



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLIC:DHaj1526996

22 May 2018

Ms Elspeth Dyer
Committee Manager
Legislative Assembly
Committee on Law and Safety
Parliament House
6 Macquarie Street
Sydney NSW 2000

By email: lawsafety@parliament.nsw.gov.au

Dear Ms Dyer,

Committee on Law and Safety - Inquiry into the adequacy of youth diversionary programs in NSW – 10 May 2018

The Law Society gave evidence to the Committee on Law and Safety ("Committee") on 10 May 2018. I appeared on behalf of the Law Society as a witness, together with Jane Irwin, member of the Children's Legal Issues Committee.

I now **attach** corrections made on the transcript, for the attention of the Committee secretariat.

Ms Irwin has also informed me that she would like to clarify her response to the following question asked by Ms Jenny Leong (which appears on page 60 of the transcript):

A specific issue that was raised in a submission was that transit officers on public transport have the training or awareness that a young person may be sleeping on a platform, a bus or have not bought a ticket because they do not have any money and they are trying to get to where they need to go. From your experience, do you have suggestions how the New South Wales Government might improve awareness and might address those issues that would prevent young people finding themselves involved in the criminal justice system as a result of needing somewhere safe and warm to have a rest? It is no reflection on the individual transit officer; it is about training, culture and policies on how those things are approached.

Ms Irwin would like to clarify the first sentence of her response where she says:....A start would be education and training but also to give transit officers the power to issue cautions or warnings.

Ms Irwin wishes to emphasise that she meant that transit officers should:

1. Receive education and training in relation to the *Young Offenders Act 1997* (NSW); and
2. Have power to caution or provide warnings to young people under the *Young Offenders Act 1997* (NSW).

In our experience, if a young homeless person is issued with a fine, it can be very difficult for them to pay off this fine. The consequences that result from a failure to pay a fine may cause the young person to interact with the criminal justice system. For this reason, the Law Society supports measures to promote diversionary options or alternatives to issuing fines to homeless young people. In our view, this may be facilitated through use of the *Young Offenders Act 1997* (NSW) by transit officers.

We further note that two of the Committee's questions were taken on notice by the Law Society at the public hearing. In addition, the Committee has requested that the Law Society respond to three additional questions. We refer to the telephone conversation between Ms Dyer and Ms Jenner on 16 May 2018 confirming we will provide responses to those questions in a separate letter to the Committee secretariat by 30 May 2018.

Should you have any questions or require further information, please contact Amelia Jenner, Policy Lawyer on [REDACTED]

Yours sincerely,

[REDACTED]

Doug Humphreys OAM
President