

## CHAPTER 7

# Contemporary Youth Detention Experiences in New South Wales

by Dr Lisa Ewenson, Social Science Researcher

### • INTRODUCTION •

**7.1** Rarely does a month go by in the Australian media without an article or news headline focusing on a violent crime that has been committed by a young person. Alongside this significant level of highly politicised media attention, there have been frequent government-initiated inquiries, investigations and even Royal Commissions into the circumstances within youth justice detention centres across the country.<sup>1</sup> These official reports have revealed some disturbing conditions for children and young people when detained in youth justice centres, including the over-reliance on both the use of force and isolation, among other significant concerns.

**7.2** The now vast and detailed government reporting on the state of affairs regarding youth justice detention in Australia sits alongside the consistent and long-standing body of quantitative data relating to children and young people who are detained. First Nations young people are 16–26 more times likely to be

---

1. See, for example, Queensland Ombudsman, *The Brisbane Youth Detention Centre Report: An Investigation into the Management of Young People at Brisbane Youth Detention Centre between November 2016 and February 2017*, Queensland Government, 2019; Victorian Ombudsman, *Report on Youth Justice Facilities at the Grevillea Unit of Barwon Prison, Malmsbury and Parkville*, Victorian Government, 2017; Victorian Ombudsman, *OPCAT in Victoria: A Thematic Investigation of Practices Related to Solitary Confinement of Children and Young People*, Victorian Government, 2019; NSW Ombudsman, *Inquiry into Juvenile Detention Centres*, NSW Government, 1996; Commonwealth of Australia, *Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*, 2017; Australian Human Rights Commission, *Children's Rights Report 2016. National Children's Commissioner*, 2016; M Vita, *Review of the Northern Territory Youth Detention System Report*, Northern Territory Government, 2015; Legislative Council Legal and Social Issues Committee, *Inquiry into Youth Justice Centres in Victoria. Final Report.*, Parliament of Victoria, 2018; Commission for Children and Young People, *The Same Four Walls: Inquiry into the Use of Isolation, Separation and Lockdowns in the Victorian Youth Justice System*, Victorian Government, 2017; Office of the Children's Commissioner Northern Territory, *Don Dale Youth Detention Centre Monitoring Report*, Northern Territory Government, 2021; Office of the Inspector of Custodial Services, *Report No 141 — 2021 Inspection of Banksia Hill Detention Centre Intensive Support Unit*, Government of Western Australia, 2022.

detained than young Australians from other cultural backgrounds.<sup>2</sup> Additionally, three out of five young people who experienced youth justice detention in Australia in 2018–19 had also been involved with the child protection system.<sup>3</sup> Recent research found that of 99 young people assessed at the Banksia Hill Detention Centre (Western Australia's only youth justice detention centre), 89 per cent had at least one domain of severe neurodevelopmental impairment and 36 per cent had foetal alcohol spectrum disorder (FASD).<sup>4</sup> The New South Wales Young People in Custody Health Survey revealed that of 227 young people interviewed in youth justice detention in 2015, 68 per cent had experienced at least one form of childhood abuse or neglect and 73 per cent demonstrated difficulties in reading single words, revealing a *prima facie* disengagement with the education system or significant unaddressed learning difficulties.<sup>5</sup>

**7.3** This brief snapshot of quantitative data about young people in Australia's youth detention centres is striking and demonstrates a deep failure of social interventions for those who experience detention, prior to their incarceration, on a significant and alarming scale. In other words, the social determinants which lead to youth justice incarceration are indisputably clear.<sup>6</sup> However, such quantitative data, despite its abundance, has not generated significant concern for, or societal and structural change in relation to, the practice of detention of young people in the criminal justice system.

**7.4** Research on, or reporting about, youth justice detention infrequently draws on the voices and lived experience of young people previously detained. Young people who have experienced youth justice detention are one of the most silenced and marginalised groups in our population.<sup>7</sup> My doctoral research, from which this chapter draws, aimed to weave together a richer, more nuanced understanding of contemporary life in youth justice detention in New South Wales through learning from the meaningful participation of those who have experienced it.<sup>8</sup>

- 
2. Australian Institute of Health and Welfare, *Youth Detention Population in Australia 2022*, Australian Government, 2022.
  3. Australian Institute of Health and Welfare, *Young People under Youth Justice Supervision and in Child Protection 2018–19*, Australian Government, 2020.
  4. C Bower et al, 'Fetal Alcohol Spectrum Disorder and Youth Justice: A Prevalence Study among Young People Sentenced to Detention in Western Australia' (2018) 8(2) *BMJ Open*.
  5. Justice Health and Forensic Mental Health Network, *Young People in Custody Health Survey 2015*, New South Wales Government, 2017, p xxii.
  6. R McCausland and E Baldry, 'Who Does Australia Lock Up? The Social Determinants of Justice' (2023) 12(3) *International Journal for Crime, Justice and Social Democracy* 37.
  7. W O'Brien, 'Youth Justice "Crises" and the Role for Children's Rights in Ending Cycles of Violence against Children in Conflict with the Law' in W O'Brien and C Foussard (eds), *Violence against Children in the Criminal Justice System: Global Perspectives on Prevention*, New York: Routledge, New York, 2019, pp 15–37.
  8. L Ewenson, 'Children Must Be Heard When They Cannot Be Seen. An Analysis of Youth Justice Detention in Contemporary Australia — External Oversight Mechanisms, Children's Rights and the Capabilities Approach', Doctoral Thesis, RMIT, 2022.

Due to the untimely arrival of the COVID-19 pandemic coinciding with my doctoral fieldwork, the thesis also explored secondary data which contained narratives of the lived experience of those in youth detention, mainly from the Northern Territory.<sup>9</sup> The principle of child participation, as articulated in Art 12 of the United Nations Convention on the Rights of the Child 1989, was core to this doctoral research. The right for a child to participate in matters affecting them, as articulated under Art 12 can be viewed as both a right itself, and a 'right enabler', creating the conditions and circumstances to allow other child rights to be achieved.<sup>10</sup>

**7.5** There can be little argument with the assertion that the vast majority of the population want to live in a society free from violent crime and for children to grow up in loving, nurturing and caring home environments, recognising that these environments can look very different in diverse cultural contexts.<sup>11</sup> The explicit or implicit overarching legislative and policy intention of youth justice detention across Australia is to 'rehabilitate' children and young people as individuals, so that they no longer commit crime upon their release.<sup>12</sup> The concept of rehabilitation, however, relies on a deficit-based concept of the individual, and thus tends to eschew recognition of the largely structural and systemic societal issues that bring young people to the attention of the criminal justice system.<sup>13</sup> Recent meta-analysis has demonstrated that psychological, cognitive based approaches currently applied to adults in detention are not effective in reducing their rates of re-offending,<sup>14</sup> a conclusion that can be assumed to apply to children and young people. Basic recidivism statistics from the Australian Institute of Health and Welfare (AIHW) indicate that 80 per cent of young people released from a sentence of detention across 2019–20 received a subsequent supervised sentence (either in the community or detention) within 12 months.<sup>15</sup> This extraordinary statistic reveals that, for most children and young people detained, this period of detention does not create the conditions, or open up the resources,

---

9. Ibid.

10. M Freeman, 'Whither Children: Protection, Participation, Autonomy?' (1994) 22(3) *Manitoba Law Journal* 307.

11. See, for example, L Byers et al, "'Hear Our Stories": Child-Rearing Practices of a Remote Australian Aboriginal Community' (2012) 20(6) *The Australian Journal of Rural Health* 293.

