

## **RECOMMENDATIONS**

### **Recommendation No. 1:**

That a Crime Prevention Division be established within the Attorney General's Department, a priority of which is to develop policies and strategies relevant to juvenile crime prevention. (2.3)

### **Recommendation No. 2:**

That a consultation and liaison process, similar to the French Bonnemaïson Scheme, be established under the co-ordination of the proposed Crime Prevention Division of the Attorney General's Department, so that State Government Departments and Offices, the Federal Government, local councils and relevant community organisations can assist in the formulation of long term policies and strategies relevant to juvenile crime prevention.

The Committee considers that relevant State Government Departments and Offices would include the Office of Juvenile Justice, the Police Service, the Department of Local Government and Planning, the Department of School Education, the Department of Community Services, the Department of Health, the Department of Housing, the Department of Industrial Relations, Further Education, Training and Employment, the Technical and Further Education Commission, the Department of Sport, Recreation and Racing and the Office of Aboriginal Affairs. (2.3)

### **Recommendation No. 3:**

That any initiatives and strategies designed to prevent juvenile offending should be based on an appreciation and recognition of the causes of such offending, an assessment of how the offending might affect particular communities and an understanding of the needs, including the cultural needs of particular communities. (2.3)

**Recommendation No. 4:**

That the Department of Community Services and the Department of Housing increase the provision of services that can provide safe and suitable crisis, medium-term supported and long-term accommodation for those young people who are homeless and either cannot return home or cannot remain at home.

That such services provided by the relevant Departments be suitably staffed and provide a range of relevant programs including independent living skills, and any relevant counselling.

That girls who can no longer remain at home and who may have been subject to violence and abuse should have available accommodation that caters specifically for girls, is staffed by women, and offers a range of programs suitable to the needs of girls.

That accommodation services should be responsive to the needs of specific groups, including young Aboriginal people and young people from non-English speaking backgrounds. (2.4.1)

**Recommendation No. 5:**

That resources be made available to the Department of Community Services, to ensure that there are adequate services available to assist families experiencing crisis and breakdown. The provision of such services should be delivered jointly by the Department and relevant non-Government organisations, that are properly funded and accredited. Relevant liaison with Federal Departments on this issue should also take place.

That a range of accommodation and counselling services for young people who are victims of neglect, violence and abuse be further developed under co-operative schemes with the Department of Community Services and properly funded and accredited non-government organisations. There should be specific services of this kind for girls that are staffed by women. (2.4.3)

**Recommendation No. 6:**

That relevant programs of pre-and early school intervention, such as the Parents as Teachers program, which can assist in the identification of behavioural or learning problems in a child and offer support to parents be encouraged, supported and developed by the Department of School Education, Department of Health and the Department of Community Services. (2.4.3)

**Recommendation No. 7:**

That the Department of School Education in consultation with the Department of Employment, Education and Training, examine the feasibility of establishing Homework Centres throughout New South Wales that can assist disadvantaged young people.

That the extended use of school and community premises be examined as an option for facilities from where Homework Centres may operate out of school hours and which may be staffed by those other than the particular school's teachers. (2.4.3)

**Recommendation No. 8:**

That Government initiatives in the area of youth employment and training programs be encouraged and developed. That where appropriate, a liaison process to achieve this aim, be established between the New South Wales Department of Industrial Relations, Employment, Training and Further Education and the proposed Crime Prevention Division of the Attorney General's Department and the Federal Government. (2.4.4)

**Recommendation No. 9:**

That the proposed Crime Prevention Division of the Attorney General's Department, the Department of Sport, Recreation and Racing, and local councils, in consultation with community organisations and members of local communities, collaboratively develop appropriate strategies for the implementation of constructive leisure, recreation and entertainment programs and facilities for young people throughout New South Wales, particularly in areas where there are high rates of involvement in the Juvenile Justice System. (2.4.5)

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**Recommendation No. 10:**

- That Aboriginal communities and organisations relevant to Aboriginal youth be encouraged, supported and funded to develop relevant crime prevention strategies for young Aboriginal people.
- That a liaison process between such communities and the proposed Crime Prevention Division of the Attorney General's Department be developed to facilitate this process. (2.5)

