced through consultations with Aboriginal communities, leaders, and organisations. Numerous reports, inquiries, and submissions — both within Tasmania and nationally — have provided clear, evidence-based recommendations for reform. Rather than initiating new consultation processes that risk duplicating efforts or delaying action, the Government should prioritise implementing these existing recommendations. This approach not only respects the time and knowledge of Aboriginal communities, but also accelerates Tasmania on the path towards meaningful change by building on what is already known and endorsed by those most affected.

Legislative review and reforms

The current system is not safe for children.²⁵ Legislative reform is required to promote trauma-informed and evidence-based responses to all youth offending (acknowledging that Aboriginal children are more likely to be involved in youth justice and detention systems).

Legislative reform should include:

- Raising both the age of criminal responsibility and the age of detention.
- Including trauma-informed principles within the general principles outlined in the Act, to explicitly recognise the impact of trauma on young people and the role it plays in youth offending.
- Removing general deterrence as a relevant sentencing principle for children, consistent with youth justice principles in other Australian jurisdictions such as Victoria, where general deterrence is not included as a matter to be considered for the purpose of sentencing young offenders.²⁶
- Removing prescribed offences from the Act²⁷ to ensure all children charged with criminal offences are dealt with in the Youth Justice Division, as well as further legislative provisions to better support children who are charged as co-accused with adults.
- Making legislative provisions to create a presumption in favour of diversion.

The Tasmanian Government should also incorporate the recommendations of Aboriginal community organisations working in the areas of youth justice and child protection into the strategies and targets included in the plan. For example, the Tasmanian Aboriginal Centre in their 2014 report, '*Luwutina mana-mapali krakani waranta — Keeping our children with us: Report to*

²⁵ Office of the Custodial Inspector Tasmania (2024), 'Inspection of Youth Custodial Services in Tasmania: Youth Health Care Inspection Report 2023,' July, p. 8.

²⁶ *Children, Youth and Families Act 2005 (Vic)* s362.

²⁷ The definition of 'prescribed offences' is found in *Youth Justice Act 1997 (Tas)* s3 (1).

Government and the Aboriginal Community about changes needed to the child protection system in Tasmania,²⁸ made a number of recommendations to better support Aboriginal children and families in Tasmania. These included the inclusion in the legislative framework of “a rebuttable presumption that the best interests of the Aboriginal child is inextricably linked to the best interests of the Aboriginal community, and the best interests of both lies in keeping Aboriginal children within that community,”²⁹ as well as formal recognition that “the initial decision to remove a child from his or her family and community is the decision of greatest consequence and should require the decision maker to be satisfied beyond reasonable doubt that the safety and wellbeing of the child requires it.”³⁰

Finally, numerous reports and submissions to government consultations and inquiries in areas relating to youth justice and child protection have highlighted the importance of empowering and supporting Aboriginal community-controlled organisations to engage with children and families, and the need to enshrine the self-determination of Aboriginal communities within the legislative framework.³¹ Whilst Tasmania’s Blueprint does acknowledge the need for early intervention and primary prevention measures, we strongly encourage the Government to include specific strategies and targets (including additional funding measures) to support existing Tasmanian Aboriginal organisations in their work with their communities, as the people and organisations best placed to identify and respond to the needs of children and families. We also echo concerns raised by other agencies about the need for more extensive and meaningful consultation with Tasmanian Aboriginal organisations and communities.³²

Statutory oversight and decision-making

Robust and culturally safe oversight mechanisms are essential for ensuring that statutory decision-making processes affecting Aboriginal children are fair, transparent and accountable. Currently, decisions made by police — such as whether to arrest, charge or divert an Aboriginal child — often occur without adequate scrutiny or community input. TasCOSS supports the establishment of independent mechanisms to review and assess the appropriateness of initial police responses and whether it would be more appropriate for a co-response with another provider or an alternative response, such as through a community organisation, as well as following the decision to charge, divert or arrest.³³ This function could be undertaken by an

²⁸ Sculthorpe, H (2014), *‘Luwutina mana-mapali krakani waranta — Keeping our children with us: Report to Government and the Aboriginal Community about changes needed to the child protection system in Tasmania.’*

²⁹ Ibid, iii.

³⁰ Ibid.

³¹ For example, see Victorian Aboriginal Legal Service (2022), ‘Submission to the Inquiry into Children of Imprisoned Parents,’ May, p. 30; Victorian Aboriginal Legal Service (2022), *‘Nuther-mooyoop to the Yoorrook Justice Commission: Criminal Legal System,’* November, pp. 23-30; Sculthorpe, H (2014), *‘Luwutina mana-mapali krakani waranta — Keeping our children with us: Report to Government and the Aboriginal Community about changes needed to the child protection system in Tasmania,’* pp. 69-77.