12. M Hall, 'Rehabilitation' in *The Lived Sentence: Rethinking Sentencing, Risk and Rehabilitation*, Springer International Publishing, Cham, 2016; S Battams et al, 'Reducing Incarceration Rates in Australia through Primary, Secondary, and Tertiary Crime Prevention' (2021) 32(6) *Criminal Justice Policy Review* 618.

13. S Case and K Haines, 'Children First, Offenders Second Positive Promotion: Reframing the Prevention Debate' (2015) 15(3) *Youth Justice* 226.

14. G Beaudry et al, 'Effectiveness of Psychological Interventions in Prison to Reduce Recidivism: A Systematic Review and Meta-Analysis of Randomised Controlled Trials' (2021) 8(9) *The Lancet — Psychiatry* 759.

15. Australian Institute of Health and Welfare, 'Young People Returning to Sentenced Youth Justice Supervision 2019–20', Australian Government, 2021, p v.

for these young people to desist from re-offending, let alone re-lay the foundations for them to live constructive and fulfilling lives on the 'outside'.

**7.6** The views and experiences of 12 young people, (three young people with Pacific Islander heritage, three young people with Anglo-Saxon heritage and six First Nations young people), previously detained in youth justice detention in New South Wales inform this chapter. Seven of these participants were young women and five were young men. The ethics committee of the New South Wales Aboriginal Health and Medical Research Council (NSW AHMRC) granted ethical approval for this doctoral research project (Human Research Ethics Committee ref 1567/19), which was then endorsed by the Royal Melbourne Institute of Technology. I also entered into a research agreement with Youth Justice NSW (Department of Communities and Justice), who helped me connect with young people (aged 16 years and above) relatively soon after their release from youth detention and they also provided overall support for the project. As part of this research agreement, I was asked to comply with directions from the Department of Communities and Justice upon their review of the final draft of the thesis. This included, in some limited specified instances within the text, removing names of youth detention centres, removing generic staffing titles, as well as removing the gender of some participants (pseudonyms were applied for the young people's quotes in the thesis). The NSW AHMRC also reviewed the final draft of my doctoral thesis. The quotes of young people highlighted within this chapter are presented as they are within my thesis, although within this chapter I have replaced the pseudonyms with a participant number to suit this further removed and abbreviated text format. The discussion in this chapter is also drawn directly from the thesis. The multitude of ethical complexities attended to while undertaking this qualitative research project are discussed in a forthcoming publication and my doctoral thesis.<sup>16</sup> These narrative inquiry interviews were conducted across the summer of 2020–21.

**7.7** This research does not aim to promote youth imprisonment. On the contrary, my work aims, in line with international human rights law, to promote an agenda of decarceration. I hold that children and young people should only be detained for the most serious of violent offences, for the shortest possible period of time, and in a manner appropriate for their age. Furthermore, the minimum age of criminal responsibility across all of the jurisdictions within Australia must be lifted to at least 14 years of age, noting that change is now slowly, but significantly, occurring on this front. Within this agenda of decarceration, this research challenges how even such circumscribed and limited youth detention should be conceptualised and administered.

---

16. L Ewenson, 'Ethics, Pandemic, Culture. Research with Young People Released From Youth Justice Detention in Australia' and Ewenson, above n 8, Ch 6.

**7.8** This chapter will outline the key themes from the narratives of the young people regarding their recent youth detention experiences in New South Wales. These narratives revealed a nuanced and deeply complex experience of youth detention. Key findings included that youth detention in New South Wales was a contradictory lived experience, being perceived as both deprivation and, ironically, as providing some level of respite from the multiple significant and extreme hardships the young people had endured prior to detention. Further, the young people reported seeking and finding, while detained, care and nurturing from their peers and, where possible, from available adults. Interestingly, the young people spoke highly of the educational services they received in detention, noting that the small classes and teachers attuned to their situations were markedly different from their experiences of the education system prior to detention. The young people also reported seeking greater connection with their communities on 'the outside'. Instances of reported demeaning treatment by staff were also revealed. The four themes explored here in this chapter are (1) relationality, (2) cultural safety and connection, (3) access to education, and (4) bodily health and integrity (physical and psychological). After exploring these themes, this chapter concludes by synthesising this thematic analysis to propose a radically reimagined ethos and model of youth detention. Vitaly, it is suggested that this reimagined model provides a platform to assist these young people live flourishing lives, which will then also contribute to community safety in the long term.

## • RELATIONALITY — THE NEED FOR NURTURING AND AFFILIATION •

**7.9** The centrality of nurturing positive relationships with peers in detention and, where possible, family on the outside, was the overwhelming common thread when I asked the young people in New South Wales to tell me about their time 'inside'. All of the 12 participants spoke of the positive significance of developing friendships with other young people in detention, and half of the participants spoke about reconnecting with friends from the outside while in detention and the sense of security this gave them. As Participant 5 (P5) commented:

I actually have a friend, Anna\*, that I actually talk to outside now and I meet up with her occasionally in Maccas, like we really support each other. I like, you know, like it's really good. I really enjoy our friendship. And whenever she is sad, she calls me up, whenever I talk, I pull her up. So, it's actually really good. So, you make like heaps of really good friends.

*P5 — young trans woman, 16 years old, interviewed 3 December 2020 \*Pseudonym used for the friend's name*

**7.10** P5 now lives in an out-of-home care arrangement supported by a rotating group of non-related carers in an aesthetically sterile new house distinctly lacking the general atmosphere of a loving family home. She is nevertheless supported by

an exceptionally dedicated government youth justice case worker, who is assisting P5 to navigate life on the outside. P5 also energetically maintains links with family, mentioning that she was going to give her gift voucher, offered in thanks for engaging with this project, to her mother who 'always needs money'. Despite these positive signs, I left my time with P5 feeling deeply unsettled knowing that there should be far more support available to her. Indeed, this feeling was to be mirrored in the case of Participant 12 (P12). He also noted the crucial role of detention in facilitating social connection and building relational skills:

For my personal experience it was at [youth justice detention centre X], when I was there, cause at the time when I was there for a few months I know a lot of people, I grew up with a lot of people and we were all together in one wing, there were five of us who grew up together in that one unit alone. So that's why, you know what I mean, we would hang out together all day every day. We would hang around on the outside. Almost every single day we would get up to mischief, so when we got into juvie, I don't know if they knew, but we all, it was, went up to each other and gave them a big hug, we grew up together.