**Recommendation No. 11:**

- That ethnic communities and organisations relevant to youth from non-English speaking backgrounds be encouraged, supported and funded to develop relevant crime prevention strategies for young people from non-English speaking backgrounds. That a liaison process between such communities and the proposed Crime Prevention Division be developed to facilitate this process. (2.6)

**Recommendation No. 12:**

- That due to the special needs of girls a position of Policy Officer (Girls) be created within the Office of Juvenile Justice to specifically examine issues affecting girls and develop policies on how these issues might be addressed. One of the responsibilities of that position would be to liaise with the proposed Crime Prevention Division regarding the implementation of appropriate strategies to prevent girls from entering the Juvenile Justice System. (2.7) See also Recommendation No. 79

**Recommendation No. 13:**

- That consistent with Recommendation No. 30, regarding the development of the position of Police Youth Officer, that Officer co-ordinates and develops programs of the kind undertaken by General Duties Youth Officers in relation to prevention of juvenile crime. Appropriate liaison should be established between those officers and the proposed Crime Prevention Division. (2.8)

**Recommendation No. 14:**

. That the proposed Crime Prevention Division of the Attorney General's Department examine the feasibility of implementing a juvenile crime prevention scheme throughout New South Wales that gives greater responsibility and a greater role to local councils. In undertaking this evaluation, the Crime Prevention Division should examine systems operating in other jurisdictions, as well as local council initiatives in New South Wales. (2.9)

**Recommendation No. 15:**

- . That a Police Caution should be given in the presence of a parent, adult relative or person responsible for the care of the juvenile, where possible.
- . That in instances where a Police Caution is given other than in the presence of such a person with the care and responsibility for the juvenile, that that person be notified in writing of the fact and details of the caution administered. (3.2.2.2)

**Recommendation No. 16:**

- . That the Police administration develop a structured policy to assist more police officers to utilise more effectively the option of cautioning. (3.2.2.2)

**Recommendation No. 17:**

- . That Police be given revised and simplified procedures for cautioning in order that the process itself does not act as a deterrent to cautioning. (3.2.2.2)

**Recommendation No. 18:**

- . That Police be given instruction on the merits and effectiveness of cautioning. (3.2.2.2)

**Recommendation No. 19:**

- That Police be given specific training in respect to the use and philosophy of cautioning. (3.2.2.2)

**Recommendation No. 20:**

- That Police guidelines be amended to indicate that unless an alleged offence is grave or the juvenile is likely to repeat or commit other offences at that time, arrest should not be effected. (3.2.2.2)

**Recommendation No. 21:**

- That police officers are given training in the use of Section 8 of the Children (Criminal Proceedings) Act, 1987 and that section be utilised more effectively in respect of proceedings, unless specifically exempt by the legislation. (3.3)

**Recommendation No. 22:**

- That legislation relating to bail should specifically state that lack of accommodation is not a sufficient reason to refuse bail. (3.4)

**Recommendation No. 23:**

- That custody alternatives such as bail hostels and non-custodial community placements be provided for juveniles. (3.4)

**Recommendation No. 24:**

- That information on custody alternatives be readily available to police, magistrates, court officers, young people and workers with youth. (3.4)

**Recommendation No. 25:**

- That the Office of Juvenile Justice approve families, particularly Aboriginal families, for the provision of bail accommodation. (3.4)

**Recommendation No. 26:**

- That training be provided to magistrates and police officers in relation to the nature and type of bail conditions with which a young person could reasonably be able to comply. (3.4)

**Recommendation No. 27:**

- That the imposition of onerous monetary bail conditions should, where possible, be discontinued. (3.4)

**Recommendation No. 28:**

- That the New South Wales Attorney General's Department review the applicability of the Summary Offences Act to juveniles with a view to examining the penalties for offensive language by juveniles.
- That, following the review, the New South Wales Attorney General's Department develop guidelines relating to the enforcement of the legislation.
- That the maximum penalty for offensive language by juveniles, be a formal Police Caution. (3.5)

**Recommendation No. 29:**

- That bail for juveniles on an offensive language charge should not be refused, during the review of the Summary Offences Act. (3.5)

**Recommendation No. 30:**

- That the position of Police Youth Officer be developed within the New South Wales Police Service. (3.6.2)

**Recommendation No. 31:**

- . That at least one position of Police Youth Officer be a requirement for each police patrol area. The number of such officers would be related to the population, proportion of young offenders and the history of juvenile offending in a particular area. (3.6.2)