³² Tasmanian Aboriginal Legal Service (2022), ‘Re Youth Justice Blueprint’ (media release, 2 December).

³³ For example, the Police, Ambulance and Clinical Early Response (PACER) model in jurisdictions, such as [Victoria](#) and [Queensland](#); Heffernan, J et. Al (2024), [‘The association between the Police, Ambulance, Clinician Early Response model and involuntary detentions of people living with mental illness: A retrospective observational study,’](#) *Journal of Psychiatric and Mental Health Nursing.*

independent oversight body or role, such as the Aboriginal Children’s Commissioner (once appointed), with the authority to review these decisions and advocate for systemic change. This function must be adequately resourced and empowered to conduct culturally informed investigations, monitor trends, and make binding recommendations to improve outcomes for Aboriginal children and young people.

In addition, there is a need to strengthen existing oversight bodies, such as the Tasmanian Integrity Commission, to ensure they are adequately resourced to engage in meaningful, culturally appropriate reviews of police conduct and decision-making. Consideration should also be given to establishing a standalone, independent police ombudsman or integrity body,³⁴ as recommended by the Victorian Aboriginal Legal Service³⁵ and the Yoorrook Justice Commission.³⁶ These bodies must be accessible, trusted by Aboriginal communities and committed to upholding the rights of children. Without independent oversight, the justice system risks continuing harmful practices unchecked, undermining public confidence and perpetuating cycles of structural disadvantage and harm.

TasCOSS advocates for:

- Independent, community-led reviews of police responses, diversion decisions, and arrests.
- Legislative reform to embed trauma-informed principles, raise the age of criminal responsibility, and remove general deterrence as a sentencing principle for children.
- Presumption in favour of diversion and removal of prescribed offences to ensure all children are dealt with in the Youth Justice Division.

³⁴ Police Ombudsman Now (2025), ‘[FAQs](#).’

³⁵ Victorian Aboriginal Legal Service (2002), ‘[Police Impunity Must End](#).’ Victorian Aboriginal Legal Service (2002), ‘[Reforming Police Oversight in Victoria](#).’

³⁶ Yoorrook Justice Commission (2023), ‘Report into Victoria’s Child Protection and Criminal Justice Systems.’

Community-led oversight and decision-making

Community-led oversight is essential to ensuring that decisions made within the youth justice system are culturally safe, transparent and accountable. Aboriginal children and young people are often subject to decisions — such as arrest, diversion, or detention — that are made without adequate cultural context or community input. Embedding Aboriginal community organisations in these decision-making processes, particularly at the earliest stages of legal system involvement, can help shift the focus from punitive responses to supportive, restorative pathways. This includes involving community representatives in diversion panels, charge assessments, and case planning meetings, ensuring that decisions reflect the lived realities and aspirations of Aboriginal families.

Serious consideration should be given to alternatives which divert power from statutory agencies and transfer authority/responsibility with appropriate support to community-led solutions. Examples of alternative police responses or co-responder models include:

Nukara, Tasmania³⁷

The Tasmanian Aboriginal Centre's *Nukara* Action Plan provides a powerful blueprint for community-led oversight and decision-making in youth justice and child protection. Central to the plan is the establishment of an Aboriginal-led decision-making framework that enables the progressive transfer of statutory powers and functions to the Tasmanian Aboriginal Centre. This includes legislative amendments to authorise Aboriginal Community Controlled Organisations (ACCOs) to assume legal guardianship and statutory responsibilities for Aboriginal children, ensuring culturally safe and community-informed care. The plan also calls for the creation of an Aboriginal first-point-of-contact service for child safety concerns, embedding active efforts and the Aboriginal and Torres Strait Islander Placement Principle into all aspects of decision-making. By declaring the Tasmanian Aboriginal Centre a 'recognised Aboriginal organisation' under existing legislation, the Action Plan lays the groundwork for lawful participation in decisions affecting Aboriginal children. This model exemplifies how structural reform can empower Aboriginal communities to lead child safety responses, uphold cultural integrity and dismantle systemic barriers within statutory systems.