*P12 — First Nations young man, 25 years old, interviewed 19 February 2021*

**7.11** As P12 indicates, he very much experienced youth justice detention with his peers, which, as he explained, contributed to his feelings of relative safety and support within the youth justice detention setting. Growing up in the inner west of Sydney provided P12 with a strong social network with other young First Nations people and this network was consolidated, rather than undermined, through detention. This, however, raises a crucial issue of structural oppression. The fact that P12 and his friends had all been detained in youth justice detention at the same time, for separate offences in which they were not co-offenders, highlights the systemic challenges that First Nations young men in New South Wales face — and the failure of social policy and practice to address the structural constraints and pathways that ultimately lead to the incarceration of these and other young people. Despite this, the ability for this group of young men to provide support to each other while in detention demonstrates the importance, in the case of Indigeneity, of shared cultural strength in serving as some form of relational protection in an otherwise systemically oppressive and culturally destructive society.

**7.12** Even when not overlaid with notions of cultural strength, the relational elements of association and mutual support were clearly and predictably central to survival 'on the inside'. For non-Indigenous participants in this study, 'juvie' was usually perceived as a place of friendship, albeit with moments of conflict. As Participant 7 (P7) put it:

When I first went to juvie, I didn't think that's how it's going to be, I thought it was going to be rougher. The police used to heaps scare me [and say] you're going to get smashed in there, bashed and all that, they used to scare us girls.

But when I got in there, I was friends with everyone, friends with everyone. Well, there's some disagreements, when you have a disagreement with someone, you go into a room together to solve the problems.

*P7 — Young woman of Anglo-Saxon heritage, 18 years old, interviewed 28 January 2021*

**7.13** Clearly, P7, as with her First Nations peers, also emphasised the centrality of relationships to the youth justice detention experience and her unexpected friendships with the other young women detained, along with the strength she obtained from these new relationships. Contrary to what the police told her prior to her incarceration, P7 enjoyed the proximity and daily interaction with her new friends, the environment providing an unexpected place of security and peer support.

**7.14** Friendship on the inside, however, was not always enough in relational terms, especially in the context of 'lockdown' due to the COVID-19 pandemic. P7 further noted the disappointment other young women felt when their family members were not able to visit them in detention:

Some girls are trying to get their mothers to visit them, but they don't come, they have their aunts and that, but sometimes they get really angry and that, some of the girls cry on the phone speaking.

**7.15** P7 was, in fact, detained a number of times prior to and during the pandemic, a time when visiting processes were compromised for a number of months.<sup>17</sup> The introduction of Zoom visits was useful to some young people in detention (and their families outside), but for those whose families did not have access to such technology and the required resources, this hurdle exacerbated isolation from outside family connections. P5, who we heard from earlier, also commented on this point:

Yeah, because like some of them, like their families are fine doing Zoom and all that, then other girls are not like that. And even like my mother. She didn't have credit. So like young girls like their parents didn't have like internet or didn't know how to work the phone, all they could do is a normal call. So it was like sad for them because it was like they haven't seen their parents for a Zoom and it's because they don't know how use it.

*P5 — young trans woman, 16 years old, interviewed 3 December 2020 \*Pseudonym used for the friend's name*

---

17. J Kasinathan et al, 'Keeping Covid Out: A Collaborative Approach to Covid-19 Is Associated with a Significant Reduction in Self-Harm in Young People in Custody' (2021) 29(4) *Australasian Psychiatry: Bulletin of the Royal Australian and New Zealand College of Psychiatrists* 412.

**7.16** Not surprisingly, the absence of family connection led some young people to extend notions of friendship with other young people detained to relationships that became effectively nurturing. Turning to the voice of Participant 3 (P3), she expressed her desire to help another younger girl at a detention-based school, commenting on her efforts to provide nurturing, connection and support to her younger peers:

I feel for those types of girls, but that's why I want to do something, like I want to do something to help kids there. So many young people in that system just have so much potential, just like that 13-year-old in my class, who I helped, she's the one whose co-offender was her mother. And I would sit there and be like 'name the different states in Australia'. Yeah, she had no idea, no education. So, I'd sit there and like find the answers and go with this, like there was no help for her when she got out.

*P3 — young woman of Anglo-Saxon heritage, 16 years old, interviewed 27 November 2020.*

Here, P3, in expressing her desire to assist the younger girl in detention, demonstrated that nurturing an affiliation as a relational component of sociality is an element which extends both ways, and that learning to care for your peers, an important part of growing up outside of detention, continues to be so within the detention environment.

**7.17** Clearly, the narratives of the young people presented here highlight the centrality of the importance of positive connection, and how they sought this out for themselves within the detention context. All of those interviewed expressed their need and desire for positive relationships in their lives while they were in detention, which they often then carried with them into their post-detention lives. What was clear, from many of the interviews, is that the peer support created within detention contributes to a relative sense of safety and temporarily fills some of the relational gaps imposed by a loss of freedom and liberty. Given the small number of interviews undertaken, we cannot, of course, assume that all young people in detention experience the kind of positive affiliation noted here. Indeed, my access to young people was tightly determined by gatekeepers, who may have been reluctant, or unable, to put me in touch with young people who had experienced greater hardships in relation to human connection while in detention. Nevertheless, what these glimpses of the detention experience indicate, at a minimum, is the importance of positive relationships in detention and the degree to which young people will seek these connections out for themselves. The ability of these young people in detention to seek out and find supportive peer relationships within the confines of the detention centre demonstrates the importance these young people give to nurturing relationships and the centrality they have within their nascent lives.



**7.18** These quotes underscore the sense that these young people intrinsically knew the importance of this positive relationship building and the centrality of it to their lives, even — if not more so — under conditions of incarceration. The quotes also paint a picture of how the setting of detention has perhaps afforded a relatively safe space, where peer relationships can develop for these young people, unhindered by the harsh realities of life they faced on the outside.

## • CULTURAL SAFETY AND CONNECTION •

**7.19** Australia's First Nations peoples prior to colonisation had societies free of incarceration; their lands were then stolen and used as a penal colony. Now, after 230 years of, at worst, genocidal and, at best, damaging policies and practices,<sup>18</sup> structural racism and other systemic inequalities push First Nations young people into youth justice detention at rates which are inexcusably high.<sup>19</sup> The overrepresentation of First Nations young people in detention facilities is broadly acknowledged as one of Australia's greatest shames and the call for this to be changed is eloquently articulated in the Uluru Statement from the Heart:<sup>20</sup>

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

**7.20** In the New South Wales-based interviews the voices of First Nations young people highlighted that their need for cultural connection, safety and learning was paramount to surviving through the detention experience. This research acknowledges that the number of young people in detention, both First Nations and non-First Nations, needs to be dramatically and substantially reduced, with detention only used as a very last sentencing resort for the most serious crimes and for the most serious situations of repeat offending. However, in recognition that youth justice detention of some form will continue to exist, hopefully in a much smaller capacity — with some suggesting a reduction of up to

18. P Wolfe, 'Settler Colonialism and the Elimination of the Native' (2006) 8(4) *Journal of Genocide Research* 387; M Davis and G Williams, *Everything You Need to Know About the Uluru Statement from the Heart*, NewSouth Publishing Sydney, 2021; A Kwaymullina, *Living on Stolen Land*, Magabala Books, Broome, Western Australia, 2020.