**Recommendation No. 32:**

- . That a specialist police policy unit be established within the Head Office of the New South Wales Police Service with responsibility:
  - . to oversight the work of Police Youth Officers in relation to practices and procedures for the policing of young people,
  - . for the co-ordination and development of policies and programs relating to the policing of young people,
  - . to determine the nature of training and development required for all police officers in relation to policing young people, and
  - . to monitor and evaluate procedures and practices relating to policing juveniles throughout the state. (3.6.2)

**Recommendation No. 33:**

- . That the New South Wales Police Service develop and establish a separate career structure for Police Youth Officers which:
  - . recognises the skills and abilities required,
  - . would enable officers to move between career streams,
  - . maintain the integrity of the position, and
  - . ensure the positions become an integral part of a policing career within New South Wales. (3.6.2)



**Recommendation No. 34:**

That Police Youth Officers be appointed to the rank of at least Senior Constable. (3.6.2)

**Recommendation No. 35:**

That a pre-court diversion panel scheme, a Children's Panel, be introduced within New South Wales in the form outlined in Chapter Three of this Report. (3.8)

**Recommendation No. 36:**

That the Children's Panel be implemented initially as a pilot pre-court diversion scheme in six police patrol areas throughout New South Wales. (3.8)

**Recommendation No. 37:**

That the six areas in which the Children's Panels are piloted be in both city and country areas, including areas with high populations of young people from Aboriginal backgrounds or non-English speaking backgrounds. (3.8)

**Recommendation No. 38:**

That the areas in which the pre-court scheme, Children's Panel, is piloted preferably have no Community Aid Panels in operation. (3.8)

**Recommendation No. 39:**

That the scheme of Children's Panels be evaluated after a start up period of six months, followed by an operational period of eighteen months. (3.8)

**Recommendation No. 40:**

That the evaluation of the operation of the Children's Panel scheme be undertaken by an independent body such as the Australian Institute of Criminology or a specialist contracted for that purpose. (3.8)

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**Recommendation No. 41:**

- That following the evaluation of the operation of Children's Panels, legislation be developed and necessary adjustments made to Children's Panels prior to their adoption throughout the state. (3.8)

**Recommendation No. 42:**

- That Police Officers be trained in the nature of Children's Panels, the options available for young people and matters relating to the plea. (3.8)

**Recommendation No. 43:**

- That a checklist be developed for Police Officers which will ensure that the appropriate and consistent advice on the nature and operation of the Children's Panel scheme is given to young people who are apprehended. (3.8)

**Recommendation No. 44:**

- That Children's Panels include a:
  - Juvenile Justice Officer (co-ordinator) and
  - member of the Police Service or a Police Community Liaison Officer and
  - community representative. (3.8.2)

**Recommendation No. 45:**

- That the following people must attend a Children's Panel:
  - the offender and
  - representatives of the offender's family, however that may be defined. (3.8.1)

**Recommendation No. 46:**

- That the victim and support persons, as requested, be encouraged to attend the relevant Children's Panel. (3.8.1)

**Recommendation No. 47:**

- That magistrates be given a discretion to refer a young offender, where appropriate, back to a Children's Panel. Such a procedure should be done in a magistrate's chambers on the submissions of the young person's legal counsel, thereby dispensing with the formalities of court. (3.8.2)

**Recommendation No. 48:**

- That at least one of the members of each Children's Panel be a woman. (3.8.3)

**Recommendation No. 49:**

- That at least one of the members of each Children's Panel be of the same cultural group as the young offender. (3.8.3)

**Recommendation No. 50:**

- That where an Aborigine appears before a Children's Panel, some panel members should be Aboriginal. (3.8.3)

**Recommendation No. 51:**

- That consistent with the provisions of the Children (Criminal Proceedings) Act, 1987, community-based sentencing options should be a first response of magistrates when sentencing a young offender and that the use of custodial sentences be used only as a last resort. (4.2)

**Recommendation No. 52:**

- That when a young person has committed a minor offence and had not been given the opportunity of a Police Caution or the option of attending a Children's Panel, magistrates be encouraged, in all appropriate cases, to use "court dismissals" and "dismissals with a caution" as appropriate measures. (4.4.1)

**Recommendation No. 53:**

- That wherever possible, magistrates utilise other community-based alternatives before imposing a fine on a young offender. Before a fine is imposed, magistrates must consider the financial circumstances of the young offender and his or her ability to pay. (4.4.3)

