

# Getting youth justice right

## Supporting our children to thrive



The Victorian Government has a once in a generation opportunity to create a safer Victoria for everyone – where every child is free to go to school, have a safe home to live in and be supported to learn from their mistakes. Children belong in playgrounds and schools, never in prison cells.

### The Youth Justice Bill must:

#### **Raise the minimum age of criminal responsibility to 14 years old immediately, without exceptions**

The evidence is clear, contact with the criminal legal system, in any form, harms children. Raising the age to 14 is the absolute bare minimum reform required to achieve the goal of supporting children to thrive in their communities. Failing to raise the age to 14 immediately will see many more 12 and 13 year olds criminalised and dragged through the system in the coming years.

#### **Establish just and safe youth bail tests**

It is essential that children are not subjected to harsher bail tests than adults. Youth bail tests should reflect **Pocum's Law**. Increasing access to bail and suitable bail support programs will prevent further criminalisation.

#### **Prohibit harmful detention practices**

The use of cruel and degrading practices in youth prisons, including spit hooding, solitary confinement, isolation, strip searching and the detention of children in adult prisons, should be banned in law. Prisons are not safe places for children - the minimum age of detention should also be raised to at least 16 years old.

#### **No new police powers**

Any engagement with the criminal legal system causes harm to a child. Any responses that replicate criminalisation will only hurt children. We strongly oppose any new powers that undermine the purpose of the reform. Giving police new powers only increases the risk of discriminatory policing of marginalised communities.

#### **Divert more children away from the criminal legal system**

Contact with police and prisons harms children and increases the chance that they will be criminalised in the future. Pathways that divert them away from the criminal legal system need to be strengthened. This requires a legislative presumption in favour of diversion and alternative pre-charge measures, as well as removing barriers to diversion such as exclusions for certain conduct and the requirement for prosecution consent.

Supporting and diverting more children away from the criminal legal system is the answer and will create better outcomes for children, their families and communities as a whole. Responses to concerning behaviours must be trauma-informed, self-determined and centred in addressing the wellbeing of the child.

**We urge the Victorian Government to hear our calls and enact a Youth Justice Bill that is just and fair**





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