Yallum Yallum Elders and Respected Persons Council, Victoria

This independent self-determined justice model aims to promote cultural healing, social and emotional wellbeing and redirect Aboriginal children, young people and adults from the criminal legal system and towards a stronger role in their culture and community.³⁸ People can be referred to the *Yallum Yallum* Elders and Respected Persons Council by police, the courts or the community. Unlike Koori Court, a person does not have to plead guilty to a charge. Successful completion will be determined by the Council and could include genuine engagement, personal

³⁷ Tasmanian Aboriginal Centre (2025), see tacinc.com.au/resources/publications.

³⁸ *Yallum Yallum* Elders and Respected Persons Council (2023), '[Fact Sheet, Eligibility and Referral Guide: A self-determined justice model for the Grampians community.](#)'

growth and increased connection to community and culture. If the person successfully completes the program, then police will not proceed with the charges. Where the program has been completed as a condition of a Diversion order, the *Yallum Yallum* Coordinator will advise the participant and/or the Court, and if all other conditions have been completed, the Court will discharge the person. No finding of guilt will be made in respect of the charges.

Domestic and Family Violence Co-Response Trial, Queensland

The Queensland Government has launched a pioneering Domestic and Family Violence (DFV) Co-Response Trial in Cairns, bringing together police and specialist DFV workers to jointly respond to incidents in real time. Relationships Australia Queensland has been awarded the first contract under this \$22.9 million pilot program, which runs until September 2026.^{39 40} The co-response model enables DFV practitioners to provide immediate support to victim-survivors during police callouts, including counselling, safety planning and assistance in identifying the person most in need of protection. This integrated approach enhances victim safety, improves perpetrator accountability, and reduces the risk of misidentification. It also strengthens collaboration between police and support services, ensuring a more holistic and trauma-informed response to family violence. The initiative was recommended by the Women’s Safety and Justice Taskforce and is part of broader efforts to reform Queensland’s response to domestic and family violence.⁴¹

Night patrols (e.g. in Alice Springs, Northern Territory and Kununurra, Western Australia)

Community patrols play a vital role in enhancing safety and wellbeing in Indigenous communities across Australia. These patrols offer culturally appropriate, community-led responses to issues, such as alcohol-related harm, family violence, homelessness and youth offending. Their functions include safe transportation, dispute resolution and diversion from contact with the criminal justice system. Evidence suggests that community patrols can reduce juvenile crime rates, lower admissions to police lockups, and foster stronger relationships between Indigenous communities and statutory services.⁴² Importantly, the most effective patrols are those that are community-owned, operate independently from police and are supported by strong collaboration with local services. This model empowers communities to take proactive steps in maintaining safety while preserving trust and cultural integrity.

³⁹ Queensland Government (2023), '[Domestic and Family Violence Co-response Trial to Start in Cairns.](#)'

⁴⁰ Relationships Australia Queensland (2024), '[Relationships Australia Queensland to join Cairns police on domestic and family violence calls for service.](#)'

⁴¹ Relationships Australia Queensland (2024), '[Relationships Australia Queensland to join Cairns police on domestic and family violence calls for service.](#)'

⁴² Australian Institute of Health and Welfare (2013), '[The role of community patrols in improving safety in Indigenous communities.](#)'

Youth Crime Prevention and Early Intervention Program (YCPEIP), Victoria

The 2024 evaluation of Victoria's Youth Crime Prevention and Early Intervention Program (YCPEIP) by Allen and Clarke highlights the effectiveness of community-based, early intervention strategies in reducing youth offending and improving outcomes for at-risk young people.⁴³ The program, which involved partnerships between Victoria Police and local service providers, demonstrated that proactive, place-based approaches can foster stronger relationships between police and communities, improve referral pathways and reduce reoffending. Key success factors included culturally responsive service delivery, flexible program design tailored to local needs, and sustained collaboration across sectors. The report also emphasised the importance of embedding youth voices in program design and delivery, and ensuring that initiatives are adequately resourced to support long-term impact.

Youth Crime Action Plan (YCAP), New Zealand

Youth Crime Action Plan (YCAP) is an example of community involvement in decision-making at the earliest possible opportunity, in relation to decisions to divert, charge, or arrest Aboriginal children and young people. The plan is built around three core strategies designed to reduce youth offending and promote long-term wellbeing: partnering with communities, reducing escalation and early and sustainable exits. YCAP emphasises the importance of engaging families, whānau and communities in co-designing responses to youth crime, recognising that localised and culturally informed approaches are more effective than one-size-fits-all interventions. It also prioritises dealing with young people at the lowest appropriate level of the justice system, encouraging informal interventions such as warnings before resorting to formal legal processes. Finally, YCAP supports early and sustained exits from the justice system by strengthening existing diversionary practices and improving reintegration support. Together, these strategies reflect a holistic, community-driven model that balances accountability with care and aims to prevent young people from becoming entrenched in the criminal justice system.⁴⁴

Moreover, legislative reform must enshrine the principle that Aboriginal communities have a right to participate in decisions affecting their children. This includes creating statutory mechanisms for community input and oversight, such as a presumption in favour of diversion and the removal of prescribed offences that limit judicial discretion. These reforms would align Tasmania with best practices in other jurisdictions, such as Victoria and New Zealand, where community involvement is a cornerstone of youth justice policy. By recognising the authority and expertise of Aboriginal communities, Tasmania can begin to dismantle the systemic barriers that have long excluded them from meaningful participation in justice processes.