**Recommendation No. 54:**

- That magistrates sitting in Children's Courts utilise the option of Community Service Orders as a genuine alternative to custodial sentences, particularly in areas where incarceration rates are high. (4.4.4)

**Recommendation No. 55:**

- That resources be made available and relevant support services able to be drawn upon, to assist Juvenile Justice Officers in all regions, to adequately supervise and offer a range of community work, to those young offenders placed on Community Service Orders. (4.4.4)

**Recommendation No. 56:**

- That a pilot scheme be introduced for a period of two years whereby the maximum number of hours that a young offender can perform under a Community Service Order is 300 hours. The purpose of the pilot scheme is to assess the feasibility of increasing the number of hours of Community Service Orders as a realistic alternative to custody for serious offenders. (4.4.4)

**Recommendation No. 57:**

- That where supervision of a community-based sentencing option is ordered by a magistrate, that supervision should be consistent, and relevant to the circumstances and needs of the offender. (4.4.5)

**Recommendation No. 58:**

- That resources be available to ensure that Juvenile Justice Community Services can provide consistent and relevant supervision for all young offenders throughout New South Wales, subject to a supervised order, including a recognizance and probation order. (4.4.5)

**Recommendation No. 59:**

- That Community Youth Centres be expanded to cover further Juvenile Justice Office Regions, particularly country regions. (4.4.5)

**Recommendation No. 60:**

- That in order for Juvenile Justice Officers and Community Youth Centres to adequately supervise a young offender, a wide range of suitable programs must be available within the community from which they can draw assistance. Those community organisations offering relevant services, should be provided with adequate government funding so that co-operative service delivery between the government and the non-government sector can be fostered. (4.4.5)

**Recommendation No. 61:**

- That the Attorney General's Department examine the applicability of the Victims Compensation Act to young offenders in regard to the payment of compensation levies. As part of that examination the Attorney General's Department should assess the ability of most young offenders, convicted of an offence, to pay the levy. (4.4.6)

**Recommendation No. 62:**

That magistrates be provided with training as to appropriate conditions that they can attach to an order. When sentencing, a magistrate must demonstrate an awareness and understanding of the circumstances of the young offender, including his or her ability to comply with conditions before any conditions are applied. (4.5.1) See also Recommendation No. 73

**Recommendation No. 63:**

That all Juvenile Justice Centres, as well as providing secure care for young offenders, must be humane in their treatment of young offenders and their practices and programs must reflect a commitment to the rehabilitation of those young offenders. (4.6.1)

**Recommendation No. 64:**

That the Attorney General's Department, the Department of Courts Administration, and the Office of Juvenile Justice examine, as a matter of urgency, the operation of the Sentencing Act in relation to young offenders, particularly as that Act impacts upon post release supervision and follow-up. (4.7)

See also Dissenting Opinion.

**Recommendation No. 65:**

That as well as examining the issue of post-release supervision the relevant Departments noted in Recommendation No. 64, examine the establishment of a system that allows young offenders who are incarcerated to earn remissions for good behaviour. (4.7)

**Recommendation No. 66:**

That during the period of operation of the pilot scheme of the Children's Panel, there should be no further Community Aid Panels established. (4.8.2)

**Recommendation No. 67:**

That during the period of the operation of the pilot scheme of the Children's Panel, Community Aid Panels should be subject to guidelines to ensure accountability. Such guidelines should include:

- . That a ceiling be placed on the number of hours of community work that the young offender should perform; where a young offender wishes to continue such work or continue participation in a program, this should not effect any final sentencing outcome;
- . That any option imposed should be in proportion with the offence committed;
- . That any community organisation to which the young person is referred by the Community Aid Panel consents to that person participating in work or activities there;
- . That a monitoring scheme be established to ensure that there is a consistency among the options being issued from different Community Aid Panels;
- . That Community Aid Panels are covered by insurance in the event of a young offender being injured in the course of his or her participation in a Community Aid Panel program;
- . That Community Aid Panels must not be used as an alternative to police cautioning. (4.8.2)

See also Dissenting Opinion.

