

## **Submission of Youth Law Australia**

### **Acknowledgment of Country**

Youth Law Australia acknowledges all the Traditional Owners and Elders of the lands on which we work, including the Bedegal People of the Eora Nation and the palawa and pakana peoples of lutruwita. We acknowledge their continuing custodianship of these lands, pay our respects to their Elders past and present, and commit ourselves to the ongoing journey of Reconciliation.

### **About us**

Youth Law Australia (YLA) is an accredited national community legal service dedicated to helping young people understand their legal rights and find solutions to their legal problems. We work with children and young people under 25 across the country in relation to their legal issues, including issues relating to the rights and experiences of children and young people involved in the criminal legal system, including children who have experienced harm, caused harm or both.

YLA has a growing Tasmanian legal practice, with 180 young Tasmanians contacting us in the last financial year, a 20% increase from the year before. YLA also provides one of Tasmania's most accessed legal information websites, with over 43,428 views from Tasmanians in the last financial year. YLA also operates a Student Legal Service based in Hobart in conjunction with the Tasmanian University Student Association (TUSA) and the University of Tasmania (UTAS) Law School. The Student Legal Service provides free, generalist legal services to all UTAS students and supports the clinical legal education of students.

## Introduction

YLA welcomes the opportunity to provide feedback to the Department of Health ('the Department') as part of their current consultation relating to the proposed 20-Year Preventative Health Strategy ('the Strategy'). We understand the objective of the Strategy is to provide a framework for how Tasmanians can be supported to be (and remain) healthy and well, as well as identifying changes that may be needed to create and maintain healthy and safe environments and communities.

As a community legal service working with young people across Australia, we are extremely aware of the extent and impact of health issues impacting children, and the need for targeted approaches to promote safety and wellbeing. Recent reports have highlighted the need for increased investment in prevention as the most effective strategy to support children and their families,<sup>1</sup> as well as the need to develop specific initiatives to improve wellbeing outcomes for young people.<sup>2</sup>

Our submission is focused on how the Strategy could address existing and emerging concerns impacting children and young people, highlighting the need for a right-based approach to health promotion. The key focus of our submission is to explore the intersection between children's health issues – particularly mental health issues – on their legal problems and access to justice, and to advocate for innovative solutions to address these issues.

## The health and wellbeing of Tasmanian children

Children and young people are particularly vulnerable to health-related harm for various reasons, including their developmental immaturity and dependence on adults to access care.<sup>3</sup> Although reports show improvements in relation to some areas (including in access to preventative health services which promote wellbeing),<sup>4</sup> there are ongoing concerns relating to the health of Tasmania's young people. Some diseases – such as asthma and type 1 diabetes – are more prevalent in Tasmanian children than the national average,<sup>5</sup> which is particularly concerning given these are conditions which may continue to impact health and wellbeing later in life.<sup>6</sup>

Rates of youth mental illness are comparatively higher in Tasmania compared to the rest of Australia,<sup>7</sup> and appear to be increasing.<sup>8</sup> While this is somewhat consistent with global trends (noting that the mental health of children and young people has been a focus for communities

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<sup>1</sup> Australian Human Rights Commission (2024). 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing. Sydney: Australian Human Rights Commission.

<sup>2</sup> Ibid, 54-59.

<sup>3</sup> Children's Healthcare Australia, Charter of Children's and Young People's Rights in Healthcare Services in Australia, 4-5.

<sup>4</sup> Tasmanian Government, 'Child and Youth Wellbeing Strategy: Annual Report 2024'.

<sup>5</sup> Commissioner for Children and Young People (Tas) (2018), The Health and Wellbeing of Tasmania's Children and Young People Report 2018, Tasmanian Government, Hobart.

<sup>6</sup> Australian Institute of Health and Welfare (2024), Health of children, accessed at <https://www.aihw.gov.au/reports/children-youth/health-of-children>.

<sup>7</sup> Australian Institute of Health and Welfare (2021) Australia's youth: Mental illness, accessed at [Australia's youth: Mental illness - Australian Institute of Health and Welfare](#).