19. Australian Institute of Health and Welfare, *Youth Detention Population in Australia 2022*, Australian Government, 2022; C Cunneen, 'Youth Justice and Racialization: Comparative Reflections' (2020) 24(3) *Theoretical Criminology* 521; B Goldson et al, *Youth Justice and Penalty in Comparative Context*, Routledge, London, 2020; S Hamilton, 'Putting "Justice" in Recovery Capital: Yarning About Hopes and Futures with Young People in Detention' (2020) 9(2) *International Journal for Crime, Justice and Social Democracy* 20.

20. National Constitutional Convention, 'Uluru Statement from the Heart' (2017) 8(29) *Indigenous Law Bulletin* 8.

90 per cent<sup>21</sup> — the importance and significance of cultural connection and safety for First Nation young people detained must be ensured. In time, the number of young First Nations people incarcerated should reflect, at the very most, their proportion in the general population.<sup>22</sup> This component of the research sits in parallel with recent research undertaken with First Nations adults in prison in Victoria, which noted a protective impact of cultural engagement for those in custody.<sup>23</sup> I thus move now to exploring this point in relation to my fieldwork, starting with comments from Participant 4 (P4):

I guess the good parts of [detention] were how accepting and involved they were with the Indigenous culture. I have an Indigenous background ... so you got all these that you know, we've all got like an outdoor culture area where we can have a smoking ceremony. And go out there and have some bush tucker and a chat with Uncle Johnny ... I'm not close with my mobs, my mobs are from Moree and Dubbo. ... I am from the Wiradjuri and Koori mob ... I've always been proud of that. Yeah, I mean it's quite common to be really accepting of culture in there. They have lots of activities around NAIDOC week and stuff.

*P4 — First Nations young woman, 18 years old, interviewed 1 December 2020*

**7.21** This comment from P4 succinctly articulated the problematic and opportunity of cultural safety within a detention context. P4 talked to me about her First Nations great-grandmother and grandfather while expressing sadness that, prior to incarceration, she had not really had the opportunity to learn about her First Nations culture. There is a profoundly dispiriting irony that this young woman, now the mother of a child herself, only began to concertededly learn about her culture as a consequence of youth justice detention. However, P4 spoke of how she gained strength and confidence through talking to and learning from elder Uncle Johnny, and she expressed how this new cultural grounding increased her confidence about her place in the world. Thankfully, P4 had successfully accessed long-term housing upon her release and told me, after her recorded interview, about how she was looking forward to strengthening her connection with her First Nations cultural background.

**7.22** It was similar story with Participant 11 (P11). As he commented:

There's heaps of cultural stuff ... there is one that comes all the time, Uncle Wes, he always comes in, but besides that, there are just the other Kooris that work there, they are hectic ... Culture, I never used to do it, but once I got

---

21. J Braithwaite, *Macrocriminology and Freedom*, Peacebuilding Compared Series, ANU Press, Canberra, 2022.

22. Ewenson, above n 8, p 21.

23. S Shepherd, R Delgado, J Sherwood and Y Paradies, 'The Impact of Indigenous Cultural Identity and Cultural Engagement on Violent Offending' (2017) 18(1) *BMC Public Health* 50.

locked up I started doing it all the time in there, and with the same people I was doing it in there I'm doing it on the outside too.

*P11 — First Nations young man, 16 years old, interviewed 19 February 2021*

**7.23** For P11, as for P4, the time in youth justice detention provided an opportunity to re-connect with his First Nations culture and build a network with his peers and elders, relationships which are now continuing on the outside. Similarly, Participant 8 (P8) reflected that it was the cultural opportunities inside that he found the most beneficial:

They do dancing and that for NAIDOC day, we had a big fire, done some painting, there's all artwork around juvie — we cook BBQs, we do art, we play traditional games too.

*P8 — First Nations young man, 16 years old, interviewed 9 February 2021*

**7.24** This gaining of strength from cultural connection while in detention, articulated so clearly by P4, P11 and P8, also reflects research investigating the impact of Indigenous cultural connection on wellbeing in the context of drug and alcohol rehabilitation centres. While drug and alcohol rehabilitation centres and youth justice detention facilities exist ostensibly for different purposes, there is a significant cross-over in populations; indeed, two of the research participants in this project were in drug and alcohol centres after their release from youth justice detention (although only one of these was Indigenous). Anthropologist Maggie Brady coined the term 'culture as treatment' in the context of drug and alcohol misuse recovery,<sup>24</sup> a concept that was further explored recently with interviews with 21 First Nations people in drug and alcohol centres in New South Wales. Alice Munro and colleagues found that increased strength in the cultural connection for the First Nations men in alcohol and drug centres translated into better 'treatment' outcomes when they were released. Staff at these centres 'additionally conveyed that identifying as Aboriginal or from a region helped to build rapport and develop cultural bonds with clients, and was perceived as a strength by both staff and clients'.<sup>25</sup>

**7.25** This finding also correlates with recent research undertaken by scholars Elena Marchetti and Debbie Bargallie. They found that for adult First Nations men in prison in New South Wales, when they engaged in the *Dreaming Inside* program, a creative writing program specifically for First Nations prisoners, their

---

24. M Brady, 'Culture in Treatment, Culture as Treatment. A Critical Appraisal of Developments in Addictions Programs for Indigenous North Americans and Australians' (1995) 41(11) *Social Science & Medicine* 1487.

25. A Munro et al, "I Just Feel Comfortable Out Here, There's Something About the Place": Staff and Client Perceptions of a Remote Australian Aboriginal Drug and Alcohol Rehabilitation Service' (2017) 12(1) *Substance Abuse Treatment, Prevention and Policy* 7.

cultural connection and their shared lived experiences was a point of resistance and cohesion.<sup>26</sup>

**7.26** Returning to the terrain of youth justice detention, a sense of affiliation and the strength gained through cultural connection was clear within the New South Wales detention narratives. As P5 put it:

We had like a cultural circle, like these Aboriginal people would come in again and I would sit around in a circle and I would like talk about where we were from ... and I could tell dreaming stories and we would say like what our mob are ... like there's not an Aboriginal like black person if you like, there are workers that are Aboriginal and you can talk to them, and [they are] always happy to talk to you about your cultural stuff, but it's not like one specific person in a role ...

*P5 — young trans woman, 16 years old, interviewed 3 December 2020.*

**7.27** Again, the words of P5 reinforce what is noted above in the recent research of Marchetti and Bargallie<sup>27</sup> and Munro et al.<sup>28</sup> Emanating clearly from the narratives of the young people interviewed is the strength they held in their First Nations cultural connection and their cultural development while in detention. The centrality of this strength is affiliation and connection, in whatever forms it takes, as dependent on the context, as central to human flourishing.

**7.28** The six young First Nations people I engaged with in New South Wales all not only spoke of the importance of cultural connection on the inside, but of how this renewed cultural connection has continued on, in a significant way, upon their release. Most of these young people, as a number of the quotes above indicate, had been separated from their community and culture prior to detention — and this is a direct consequence of the ongoing colonisation process.<sup>29</sup> While it should not take the intervention of incarceration to re-link young people with their community, this process of re-connection, along with re-linking with educational opportunities, can be framed as an aspect of detention to which further resources should be spent and crafted, under the umbrella of general decarceration overall.