**Recommendation No. 68:**

That a trial of a program of Intensive Personal Supervision be implemented for a 12 month period and then be subject to an evaluation. (4.8.8)

**Recommendation No. 69:**

That the Intensive Personal Supervision program be co-ordinated by the Office of Juvenile Justice which would draw on the support of members of the community as appropriate and who would properly monitor the progress of the young offender with his or her "mentor". (4.8.4)

**Recommendation No. 70:**

That adequate guidelines be drawn to ensure the proper accountability of all those involved in the Intensive Personal Supervision program. (4.8.4)

**Recommendation No. 71:**

That any reasonable costs the "mentor" might incur in his or her role with the young offender, under the Intensive Personal Supervision program should be met by the Office of Juvenile Justice. (4.8.4)

**Recommendation No. 72:**

That a circuit for Children's Court Magistrates be established, in order that specialist Magistrates may travel to country areas and preside over all children's matters there. This would require the appointment of at least a further two specialist Children's Magistrates. (4.9)

**Recommendation No. 73:**

That a program of training be established for all Magistrates, including those who may from time to time relieve at Children's Courts, to assist them to understand fully issues affecting young offenders, including sentencing options and available services. (4.9) See also Recommendation No. 62

**Recommendation No. 74:**

That magistrates presiding in courts sitting as Children's Courts, should have available to them, relevant services upon which they can draw, in order that reasonable, appropriate and consistent sentences might be given. (4.9)

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**Recommendation No. 75:**

That the Office of Juvenile Justice establish a position in Head Office, of Information Officer, to advise members of the Magistracy of services available to young offenders in the Department and the community. (4.9)

**Recommendation No. 76:**

That wherever possible, community-based sentencing options must be the first response to young female offenders convicted of a criminal offence. (4.10)

**Recommendation No. 77:**

That girls should only ever be detained in a Juvenile Justice Centre where the offence is of such a serious nature that it would be inappropriate to release them into the community. (4.10)

**Recommendation No. 78:**

That any facility that detains girls must ensure that the girls are kept in sex-segregated accommodation. (4.10)

**Recommendation No. 79:**

That the development of policies and the co-ordination of programs that relate specifically to young female offenders be undertaken by a special Policy Officer (Girls) appointed by the Office of Juvenile Justice who looks specifically at issues affecting girls. (4.10) See also Recommendation No. 12

**Recommendation No. 80:**

That education and training programs offered to girls in custody and secure care should be of a range that is equal to those provided for boys and be particular to the needs of girls. (4.10)

**Recommendation No. 81:**

That the Office of Juvenile Justice sponsors or develops specialist programs for those young female offenders, both in custody and on community-based sentences, who require sexual assault and drug and alcohol counselling as well as guidance in issues such as self-esteem and living skills. (4.10)

**Recommendation No. 82:**

That the supervision of community-based sentences for young female offenders should be undertaken by a female Juvenile Justice, Community Services Officer. (4.10)

**Recommendation No. 83:**

That the majority of staff at Juvenile Justice Centres that detain girls must be female and have appropriate training and expertise in issues affecting girls. (4.10)

**Recommendation No. 84:**

That the supervisors of staff of girls in Juvenile Justice Centres, should be predominantly female. (4.10)

**Recommendation No. 85:**

That post-release residential facilities include facilities that are girl-only and include in their program, options that relate specifically to girls. (4.10)

**Recommendation No. 86:**

That community-based sentencing options be utilised at all times when a young Aboriginal person is sentenced unless the severity of the offence or the protection of the young person warrants otherwise. (4.11)

**Recommendation No. 87:**

That the Office of Juvenile Justice in consultation with members of Aboriginal communities examine the option of establishing a system whereby an Aboriginal elder or a member of the Aboriginal community is available to provide assistance to magistrates sentencing Aboriginal young offenders. (4.11)

**Recommendation No. 88:**

That where Aboriginal young offenders are sentenced to a community-based option that requires supervision, appropriate support services are made available and utilised from local Aboriginal communities. (4.11)

**Recommendation No. 89:**

That where an Aboriginal young offender is sentenced to a period in custody, adequate contact from Aboriginal organisations is made available and that such young offenders have available to them programs that are relevant to their culture. (4.11)

**Recommendation No. 90:**

That community-based sentencing options be utilised at all times when a young person from a non-English speaking background is sentenced unless the severity of the offence or the protection of the young person warrants otherwise. (4.12)