<sup>8</sup> Commissioner for Children and Young People (Tas) (2018), The Health and Wellbeing of Tasmania's Children and Young People Report 2018, Tasmanian Government, Hobart.

worldwide following the Covid-19 pandemic),<sup>9</sup> it is nonetheless extremely concerning – particularly given documented difficulties experienced by Tasmanian children when trying to access mental health care and support,<sup>10</sup> as well as the high rates of youth suicide (which are also above the national average).<sup>11</sup>

The Strategy is an opportunity to address these health issues as well as the underlying causes contributing to poor health outcomes for Tasmanian children, who are more likely to be experiencing homelessness, to live in a rural or remote area, or to be residing in a disadvantaged area.<sup>12</sup>

### **What is a rights-based approach, and why is it needed?**

Access to primary healthcare is a crucial component of overall health and wellbeing, and Tasmania has a responsibility to ensure children are able to get the services they need to stay healthy and well. As a signatory to the United Nations Convention on the Rights of the Child (UNCRC) which includes provisions relating to healthcare rights,<sup>13</sup> Australia (including

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<sup>9</sup> The Lancet Psychiatry (2024), The Lancet Psychiatry Commission on Youth Mental Health – Policy Brief, accessed at [The Lancet Psychiatry Commission on youth mental health](#).

<sup>10</sup> Savaglio M, Yap MBH, Smith T, Vincent A, Skouteris H. "I literally had no support": barriers and facilitators to supporting the psychosocial wellbeing of young people with mental illness in Tasmania, Australia. Child Adolesc Psychiatry Ment Health. 2023 Jun 9;17(1):67, accessed at ["I literally had no support": barriers and facilitators to supporting the psychosocial wellbeing of young people with mental illness in Tasmania, Australia - PubMed](#).

<sup>11</sup> Australian Institute of Health and Welfare (2022), Suicide and self-harm monitoring, accessed at [Annual deaths over time - Suicide & self-harm monitoring - AIHW](#).

<sup>12</sup> Commissioner for Children and Young People (Tas) (2018), The Health and Wellbeing of Tasmania's Children and Young People Report 2018, Tasmanian Government, Hobart.

<sup>13</sup> **Article 24:**

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

- (a) To diminish infant and child mortality;
- (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
- (d) To ensure appropriate pre-natal and post-natal health care for mothers;
- (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
- (f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Tasmania) has a responsibility to ensure these rights are upheld in healthcare policy and practice. Tasmania has also developed multiple strategies and initiatives to promote and protect the safety and wellbeing of children, including the recent health and wellbeing strategy.<sup>14</sup> However, we believe this commitment could be strengthened by embedding a rights-based approach to healthcare (including preventative healthcare) for children. Elements of a rights-based approach include:

- Promoting children's access to developmentally appropriate and accessible health information and resources;
- Respecting (where possible) the privacy of children;
- Ensuring healthcare providers are aware of the rights of children and young people; and
- Promoting (where possible) the meaningful participation of children in decisions about their health, treatment and care.

### **The intersection of health and legal issues**

Mental health issues can be connected to unmet legal needs in a number of ways. Poor mental health can arise as a result of experiencing social disadvantage or hardship (including financial insecurity or experience of harm), or can be exacerbated for people experiencing a challenging situation in their life. Legal problems (including access to solutions or remedies) can also be significantly impacted by poor mental health – for example, a condition such as anxiety or depression could make it more difficult for a person to engage with legal services or to understand the options available to address their legal issues.<sup>15</sup> Studies also show that young people with serious mental health issues are far more likely to experience a cluster of legal problems, meaning their legal issues are likely to be more complex and time-consuming to address.<sup>16</sup>

Reports show that children generally face difficulties in accessing legal services that meet their needs. Studies show that many children are unable to identify that they are experiencing a legal problem, which can be a significant barrier to accessing legal services.<sup>17</sup> Children who need legal support are often struggling to navigate complex systems that were not designed to meet their developmental or language needs, and legal professionals (including lawyers, magistrates and other decision-makers) are often not trained to work in ways that are child-friendly. Those children who are experiencing disadvantage – such as experiences of abuse or neglect, having a disability, or being involved in the out-of-home care or youth detention

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<sup>14</sup> Tasmanian Government (2021), 'It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy'.