**7.29** Further to the significant contribution of the six young First Nations people who engaged in this research project, three Pacific Islander young people also took

---

26. E Marchetti and D Bargallie, 'Life as an Australian Aboriginal and Torres Strait Islander Male Prisoner: Poems of Grief, Trauma, Hope, and Resistance' (2020) 35(3) *Canadian Journal of Law and Society* 499.

27. *Ibid.*

28. Munro et al, above n 25.

29. K Gatwiri et al, 'Indigenous Children and Young People in Residential Care: A Systematic Scoping Review' (2021) 22(4) *Trauma, Violence, and Abuse* 829; J Sherwood, 'Colonisation — It's Bad for Your Health: The Context of Aboriginal Health' (2013) 46(1) *Contemporary Nurse: A Journal for the Australian Nursing Profession* 28.

part in the narrative inquiry process. This proportion of Pacific Islander young people engaging in the research reflects their significant over-representation in youth justice detention in New South Wales, which can also be attributed to the destructive intergenerational impacts of colonisation across the Pacific.<sup>30</sup> Participant 9 (P9), a Pacific Islander young man, described a greater need for cultural programs for all of the young people detained:

They used to have a few Islander programs. They had an Islander church program. And every now and then all of the boys [the PI boys] would go to the rec area ... they still have that, but just for like individuals, all the Muslim boys, they only had one program every fortnight just to pray ... even the Australians [of Anglo origin], they'll sit there and just watch all of the Islanders go and all of the Kooris go, they'll just sit there and they've got no programs. Just got nowhere to go. I found it really racist.

P9 — *Pacific Islander young man, 17 years old, interviewed 15 February 2021*

**7.30** P9's comments about access to cultural programs indicates that he was aware of the significant strength and support which was derived from participating in them while detained, and he clearly expressed that such opportunities should be available to all young people, of all cultural backgrounds in detention. P9's point highlights, once again, the positive potential of being part of strong cultural groups, recognising that this is something that should be harnessed within the criminal justice system. Thus, while the over-representation of Pacific Islander young people in the criminal justice system in New South Wales stems from the intergenerational impacts of colonisation, their cultural strengths and supports are, as with First Nations young people, a clear asset in meeting the need to be nurtured if in detention.<sup>31</sup>

## • ACCESS TO EDUCATION, TRAINING AND OTHER LEARNING OPPORTUNITIES •

**7.31** Participant 8 (P8) shared the following:

It's more easy going than school on the outside, [I] mean there was a little bit different, but it's more easy going than school on the outside, it's all right ... last year we had a snake in the classroom. The snake has been there for years, it has a cage and that ... It was mad. Sometimes we would be doing maths, spelling, reading, geography and you get to hold it and all. It was mad ... when

30. See, for example, L Riley et al, 'Ke Ala I Ka Mauiola: Native Hawaiian Youth Experiences with Historical Trauma' (2022) 19(19) *International Journal of Environmental Research and Public Health* 12564.

31. K McGavin, 'Being "Nesian": Pacific Islander Identity in Australia' (2014) 26(1) *The Contemporary Pacific* 126.

I'm out of Mac River [rehab], I'll go back to school, I used to hate school before, but now I want to go back to school.

P8 — *First Nations young man, 15 years old, interviewed 9 February 2021*

The young New South Wales participants in this study, as with P8 above, insisted that youth justice detention had provided them with their *first* accessible and enjoyable educational opportunities. While this finding demonstrates the applicability of providing accessible, tailored, small group education in closed institutions, it also leaves little room for doubt that educational systems 'on the outside' had clearly failed these young people; and that this learning disengagement may have played a role in their contact with the criminal justice system. The impact of school exclusion has been highlighted in other, related research. Indeed, there is a recognised school exclusion to prison pipeline;<sup>32</sup> while one recent qualitative study noted that First Nations young people report being subject to exclusionary discipline because of fighting, fighting often in defence against unaddressed bullying and racism in schools.<sup>33</sup> This work of Linda Graham and colleagues highlights some of these 'causes of the causes' of educational exclusion<sup>34</sup>, which have not been effectively addressed — in this case, schoolyard racism.

**7.32** While undertaking these narrative inquiry interviews with young people in New South Wales, I was, perhaps somewhat naively, shocked that not one of the young people I connected with had been actively engaged in attending school or training directly prior to their time in detention. As Grace O'Brien and Michelle Trudgett explore, there is surprisingly little academic research exploring the 'pipeline' between lack of schooling to prison specifically in Australia, and especially in the case of First Nations young people.<sup>35</sup> Most research on this topic emanates out of the United States,<sup>36</sup> although there is some recent research in New South Wales which highlights the importance of the relationship between teachers in youth justice detention-based schools and the young people detained.<sup>37</sup> The theme of education was prominent throughout the interviews, demonstrating

---

32. G O'Brien and M Trudgett, 'School House to Big House' (2020) 49(1) *The Australian Journal of Indigenous Education* 98.

33. L Graham et al, 'Overrepresentation of Indigenous Students in School Suspension, Exclusion, and Enrolment Cancellation in Queensland: Is There a Case for Systemic Inclusive School Reform?' (2022) *The Australian Educational Researcher* 167.

34. M Marmot, 'Social Justice, Epidemiology and Health Inequalities' (2017) 32(7) *European Journal of Epidemiology* 537.

35. O'Brien and Trudgett, above n 32.

36. See, for example, M Warren, *Willful Defiance: The Movement to Dismantle the School-to-Prison Pipeline*, Oxford University Press, New York, 2021.

37. I Strnadová, S O'Neill and T Cumming, 'A Snapshot of Education Behind the Fence: Supporting Engagement in Education of Incarcerated Youth in Australia' (2017) 85 *International Journal of Educational Research* 33.

that the logic behind justice re-investment is exceptionally clear. If more resources were spent on keeping students engaged with school within their communities, including, for instance, with adequate numbers of qualified support staff and through the use of on-campus suspension processes, complete disengagement from schooling may be less likely to arise. The term justice reinvestment refers to the concept of re-directing money away from prisons and instead investing this money into social and physical infrastructure within the communities which have high levels of incarceration.<sup>38</sup> Broader systemic issues of schoolyard bullying and racism must also be addressed.<sup>39</sup> Of course, if young people are at school or training, they may also simply have less time to engage in other activities which may bring them to the attention of the police.

**7.33** Both Participant 7 (P7) and Participant 4 (P4) spoke of how they benefited more from their educational opportunities within detention, than they had prior to detention:

The good things are that they always keep you occupied. They had programs ... and we had school with good art, and I reckon I learnt a lot more in that school than I did in school [on the outside].

*P7 — young woman of Anglo-Saxon heritage, 18 years old, interviewed 28 January 2021*

Whilst I was at [the school at YDC] I got my first aid and my vocational literacy and numeracy support pathways certificate from TAFE and I was starting my year 11 ... [the school at YDC] made me want to go back to school when I come out. I come out and try to go to school. I try to go back and went in by myself, kept on harassing the principal and got told that they would have to go to the Board of Education and that they would call back. And they were concerned because I had spent time in custody ...