**Recommendation No. 91:**

That the Office of Juvenile Justice, in consultation with members of relevant ethnic communities, examine the option of establishing a system, to provide assistance to magistrates when sentencing young offenders from such communities. (4.12)

**Recommendation No. 92:**

That where young offenders from non-English speaking backgrounds are sentenced to a community-based option that requires supervision, appropriate support services are made available and utilised from local ethnic communities. (4.12)

**Recommendation No. 93:**

That where young offenders from non-English speaking backgrounds are sentenced to a period in custody, adequate contact from ethnic organisations is made available and such young offenders have available to them programs that are culturally appropriate. (4.12)

**Recommendation No. 94:**

That urgent attention be given to developing a career structure for workers in Juvenile Justice Centres including positions of Juvenile Justice Officers and Co-ordinators of the proposed Children's Panels. (5.2.1)

**Recommendation No. 95:**

That the salaries of workers in Juvenile Justice Centres be reviewed in order that they are commensurate with the skills required and responsibilities undertaken in such positions. (5.2.2)

**Recommendation No. 96:**

That prerequisites for employment as a youth worker in Juvenile Justice Centres include criteria such as community experience, ethnic or culturally specific knowledge and personal skills in relating to young people. (5.2.4)

**Recommendation No. 97:**

That, as with all new employees, youth workers in Juvenile Justice Centres generally be employed initially on a trial basis to enable assessment of their capabilities. (5.2.4)

**Recommendation No. 98:**

That formal training for youth workers in Juvenile Justice Centres give due heed to the issues of child development, counselling, personal development, non-violent strategies to deal with difficult children, Aboriginal history and culture and multi-cultural issues. (5.2.4)

**Recommendation No. 99:**

That courses be developed and provision made for acquiring skills through workplace and in-service training for youth workers in Juvenile Justice Centres. (5.2.5)

**Recommendation No. 100:**

That induction and in-service training must be provided to:

- assist youth workers to develop an understanding of their role within Juvenile Justice Centres, and
- to provide information on the relevant mechanisms through which conflicts within their work can be resolved. (5.2.5)

**Recommendation No. 101:**

That counsellors providing specialist services to young offenders be professionally qualified in either social work or psychology. (5.2.6)

**Recommendation No. 102:**

That any training or pre-employment programs for youth workers, particularly those working in Juvenile Justice Centres address matters relating to:

- Aboriginal history and culture,
- Multicultural issues,
- Girls in custody,
- Disabilities, and
- Age and stages of development. (5.2.8)

**Recommendation No. 103:**

That where girls are detained, there be adequate numbers of female staff on each shift, especially in management positions. (5.2.8)

**Recommendation No. 104:**

That the staff composition of Juvenile Justice Centres, especially in management positions, be representative of the racial and ethnic profile of detainees particularly in relation to those who are Aboriginal or Torres Strait Islanders. (5.2.8)

**Recommendation No. 105:**

That the New South Wales Police Service establish a training program specifically relating to policing children and young people which, similar to the Initial Response Officers Course on Domestic Violence, involves pre-residential reading material, a two week residential skills training component followed by six months field work, prior to an appearance before a review panel before graduation, and

That the New South Wales Police Service include in its training program at the Police Academy and "on-the-job" or other professional development courses, programs to adequately equip officers with the skills to liaise with and manage juveniles.

The skills required include a knowledge of:

- the circumstances and characteristics of young people. Such training would need to include differences and difficulties relating to sex, physical or intellectual ability, racial and cultural and ethnic background. The effects of poverty, unemployment, sexual abuse, drug dependence and different views toward the police and authority figures held by Aborigines and some migrants would need to be understood;
  - the techniques and skills needed in dealing and interacting with young people;
  - the specific laws, rules and policies for the policing of young people;
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- an understanding and respect of the needs and rights of young people especially the right to use public spaces;
  - the nature of the dynamics of the policing of young people;
  - the legal and human rights of young people;
  - an understanding and respect for the legal and human rights of young people as well as their need for advice and advocacy;
  - an understanding of why racial and other prejudices and discriminatory actions are not appropriate to the professional policing of young people;
  - an understanding of the culture and social relationships of Aboriginal Australians;
  - an appreciation of the effectiveness of cautioning young people, and the preference of a Caution or a Court Attendance Notice rather than a charge;
  - improved awareness of and compliance with the provisions of the Bail Act regarding the presumption in favour of bail and reasonable bail conditions; and
  - an awareness of the role of other agencies in the Juvenile Justice System, and other reasons for their powers, policies and programs.
- (5.3)