⁴³ Allen + Clarke Consulting (2024), '[Youth Crime Prevention and Early Intervention Project Final Evaluation Report](#).'

⁴⁴ Ministry of Justice New Zealand (2013), '[Core strategies of the Youth Crime Action Plan](#).'

TasCOSS supports:

- The Tasmanian Aboriginal Centre's *Nukara* strategic direction;
- Co-responder models (e.g. PACER, Queensland Family Violence Co-Response);
- Community patrols (e.g. Alice Springs, Kununurra) as effective safety strategies; and
- Partnerships with local organisations to transform police practice and embed community involvement in decision-making.

Alternative models of justice that are grounded in community partnerships offer a powerful opportunity to reimagine how Tasmania responds to youth offending, particularly for Aboriginal children. Programs such as co-responder models — where police work alongside mental health or social service professionals — have shown promise in other jurisdictions by de-escalating crises and diverting young people away from the justice system. Similarly, community patrols, like those operating in Alice Springs and Kununurra, provide culturally safe, non-policing alternatives that help maintain community safety while building trust and engagement. These models demonstrate that when communities are empowered to lead, outcomes for young people improve significantly.

Tasmania has the opportunity to build on these examples by investing in partnerships with Aboriginal community-controlled organisations to co-design and deliver localised, culturally appropriate responses. This includes embedding community organisations in police practice reform, diversion decision-making and early intervention programs. Evaluations of initiatives, such as Victoria's Youth Crime Prevention and Early Intervention Program, show that community-led approaches not only reduce reoffending but also strengthen community cohesion and resilience. By shifting authority and resources toward Aboriginal-led solutions, Tasmania can begin to dismantle the punitive structures that have failed Aboriginal children and instead foster a justice system rooted in care, accountability and cultural strength.

Recommendations

- 1. Make reduced involvement of Aboriginal children in the criminal legal system a key objective**
 - Include specific measures and targets to reduce youth involvement.
 - Evaluate progress through measurable outcomes.
- 2. Address underlying drivers of youth justice involvement**
 - Tackle housing insecurity, mental health, alcohol and other drugs, and child protection involvement.
 - Promote a multi-agency, integrated response to child wellbeing.
- 3. Prioritise prevention and early intervention**
 - Invest in community-controlled, culturally safe services.
 - Establish a multidisciplinary panel for early support and coordination.
 - Avoid punitive or surveillance-based models disguised as support.
- 4. Commit to systemic reform beyond Aboriginal-led actions**
 - Reform policy, practice, and legislation across statutory agencies.
 - Provide secure, long-term resourcing for Aboriginal organisations.
 - Implement existing recommendations from prior consultations.
- 5. Legislative reforms**
 - Raise the age of criminal responsibility and detention.
 - Embed trauma-informed principles in legislation.
 - Remove general deterrence as a sentencing principle for children.
 - Create a presumption in favour of diversion.
 - Remove prescribed offences to ensure all children are dealt with in Youth Justice Division.
 - Support Aboriginal self-determination in child protection decisions.
- 6. Statutory oversight and decision-making**
 - Establish independent, culturally safe oversight of police and statutory decisions.
 - Support the role of an Aboriginal Children's Commissioner.
 - Consider a standalone police ombudsman or integrity body.

7. Community-led oversight and decision-making

- Embed Aboriginal organisations in diversion panels and case planning. Support models like:
 - *Nukara* (Tasmanian Aboriginal Centre);
 - *Yallum Yallum* Elders Council (Victoria);
 - Domestic and Family Violence Co-Response Trial (Queensland);
 - Community patrols (e.g. Alice Springs, Kununurra);
 - Youth Crime Prevention and Early Intervention Program (Victoria); and/or
 - Youth Crime Action Plan (New Zealand).

8. Support for Aboriginal-led justice models

- Invest in co-responder models, community patrols and local partnerships.
- Shift authority and resources to Aboriginal-led solutions.