*P4 — First Nations young woman, 18 years old, interviewed 1 December 2020*

**7.34** Concerningly, P4 further revealed that she experienced difficulties trying to re-enrol herself back into a government high school after she had been released from youth justice detention. Similarly, P1, as noted below, described how education was a significantly positive aspect of detention, and that they were 'forced' to go to school — implying that, prior to detention, no adult taking care of them, nor any system of government authority, had ensured they attend any form of education. As Participant (P1) said:

There's programs there, you're never bored, you're always doing programs or school ... well on the outside, we're not forced to go to school or anything,

38. See, for example, D Brown et al, *Justice Reinvestment: Winding Back Imprisonment*, Palgrave Studies in Prisons and Penology, Palgrave Macmillan, UK, 2016.

39. Graham et al, above n 33.

but, we're pretty much forced to go to school, or we are in confinement, if we're not going to school.

*P1 — young woman, 19 years old, interviewed 24 November 2020*

**7.35** Participant 12 (P12) below described his experience of the (lack of) school to prison (in his case first youth justice detention) pipeline, revealing a course of events, that if the education system was better resourced and targeted to keep young people engaged, the path to detention may have been prevented in P12's case:

I moved down to Sydney in 2007, my Mum and I ... and then I started to go to school, I started to go to school in Balmain. And then I sort of got into a little bit of trouble and stuff ...

(LE) What happened at school in Balmain?

I was getting into a bit of trouble and stuff, I wasn't coming in. I wasn't coming in a lot, my attendance was really bad because I was out getting up to mischief, not that I knew it, but I was with the same crew I would end up in juvie [with].

(LE) What could be better for young people at juvie?

Like obviously each person is very different. Different situation outside. Different things to deal with and it's all mental as well. Maybe like, maybe like something like education and stuff like that, but something like they really want to do themselves, not just like, oh, we have this class, or like they had eight different categories of classes and I didn't want to do any of them, but I have to, so I'm going to do this one. I was going to sit there, and you know it might work for some, but if someone is around 16 years of age, if he really wants to do carpentry or something, try to get him into a course to set him up. There was nothing I wanted to do ... like I remember when I went in, I wanted to be a mechanic at the time, you know and I was like, and they asked me what I want to do and stuff like that. You know a couple of workers I told I want to be a mechanic, but they were encouraging like a lot of them. They'd say, yeah, you are only young, when you get out you can be a mechanic. But there was nothing in there that helped me to be a mechanic ... Just simple things like that, you know.

(LE) ... that could have changed your pathway?

Yeah, it definitely could have, I could do you know, go out and you know, do this, you know. I do. This is what I've learned and then all I can see myself doing.

*P12 — First Nations young man, 25 years old, interviewed 19 February 2021*



**7.36** For these young people in New South Wales, their time in detention provided them with educational opportunities which they had not previously been in the situation or circumstance to utilise. The smaller school classes in New South Wales detention centres are conducive to learning and the teachers are more attuned to the situation of the young people in their class. P12 extended his thinking about this 'captured' educational opportunity to wondering why the detention authorities did not further extend the range of training and educational options for these young people who could then finally access them, to improve their opportunities for when they were released. As P12 explained, it makes sense to equip young people with skills and training for when they are released, and he posited that he would surely have not reoffended and ended up in the adult correctional system if he had been afforded the opportunity to take up a mechanic traineeship, or another skill of his interest while in detention. Exposing these young people to positive and appropriate learning opportunities with skilled teachers is probably one of the most obvious and simple means for assisting their transition into the community. Concerningly, however, all of the interviews undertaken in New South Wales demonstrated the significant structural failings which had occurred for these young people prior to detention. All of these young people had been disengaged from the school system prior to incarceration, and all enjoyed the 'easier access' to school once detained. It should not take the dramatic process of incarceration to re-engage (or keep engaged) young people within the educational system.

## • BODILY HEALTH AND INTEGRITY — PHYSICAL AND PSYCHOLOGICAL

**7.37** Circumstances where bodily and psychological health were compromised in youth detention were revealed in the engagements with young people recently released from youth detention in New South Wales. Furthermore, these narrative engagements indicated an over-reliance on the use of confinement (by way of isolating a detainee in their rooms), along with the overuse of isolation cells as a 'behaviour modification/monitoring' mechanism. Instances of delayed access to health services, mental and physical, were also revealed. This is exposed in the following exchange with P7:

They make you wear a jumpsuit with cable ties at the neck and arms

(LE) Hang on — so if you're in there, in the visits room ... you have a jumpsuit on?

Yes, they put cable ties on, so we can't take anything up ... It's like a whiteish, purplish jumpsuit and there's a zip on the back. It looks like we are in gaol ... my mum said when she saw me in the jumpsuit she nearly, like, cried. They don't want to see their kid in a jumpsuit.

*P7 — young woman of Anglo-Saxon heritage, 18 years old, interviewed  
28 January 2021*

**7.38** The degrading process of placing young people in detention in such jumpsuits, constrained by cable ties when they are able to receive visitors, does not appear proportionate to controlling the risk of contraband and other items entering the detention centre. P7's words about such degrading treatment sit in parallel with the recent findings by the New South Wales Ombudsman about the unreasonable use of strip searches in youth justice detention, again purported to manage the perceived risk of contraband.<sup>40</sup> In conversation with P9 about his ideas on improving detention practices, a similar concern towards being treated with disdain emerges:

(LE) So, if you were in charge of a detention centre, what would you do to make it better?

... the way they treat the boys when they get confined and stuff. So if they do something wrong, they spend a lot of time in a cell with no bed, no TV, no nothing. That's probably the hardest. That they need to look into that more because I got confined for 20 something hours. For something I didn't even do. One of the workers, he came to the gym and I was working out and he was trying to put it on me saying look at you mister. And I turned around and started screaming, 'who are you to come in and try to talk down to me'. I got into heaps of trouble for that, though he started having a go at me. He was one of the screws, he walks around, if he thinks there's going to be a fight, he runs over to break it up. So he came over thinking he was the big one ... when I got restrained I had this big guy with his knee right in my back and holding me down by my arms. And he kept saying stop resisting, stop resisting. But I was just laying there and he was on top of me, I couldn't really do anything ... the screws are pretty big guys, they are bigger than me, way bigger than me, they are big and tall, the guy I had on me was at least seven foot, he's a giant.

P9 — *Pacific Islander young man, 17 years old, interviewed 15 February 2021*

**7.39** P9's observations indicate, in this quote, that at least one youth justice staff member utilised force against him without appearing to consider the application of lesser interventions in the first instance. The international guidelines stipulate that less restrictive measures should be used, where possible, to control any violent situations. A staff member strolling around in a menacing fashion, giving young people the perception that they may be restrained at any moment does not *prima facie* conform to these requirements. Specifically, Art 64 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) stipulates:

[I]nstruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorised and specified by law and regulation. They should not

40. NSW Ombudsman, *Strip Searches Conducted after an Incident at Frank Baxter Youth Justice Centre. A Special Report under Section 31 of the Ombudsman Act 1974*, New South Wales Government, 2021.

cause humiliation or degradation, and should be used restrictively and only used for the shortest possible time.