**Recommendation No. 106:**

- That the selection criteria for Police Youth Officers include the:
  - officer's understanding of and interest in working with youth;
  - ability to demonstrate effective and sensitive contact with people from diverse cultural backgrounds, especially Aborigines;
  - ability to promote co-operation between individuals, groups and organisations providing services to young people and their families;

- ability to facilitate culturally relevant decision making processes; and
- competence and flexibility in working with children, young persons and their families. (5.3.1)

**Recommendation No. 107:**

- That, in addition to their ongoing training at the Police Academy, the opportunity be created whereby Aboriginal Community Liaison Officers throughout the state could, meet once per year, at a venue to be determined by the Aboriginal Community Liaison Officers. (5.3.1)

**Recommendation No. 108:**

- That the Police Service review the adequacy of Aboriginal Community Liaison Officers with the view to increasing the number of positions throughout New South Wales.

In particular, consideration should be given to facilitating the recruitment of female Aboriginal Community Liaison Officers. Where female Aboriginal Community Liaison Officers are difficult to attract and retain in positions, consideration should be given to identifying women in the Aboriginal community who would be willing and appropriate to call upon to assist as required.

- That access be made available to reliable transport for Aboriginal Community Liaison Officers in order that they may adequately fulfil their role. (5.3.2)

**Recommendation No. 109:**

- That a training program be established for all magistrates, particularly those who may from time to time relieve at Children's Courts, to assist them to understand fully issues affecting young offenders, including sentencing options and available services. (5.4)



**Recommendation No. 110:**

- That wherever juveniles who are Aboriginal, female or from a non-English speaking background, are or have the potential to be involved in programs, participate in schemes or use services, that the staff of those services be chosen who are able to demonstrate a sensitivity to and knowledge of the specific backgrounds and needs of those young people.
- That the Office of Juvenile Justice organise training to develop the knowledge of such workers in relation to the often complex and specific difficulties of youth at risk who are Aboriginal, female or from a non-English speaking background. (5.5)

**Recommendation No. 111:**

- That the Office of Juvenile Justice undertake evaluations on whether more than one Drug and Alcohol Counsellor needs to be placed in those Juvenile Justice Centres with high rates of detainees with drug and/or alcohol dependencies. (6.3)

**Recommendation No. 112:**

- That appropriate and consistent follow-up be organised by the Office of Juvenile Justice for those young offenders, released from Juvenile Justice Centres who require on-going treatment for their drug and/or alcohol dependency. (6.3) See also Recommendation No. 118

**Recommendation No. 113:**

- That the Department of Health supervise the development of further specialised drug and alcohol services in the community to assist young people, including young offenders with drug and/or alcohol dependencies. (6.3)

**Recommendation No. 114:**

- That funding be made available to increase the provision of services, particularly to Aboriginal children in rural areas of New South Wales, under the Home School Liaison Officer Program. (6.4)

**Recommendation No. 115:**

That once a detainee is released from a Juvenile Justice Centre, appropriate post-release follow-up, suitable to the needs and circumstances of the young offender must be co-ordinated by the Office of Juvenile Justice. (6.5)

**Recommendation No. 116:**

That a fostering scheme be established for a period of 12 months, to be available to Children's Courts Magistrates in relation to both remanded and sentenced young people. That scheme should operate in the following way:

- the scheme be evaluated 12 months from the date it is established;
- the scheme be co-ordinated by the Office of Juvenile Justice in conjunction with the specialised foster care program of the Department of Community Services;
- the prospective care-givers be thoroughly screened as to their suitability in providing a safe, secure and supportive environment for the young person;
- a mechanism for regular assessments of the progress of the young person and the suitability of the placement be established;
- the care-giver be paid and be provided with any reasonable expense he or she may incur during the course of the placement;
- appropriate support systems be established within the relevant Departments, which can be utilised whenever the care-giver or the young offender requires assistance in relation to the placement; and
- where a young Aboriginal person is fostered under this scheme, placements should be made with Aboriginal families. (6.6.1)

**Recommendation No. 117:**

That there be established throughout New South Wales small residential facilities, adequately resourced and suitably staffed to assist young offenders, released from their committal, in their transition back into the community. (6.6.2)

