

Australia: NT laws to permit police interrogation of children without legal guardian

Antony Walsh
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The Country Liberal Party (CLP) government of Australia's Northern Territory (NT) this month introduced amendments to the Youth Justice Act that would allow police to detain children in watch[-]houses for up to 48 hours, conduct interviews without an adult support person present, and question any young person deemed to have "knowledge in relation to an offence"—regardless of whether they are themselves charged with any crime.

The legislation, tabled by Corrections Minister Gerard Maley, has drawn condemnation from legal advocates and human rights organisations. It represents the latest escalation in a bipartisan offensive to essentially criminalise the entrenched poverty, chronic housing shortages and lack of secure employment that Australian capitalism has inflicted upon many working people, particularly Indigenous people.

Under existing law, young people must be released or brought before a court within 24 hours of being charged, unless a judge grants an extension. The new bill would double that period to 48 hours, specifically authorising detention in police watch[-]houses. These are facilities that the NT's own prison ombudsman, Bronwyn Haack, described in a report late last year as operating under "unreasonable and oppressive" conditions, including severe overcrowding and inhumane toilet access.

Matilda Hunt, acting youth manager at the North Australian Aboriginal Justice Agency, told the Australian Broadcasting Corporation that children in these facilities regularly report "hearing the screaming and yelling" and are routinely exposed through glass cell doors to people who are mentally unwell or drug affected.

The power to interview any child who "has knowledge in relation to an offence" features a vague formulation that legal advocates warn could sweep in young people who have done nothing more than view a video circulating on social media. Hunt commented: "What does knowledge of trouble mean? With social media, there's things on Instagram or videos circling—anyone that could see it could then be

questioned by police."

Most alarmingly, these interviews can proceed without a parent, guardian, or support person present if police deem the matter to involve "a serious and urgent matter concerning public safety." NT police falsely insisted the right to silence is preserved and that statements made in such interviews are inadmissible in criminal proceedings.

Hunt rejected these assurances. "It's hard enough for adults to understand their right to silence, let alone young children," she said, particularly when the only adult in the room is the arresting officer. Legal representation is a foundational right in any criminal prosecution but is undercut by this legislation.

Not for the first time, the state of NT's so-called youth justice system is raising serious concerns over human rights violations and the entrenchment of Indigenous disadvantage. Maggie Munn, First Nations justice director at the Human Rights Law Centre, warned that the legislation would function to "funnel Aboriginal children into prisons," noting that a crisis was already unfolding in NT watch-houses before these proposed powers were even tabled. "Our children deserve care, not cages," she told the Guardian.

The bill was introduced the day after separate proposed amendments to child protection laws that would replace the Aboriginal Child Placement Principle, which is supposed to reduce the over-representation of Indigenous children in out-of-home care by prioritising family preservation, in the same week that a review into child protection services was announced following the death of five-year-old Kumajayt Little Baby near Alice Springs. This sequence of events lays bare the official priorities: tightening punitive state power under the cover of crisis management.

These developments do not emerge from nowhere. The WSWs has documented the deepening social catastrophe confronting many Aboriginal workers and youth. Escalating incarceration in place of investment, punishment in place of services, and the expansion of state coercive power against

the most oppressed section of the working class has been the response of both the CLP and the Labor Party.

Last year, the NT prison population surpassed 2,600, nearly double the 1,413 recorded in 2012, meaning that more than one percent of the territory's entire population was behind bars. Around 89 percent of that prison population is Aboriginal, despite Aboriginal people constituting only 26 percent of the NT's population.

If the NT were a sovereign state, it would have the second highest incarceration rate in the world, behind only El Salvador. The Don Dale youth detention centre—the same facility exposed in 2014 as a site of torture and inhumane treatment of children—was reopened in 2024 as an adult jail. Previously banned spit hoods—complete mesh face coverings—have been reintroduced into youth detention and the age of criminal responsibility has been lowered from 12 to 10.

This year's Closing the Gap report found that many key indicators are worsening for Indigenous people, including early childhood development, removal of children from their families, incarceration rates, deaths in custody, suicide rates and life expectancy.

By presenting inequality as a “gap” between Indigenous and non-Indigenous Australians, such reports divert attention from the broader erosion of wages, housing and public services affecting the working class as a whole, concentrating wealth in the hands of a minority while imposing deprivation on the majority.

The “tough on crime” agenda is being pursued across Australia and the globe. In the state of Queensland, “Adult Crime, Adult Time” laws now provide for adult sentence lengths for youth, and the transfers of 18-year-olds to adult correctional facilities regardless of whether they are on remand or sentenced.

These laws were imposed by the current state Liberal National Party government, but the previous Labor state government laid the basis for them. In 2023, it twice suspended the state's Human Rights Act, first to abolish limits on how long children can be held in adult detention centres, and then to rush through legislation punishing criminal offenders aged as young as 10.

The responses of Premier Jacinta Allan's state Labor government in Victoria underscore the bipartisan nature of this barbarism. On May 13, 2025, Allan issued a media release boasting that her government had “introduced Australia's toughest bail laws,” supposedly to protect people from serious crime. As a result, she said: “There are 39 more young people on remand in Youth Justice this month compared to April last year, an increase of 71 percent.”

On March 30 this year, Allan went further, crowing that

bail refusals and revocations were at record highs. “Magistrates remanded offenders 10,000 more times in 2025 than in 2024—a more than 70 percent increase.” She also welcomed the commencement of her government's Adult Time for Violent Crime laws, which mean children 14 and above convicted of crimes such as home invasion and car jacking can face adult sentences of up to life imprisonment.

Data from the Victorian Aboriginal Legal Service show that Allan's bail “reforms” had already produced a 233 percent increase in Aboriginal youth being refused bail by late 2025, compared to 6 percent for non-Indigenous youth. “Law and order” is a code for intensified repression directed above all against Aboriginal youth and other vulnerable layers of the working class.

These are not policy aberrations. They are an expression of a ruling capitalist class that has no solution to the worsening social crisis but to ramp up domestic oppression, alongside slashing disability, health, education and other essential social spending, while allocating hundreds of billions of dollars for military spending in preparation for war.

Social conditions are producing increasing hardship among working-class youth. The 2025 Australian Youth Barometer reported, for example, that 85 percent young people aged 18–24 experienced financial difficulties, 44 percent had been unemployed in the previous year, only 30 percent thought it likely or extremely likely that they will be able to afford a comfortable place to live in the next 12 months and 79 percent believed they would be worse off financially than their parents.

The fight against these laws cannot be waged through parliamentary lobbying. The bipartisan character of the offensive demonstrates that. What is required is the independent mobilisation of the working class, Indigenous and non-Indigenous, against the profit system that produces poverty and social crisis and deploys the police, courts and prisons as weapons of class rule.



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