Furthermore Article 67 of the Havana Rules articulates:

[A]ll disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned

**7.40** The perceived unreasonable use of force was not the only concern to arise in New South Wales. Participant 8 (P8) also described how his delayed medical attention led to a severe worsening of his condition, and that his treatment by youth justice staff, by being handcuffed to the bed in hospital or staff at all times, did not appear proportionate to the possibility of him being an escape risk:

I got sick, I had to go to the hospital, I got sepsis, so I had to go in cuffs outside juvie and to the hospital, I had sepsis so I was there for a few days, I had to wear anklets when I was at the hospital, anklet cuffs the whole time, they take them off when you have a shower, but you have to be in cuffs and someone is standing with you 24 hours ... I've been cuffed to a guard, there were two guards ... I had a drip anyway, so I wasn't going anywhere.

(LE) How did you get sepsis?

I think it was from when I got arrested, I ran into some barbed wire fence. So I got it from that. It took a couple of weeks to get through my blood, I got really sick ... they did take the cuffs off eventually and sometimes they take the ankle cuffs off and just cuff me to them or the bed, I was cuffed to them or the bed.

*P8 — First Nations young man, 16 years old, interviewed 9 February 2021*

**7.41** Such statements from the young people previously detained in New South Wales, as highlighted above, indicate that the international human rights benchmarks for the treatment of young people within detention appear, in some instances, to not be met. Indeed, notwithstanding the limited scope of this research, there is reason to believe that the commentary of these young people may have merely touched upon a more widespread set of negative experiences encountered more generally by young people in the youth justice detention system in New South Wales. At the very least, the voices of these young people indicates that there remains room for improvement in the way young people are accorded respect in detention. Clearly, for many interviewees, being accorded respect was central to a sensibility of rights and to their dignity; it was indeed critical to the cultivation of the nurturing relationships so craved and sought by those in youth detention.

## • CONCLUSION •

**7.42** The quantitative data briefly reviewed in the introduction tells us that the young people detained in New South Wales, (and across Australia):

- are likely to have had contact with the child protection system;
- are mostly disengaged from the education or training system;
- may have FASD; and
- may originate from families and communities suffering the intergenerational harms of colonisation.

These children and young people were born into circumstances for which they are not responsible and then upon experiencing youth detention, they are likely to return to the criminal justice system within 12 months.

**7.43** The narratives of the young people interviewed in New South Wales for this research revealed that they were relieved to have temporary 'safe' accommodation while detained, with peers to whom they could relate, and appreciated having 'easy access' to appropriately tailored education and training opportunities. In fact, the young people wanted more education, more training, and more opportunities for cultural connection, a picture that stands in stark contrast to the 'youth out of control' message that the media and some politicians frequently portray.

**7.44** In trying to shift the discourse of detention and to disrupt the hegemonic power imbalances underlying it, the narrative interviews led me to consider a model of detention that is radically reimagined. Drawing these themes from my research together, I proposed a model of how an alternative youth justice detention system might function. This provisional model highlights the task of nurturing young people through positive relationships, including the provision of cultural connection for First Nations young people,<sup>41</sup> providing a range of appropriate educational and training opportunities, providing a psychologically and physically safe environment, and providing sustainable, enduring transition pathways. All of this is key to reimagining the youth justice detention centre. The simple acronym of 'NESST', stands for:

Nurturing relationships, including meaningful cultural connection and support, Education and training

Safety — physical, cultural and psychological

Safety through legislatively mandated oversight mechanisms

Transition — long-term and resourced.

---

41. V Edwige and P Gray, *Significance of Culture to Wellbeing, Healing and Rehabilitation*, Public Defenders NSW, Sydney, 2021.

**7.45** 'NESST' is a formulation, a way of trying to tie together this reimagining of youth justice detention.<sup>42</sup> This proposed model of youth detention, as a first step, aims to displace the focus on supposed individual deficits, which the evidence generated in this research project demonstrates does not fit with the reality of these young people's lives. This model instead insists upon a recognition of the structural constraints imposed upon and experienced by the young people before, during and after incarceration.

**7.46** This 'NESST' model, as offered, reflects the wisdom from the lived experience of young people previously detained in New South Wales, who chose to engage in this research, as well as the expanse of other materials informing this project. The 'NESST' model proposes different ways of achieving better outcomes for young people who experience detention. This reimagined model is intended to assist young people to live flourishing lives, ultimately contributing significantly to community safety in the long term.

## • REFERENCES •

Australian Human Rights Commission, *Children's Rights Report 2016 — National Children's Commissioner*, Australian Government, 2016.

Australian Institute of Health and Welfare, *Young People Returning to Sentenced Youth Justice Supervision 2019–20*, 2021.

Australian Institute of Health and Welfare, *Young People under Youth Justice Supervision and in Child Protection 2018–19*, Australian Government, 2020.

Australian Institute of Health and Welfare, *Youth Detention Population in Australia 2022*, Australian Government, 2022.

S Battams et al, 'Reducing Incarceration Rates in Australia through Primary, Secondary, and Tertiary Crime Prevention' (2021) 32(6) *Criminal Justice Policy Review* 618.

G Beaudry, R Yu, A Perry and S Fazel, 'Effectiveness of Psychological Interventions in Prison to Reduce Recidivism: A Systematic Review and Meta-Analysis of Randomised Controlled Trials' (2021) 8(9) *The Lancet — Psychiatry* 759.

C Bower et al, 'Fetal Alcohol Spectrum Disorder and Youth Justice: A Prevalence Study among Young People Sentenced to Detention in Western Australia' (2018) 8(2) *BMJ Open*.

M Brady, 'Culture in Treatment, Culture as Treatment — A Critical Appraisal of Developments in Addictions Programs for Indigenous North Americans and Australians' (1995) 41(11) *Social Science and Medicine* 1487.

---

42. Ewenson, above n 8, Ch 10.

- J Braithwaite, *Macrocriminology and Freedom, Peacebuilding Compared Series*, ANU Press, Canberra, 2022.
- D Brown et al, *Justice Reinvestment: Winding Back Imprisonment*, Palgrave Studies in Prisons and Penology, Palgrave Macmillan UK, London, 2016.
- L Byers, S Kulitja, A Lowell and S Kruske, "Hear Our Stories": Child-Rearing Practices of a Remote Australian Aboriginal Community' (2012) 20(6) *The Australian Journal of Rural Health* 293.
- S Case and K Haines, 'Children First, Offenders Second Positive Promotion: Reframing the Prevention Debate' (2015) 15(3) *Youth Justice* 226.
- Commission for Children and Young People, *The Same Four Walls: Inquiry into the Use of Isolation, Separation and Lockdowns in the Victorian Youth Justice System*, Victorian Government, 2017.
- Commonwealth of Australia, *Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*, 2017.
- C Cunneen, 'Youth Justice and Racialization: Comparative Reflections' (2020) 24(3) *Theoretical Criminology* 521.
- M Davis and G Williams. *Everything You Need to Know About the Uluru Statement from the Heart*, NewSouth Publishing, Sydney, 2021.
- V Edwige and P Gray, 'Significance of Culture to Wellbeing, Healing and Rehabilitation', Public Defenders NSW, Sydney, 2021.
- L Ewenson, 'Children Must Be Heard When They Cannot Be Seen — An Analysis of Youth Justice Detention in Contemporary Australia — External Oversight Mechanisms, Children's Rights and the Capabilities Approach', Doctoral Thesis, RMIT, 2022.
- L Ewenson, 'Ethics, Culture and Pandemic — Undertaking Research with Young People Released from Youth Justice Detention in Australia'.
- M Freeman, 'Whither Children: Protection, Participation, Autonomy?' (1994) 22(3) *Manitoba Law Journal* 307.
- K Gatwiri, L McPherson, N Parmenter, N Cameron and D Rotumah, 'Indigenous Children and Young People in Residential Care: A Systematic Scoping Review' (2021) 22(4) *Trauma, Violence and Abuse* 829.
- B Goldson et al, *Youth Justice and Penalty in Comparative Context*, Routledge, London, 2020.
- L J Graham, C Killingly, K R Laurens and N Sweller, 'Overrepresentation of Indigenous Students in School Suspension, Exclusion, and Enrolment Cancellation in Queensland: Is There a Case for Systemic Inclusive School Reform?', *The Australian Educational Researcher*, 3 January 2022, pp 167–201.