**Recommendation No. 118:**

That whilst at a residential facility, the young person should have follow up on his or her drug and alcohol counselling, sexual assault counselling, schooling and any other programs or courses that may have been undertaken in the Juvenile Justice Centre. Appropriate liaison with community drug and alcohol workers, schools, job training services, accommodation services and families should be undertaken so that the young offender has appropriate contacts when leaving the facility, or can be placed in a school, a job or obtain further job training, or safe accommodation if the family home is not appropriate upon his or her departure. (6.6.2) See also Recommendation No. 112

**Recommendation No. 119:**

That psychologists and other counsellors from the Community Youth Centres be available for consultation with the young people at the residential facilities. (6.6.2)

**Recommendation No. 120:**

That the length of the young person's stay at a residential facility, be determined according to the young person's need. (6.6.2)

**Recommendation No. 121:**

That:

- (a) following a young person's departure from the residential facility, resources be made available to Juvenile Justice Community Services to continue, where necessary, the supervision of a young offender.

- (b) there be a wide range of services, training and counselling programs available to assist with such supervision. In this regard, services provided by community organisations should be utilised, and where appropriate, adequately resourced and accredited to fulfil this function. (6.6.2)

**Recommendation No. 122:**

- That the establishment of residential facilities be co-ordinated by the Office of Juvenile Justice with the co-operation of the Department of Community Services, the Department of Health, the Department of School Education and the Department of Housing. (6.6.2)

**Recommendation No. 123:**

- That magistrates in rural areas, make every effort to find local solutions to issues of sentencing young offenders, to avoid the option of incarceration and the removal of young offenders from their communities. (6.7)

**Recommendation No. 124:**

- That a family assistance scheme be established to assist those families from rural areas who cannot meet the cost of visiting children in Juvenile Justice Centres. (6.7)

**Recommendation No. 125:**

- That facilities be established in Juvenile Justice Centres to assist families, particularly families from rural areas, to be close to the children during visits. (6.7)

**Recommendation No. 126:**

That the Attorney General's Department, the Department of Courts Administration, the Legal Aid Commission and the Law Society review the option of the expansion of the children's duty solicitor scheme and provision of a social worker, to other Children's Courts, using the scheme at Cobham Children's Court as a model. As part of the review, consideration be given as to whether more than one salaried solicitor would be required to service Children's Courts. (6.9)

**Recommendation No. 127:**

That the duty solicitor scheme be expanded to include a legal service for young people in Juvenile Justice Centres that could assist detainees with bail applications, appeals, complaints and any other relevant legal matter. (6.9)

**Recommendation No. 128:**

That a special Children's Section be established in Head Office of the Legal Aid Commission that would be responsible for the co-ordination and monitoring of the duty solicitor scheme, including an expanded duty solicitor scheme. (6.9)

**Recommendation No. 129:**

That a scheme be established by the Legal Aid Commission whereby a children's solicitor travel on circuit to country areas where there is no specialist Children's Court or specialist children's solicitor to assist in children's criminal proceedings. (6.9)

**Recommendation No. 130:**

That all solicitors participating in the Children's Court duty solicitor scheme be provided with training and education on issues relevant to the needs of the clients that they are to represent and that such training and education be ongoing throughout their time on the roster. (6.9)

**Recommendation No. 131:**

That the Attorney General's Department, the Department of Courts Administration, the Legal Aid Commission and the Law Society examine the option of setting up a 24 hour telephone advice line for young people at police stations, who are charged with a criminal offence. (6.9)

**Recommendation No. 132:**

That Children's Court proceedings be conducted in language that is simple and able to be understood by young people appearing at court and that young people and their families or other support people, be encouraged to participate in the proceedings. (6.9)

**Recommendation No. 133:**

That a Youth Information Service be established and co-ordinated through the Office of Youth Affairs, to provide assistance to young people with inquiries on a number of issues, including housing, income assistance, employment and any other relevant matter, and to act as a referral agency. (6.9)

**Recommendation No. 134:**

That a position be created in the Office of the Ombudsman, with the status of Deputy Ombudsman, that would be responsible for the co-ordination of complaints made by children, including those in the Juvenile Justice System, and for the establishment of a system of education and information for children about the role of the Ombudsman. Adequate resources should be made available to assist in the creation of this position. (6.10)