



NATSILS

National Aboriginal and
Torres Strait Islander Legal Services

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MEDIA RELEASE

Prime Minister must show national leadership on youth justice after NSW passes bill to make it easier to lock children up

27 November 2025

The National Aboriginal and Torres Strait Islander Legal Services (NATSILS) is urging the Prime Minister to show leadership by putting an end to state and territory governments pursuing punitive policies that put more children behind bars.

The call comes after the NSW Minns Government passed a bill this week that could make it easier to incarcerate children as young as 10 by weakening *doli incapax*. *Doli incapax* is an important and long-standing legal protection based on the scientific evidence that children under the age of 14 do not have the capacity to form criminal intent.

This change goes against the recommendations of the NSW Government's own recent [expert review](#), which recommended preserving *doli incapax* in its current state to make the community safer and protect children.

Recently, the Victorian Allan Government announced changes to criminal sentencing in that jurisdiction, introducing adult jail sentences for children aged 14 and over.

"These recent moves from the Victorian and NSW governments are just the latest in a sweeping national trend where we are seeing state and territory governments pursuing punitive policies in the name of political point-scoring," said Nerita Waight, Acting Chair of NATSILS.

"These policies not only hurt children and families, but they also make the community less safe. The evidence is clear that locking children up only increases the likelihood they will go on to cycles of future offending and incarceration," Ms Waight said.

"We know what works; supporting children and families to address the root causes of offending, which include poverty, unaddressed health issues, unstable housing, and poor access to culturally safe services. Addressing these disadvantages is what sets children up to thrive," said Ms Waight.

"The Prime Minister needs to address the human rights violations that our children are suffering as a result of state and territory government policies," said Ms Waight.

"Not only does the Prime Minister have a moral obligation to protect children, he has the legal power to step in. [Advice obtained from Senior Counsel](#) makes clear that the Commonwealth has the Constitutional power to act on youth justice reform," Ms Waight said.

“We urge the Prime Minister to show national leadership by calling a national emergency summit on youth justice, so that leaders from across the country can listen to the voices of Aboriginal and Torres Strait Islander legal experts and leaders in a setting where community-controlled organisations lead the discussion,” said Ms Waight.

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