M Hall, 'Rehabilitation' in *The Lived Sentence: Rethinking Sentencing, Risk and Rehabilitation*, Springer International Publishing, Cham, 2016, pp 209–50.

S Hamilton, 'Putting "Justice" in Recovery Capital: Yarning About Hopes and Futures with Young People in Detention' (2020) 9(2) *International Journal for Crime, Justice and Social Democracy* 20.

Justice Health and Forensic Mental Health Network, *Young People in Custody Health Survey 2015*, New South Wales Government, 2017.

J Kasinathan et al, 'Keeping Covid Out: A Collaborative Approach to Covid-19 Is Associated with a Significant Reduction in Self-Harm in Young People in Custody' (2021) 29(4) *Australasian Psychiatry: Bulletin of the Royal Australian and New Zealand College of Psychiatrists* 412.

A Kwaymullina, *Living on Stolen Land*, Magabala Books, Broome, Western Australia, 2020.

Legislative Council Legal and Social Issues Committee, *Inquiry into Youth Justice Centres in Victoria — Final Report*, Parliament of Victoria, 2018, p 272.

E Marchetti and D Bargallie, 'Life as an Australian Aboriginal and Torres Strait Islander Male Prisoner: Poems of Grief, Trauma, Hope, and Resistance' (2020) 35(3) *Canadian Journal of Law and Society* 499.

M Marmot, 'Social Justice, Epidemiology and Health Inequalities' (2017) 32(7) *European Journal of Epidemiology* 537.

R McCausland and E Baldry, 'Who Does Australia Lock Up? The Social Determinants of Justice' (2023) 12(3) *International Journal for Crime, Justice and Social Democracy* 37.

K McGavin, 'Being "Nesian": Pacific Islander Identity in Australia' (2014) 26(1) *The Contemporary Pacific* 126.

A Munro, J Allan, A Shakeshaft and C Breen, "'I Just Feel Comfortable Out Here, There's Something About the Place": Staff and Client Perceptions of a Remote Australian Aboriginal Drug and Alcohol Rehabilitation Service' (2017) 12(1) *Substance Abuse Treatment, Prevention and Policy* 49.

National Constitutional Convention, 'Uluru Statement from the Heart' (2017) 8(29) *Indigenous Law Bulletin* 8.

NSW Ombudsman, *Inquiry into Juvenile Detention Centres*, New South Wales Government, 1996.

NSW Ombudsman, *Strip Searches Conducted after an Incident at Frank Baxter Youth Justice Centre. A Special Report under Section 31 of the Ombudsman Act 1974*, New South Wales Government, 2021.

G O'Brien and M Trudgett, 'School House to Big House' (2020) 49(1) *The Australian Journal of Indigenous Education* 98.

- W O'Brien, 'Youth Justice "Crises" and the Role for Children's Rights in Ending Cycles of Violence against Children in Conflict with the Law' in W O'Brien and C Foussard, *Violence against Children in the Criminal Justice System: Global Perspectives on Prevention*, Routledge, New York, 2019, pp 15–37.
- Office of the Children's Commissioner Northern Territory, *Alice Springs Youth Detention Centre Monitoring Report*, <[https://occ.nt.gov.au/\\_\\_data/assets/pdf\\_file/0016/1073113/asydc-monitoring-report.pdf2021](https://occ.nt.gov.au/__data/assets/pdf_file/0016/1073113/asydc-monitoring-report.pdf2021)>.
- Office of the Children's Commissioner Northern Territory, *Don Dale Youth Detention Centre Monitoring Report*, Northern Territory Government, 2021, <[https://occ.nt.gov.au/\\_\\_data/assets/pdf\\_file/0015/1073112/ddydc-monitoring-report.pdf](https://occ.nt.gov.au/__data/assets/pdf_file/0015/1073112/ddydc-monitoring-report.pdf)>.
- Office of the Inspector of Custodial Services, *Report No 141 — 2021 Inspection of Banksia Hill Detention Centre Intensive Support Unit*, Government of Western Australia, 2022, <<https://www.oics.wa.gov.au/wp-content/uploads/2022/03/Banksia-Report-141.pdf>>.
- Queensland Ombudsman, *The Brisbane Youth Detention Centre Report: An Investigation into the Management of Young People at Brisbane Youth Detention Centre between November 2016 and February 2017*, Queensland Government, 2019.
- L Riley, A Su'esu'e, K Hulama, S K Neumann and J Chung-Do, 'Ke Ala I Ka Mauiola: Native Hawaiian Youth Experiences with Historical Trauma' (2022) 19(19) *International Journal of Environmental Research and Public Health* 12564.
- S M Shepherd, R H Delgado, J Sherwood and Y Paradies, 'The Impact of Indigenous Cultural Identity and Cultural Engagement on Violent Offending' (2017) 18(1) *BMC Public Health* 50.
- J Sherwood, 'Colonisation — It's Bad for Your Health: The Context of Aboriginal Health' (2013) 46(1) *Contemporary Nurse: A Journal for the Australian Nursing Profession* 28.
- I Strnadová, S C O'Neill and T M Cumming, 'A Snapshot of Education Behind the Fence: Supporting Engagement in Education of Incarcerated Youth in Australia' (2017) 85 *International Journal of Educational Research* 33.
- Victorian Ombudsman, *OPCAT in Victoria: A Thematic Investigation of Practices Related to Solitary Confinement of Children and Young People*, Victorian Government, 2019.
- Victorian Ombudsman, *Report on Youth Justice Facilities at the Grevillea Unit of Barwon Prison, Malmsbury and Parkville*, Victorian Government, 2017.
- M Vita, *Review of the Northern Territory Youth Detention System Report*, Northern Territory Government, 2015.



M R Warren, *Willful Defiance: The Movement to Dismantle the School-to-Prison Pipeline*, Oxford University Press, New York, 2021.

P Wolfe, 'Settler Colonialism and the Elimination of the Native' (2006) 8(4)  
*Journal of Genocide Research* 409.