<sup>15</sup> For an exploration of links between health and legal issues, see Haultain, L. & Wei, Z. (2025). Are legal problems bad for your health? Are health issues bad for your law? Melbourne: Victoria Law Foundation., accessed at [Are legal problems bad for your health? Are health issues bad for your law? | The Public Understanding of Law Survey | Victoria Law Foundation.](#)

<sup>16</sup> McDonald, H.M. & Jupp, R. (2024). Mental distress and experience of legal problems. Melbourne: Victoria Law Foundation, accessed at [Mental distress and experience of legal problems | The Public Understanding of Law Survey | Victoria Law Foundation.](#)

<sup>17</sup> Rychner, G. & Jupp, R. (2024). Young people's experience of legal problems. Melbourne: Victoria Law Foundation, accessed at [Young people's experience of legal problems | The Public Understanding of Law Survey | Victoria Law Foundation.](#)

systems – are those who are most at risk of having unmet legal needs or not being able to meaningfully engage with legal support services.

### **Health-Justice Partnerships – an opportunity for innovation**

While both the legal and healthcare systems present a range of access and participation challenges for children and young people, there are clear advantages to using engagement within these systems as opportunities to address unmet needs. For example, as research shows children with intersecting mental health and legal issues are far more likely to see a mental health professional than a lawyer,<sup>18</sup> it may be a more effective approach to utilise existing health services to talk to and work with children in relation to their legal issues.

A Health Justice Partnership ('HJP') is a partnership between one or more health services (including allied health) and one or more legal assistance services, which allows practitioners with different skills and practice areas to work collaboratively to address individual and community needs. As examples of multi-disciplinary practice, HJPs can foster integrated and collaborative work across different practice areas, giving practitioners exposure to different professional skills, expanding work networks and connections, and making it easier to facilitate referrals between organisations to ensure legal and non-legal needs are being met. Providing multi-disciplinary or 'hub-style' services can also reduce some of the accessed barriers, making it easier for people to access support by streamlining services into one key location and promoting a 'no wrong door' approach. We believe this approach would be particularly effective for children and young people, who often struggle to access community-based supports and may be unaware of which services to approach for assistance.

Recent evaluations from interstate examples of health justice partnerships demonstrate the impact of HJPs in addressing unmet legal and health needs. A 2024 evaluation of a HJP embedded within First Step Legal (a community legal centre in St Kilda, Victoria), recognised the following positive impacts:

- Positive changes in how people accessing the service reported their personal health and wellbeing throughout their time engaging with the program;
- Increased ability to address legal issues and confidence in engaging support;
- Increased trust and confidence in professional staff;
- Increased satisfaction with legal outcomes; and
- Increased professional skills for partnership staff (including ability to identify and respond to key issues).

YLA believes this approach would be particularly effective for children and young people, who are currently facing significant barriers in relation to both their mental health and legal issues. Ideally, this approach would involve designing and development a project across community-based services with established connection and experience with working with Tasmanian children and young people. As a technology-facilitated service working across the state, we also recommend consideration of a partnership involving the provision of health and legal services across digital platforms, noting the expansion of digital and other technologies has

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<sup>18</sup> Health Justice Australia, 'Mental health staff spend 50%+ of their time responding to legal need' (news article, 17 September 2024), accessed at [Mental health staff spend 50%+ of their time responding to legal need - Health Justice Australia](#).

been recommended by key stakeholders as a key strategy to improving mental health support and service provision.<sup>19</sup>

**Recommendations:**

- 1) The Strategy must include the health and wellbeing of children and young people as a focus area;**
- 2) The Strategy must include enablers relating to promoting and protecting the health and wellbeing of children – this could include (but is not limited to) the following:**
  - a. Embedding a rights-based approach in healthcare across all health and allied services;**
  - b. Recognition of the intersection between health and legal needs, and the benefits of multi-disciplinary approaches to improve children’s access to medical, health and legal support; and**
  - c. Development and implementation of targeted, specialist initiatives (such a health justice partnerships) to address unmet health and legal needs for children.**

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<sup>19</sup> See for example, Australasian Institute of Digital Health (2025), Submission to the Mental Health and Suicide Prevention Agreement Review, accessed at [https://www.pc.gov.au/\\_data/assets/pdf\\_file/0006/391677/sub012-mental-health-review.pdf](https://www.pc.gov.au/_data/assets/pdf_file/0006/391677/sub012-mental-health-review.pdf).