



17 March, 2025

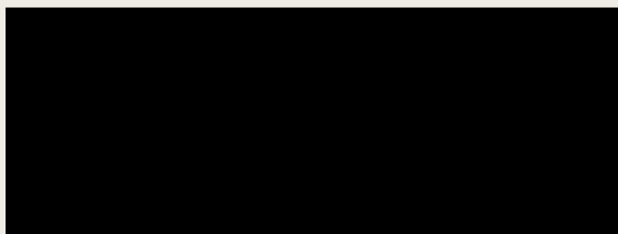
Re: Supplementary questions

Community safety in regional and rural communities
Legislative Assembly Committee on Law and Safety
Parliament of New South Wales

Dear Committee,

Please find below ANTAR's answer to a question taken on notice from the Community Safety hearing on 24 February 2025, as well as answers to supplementary questions from the Committee.

Kind regards,



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**ANTAR is proud to acknowledge and pay
our respects to First Nations Peoples
as the traditional owners of the lands on
which we work across the continent.**

Q1. Just in relation to the Safe Aboriginal Youth patrol program. I'm just interested in you expanding your comments in relation to how that potentially works. What could be done better? There were comments that, with all the guidelines, that it could be doomed. I'm just curious to know how you see that particular program.

As stated in our submission, ANTAR supports the SAY program's objectives to provide safe transport and outreach service to First Nations young people late at night, as well as to reduce the risk of young people being victims or 'persons of interest' in relation to crime.

We note the government's prioritisation of ACCOs in the tender process, and would insist that the SAY program **must** be led and delivered by First Nations people in the communities in which they live and work. This should be elevated to a requirement, not just a priority. In their earliest form, First Nations night patrols intervened not as police or emergency services but as local people who knew the individuals involved and had deep understanding of local context.¹ This must be the organising principle on which SAY programs continue to operate. This is supported by criminologists Scott, Barclay, Sims, Cooper and Love in their research on Aboriginal night patrols.²

SAY patrol programs cannot become regional community mechanisms of state policing and must not contribute to 'net-widening', wherein more of the population of regional communities in NSW, and particularly First Nations children and young people, are subject to some form of population control.³ To mitigate this risk, local SAY programs must be self-determined, designed and led by First Nations people (including young people) and organisations without excessive oversight by government agencies and other formal systems.

To this end, ANTAR would note that as the SAY program is expanded to new areas, the following best practice principles are adhered to:

- They must work with young people on the basis of consent, not coercion, and in particular guided by the principle of free, prior and informed consent as enshrined in the United Nations Declaration on the Rights of Indigenous People;
- First Nations young people must have direct and continual input into the design, operation and management of SAY patrols in their communities;
- SAY programs must retain considerable flexibility in how and when they work, and each local program must have the agency to operationalise the overarching principles in ways that best suit their community's needs and priorities. In other words, the expansion of the SAY program cannot operate on the logic of 'one size fits all';
- Related to the above, it is critical that external agencies refrain from imposing too many rules and regulations on a community patrol, as this can reduce the patrol's flexibility in how it operates;

¹ John Scott et al, [Critical Reflections on the Operation of Aboriginal Night Patrols](#) (2018): 2.

² *ibid*

³ Ryan, N., Head, B., Keast, R., & Brown, K, [Engaging Indigenous communities: Towards a policy framework for Indigenous community justice programs](#), *Social Policy and Administration*, 40:3 (2006): 304–321.

- SAY patrols cannot function as a way of 'street sweeping' or simply removing First Nations young people from public spaces. As they expand, SAY programs must work together with other service providers and local councils to ensure that the root causes of youth offending are acknowledged and addressed. Research concludes that night patrols best support community safety when there is an integrated, coordinated approach to services delivery and where night patrols have effective partnerships with other related community support services;⁴
- In order to see long-term community change, funding to SAY programs must be long term, stable and ongoing (i.e. longer than 2-3 year funding cycles), and include funding for ongoing training and retraining for SAY program staff.

Q2. Service providers told us they are limited by resource-intensive funding and grant frameworks. Do you have any comments on these issues and how they might be addressed?

The kind of generational change that will properly address the root causes of 'justice' involvement and increase community safety is going to require secure and long term funding, and cannot include overbearing or resource-intensive grant frameworks, regulations or reporting requirements that take away from the ability of these services to deliver their programs. This was echoed by the evidence the Committee heard from individuals such as Russell Webb and Geoff Scott, who talked about the need for long-term secure funding and for integrated, coordinated service delivery that gets out of short 2-3 year funding cycles and moves into 10 year lifecycles and beyond.

Particularly where it concerns Aboriginal community-controlled services, poor funding models and reporting requirements significantly undermine the ability of First Nations communities to exercise self-determination.⁵

In its review of the National Agreement on Closing the Gap, the Productivity Commission found that governments at all levels rarely share power and decision-making authority with First Nations people and organisations in the ways they have agreed to under Priority Reform 1.⁶ The report states that genuine power sharing requires governments to relinquish some control over decisions as well as to release their conviction that 'governments know best'.⁷

The Commission found that governments do not recognise that Aboriginal community-controlled organisations (ACCOs) are critical partners in delivering government services tailored to the priorities of their communities.⁸ It further stated that even where ACCOs are delivering services, governments still retain control over important elements of

⁴ Auditor-General, '[Northern Territory night patrols](#)', Audit Report 2010–2011 (32). Canberra: Australian National Audit Office; see also Beacroft, L., Richards, K., Andrevski, H., & Rosevear, L., '[Community night patrols in the Northern Territory: Toward an improved performance and reporting framework](#)', Australian Institute of Criminology Technical and Background Paper 47 (2011).

⁵ [Position Statement: Funding Reform](#), Victorian Aboriginal Community Controlled Health Organisation, 31 August 2023

⁶ [Review of the National Agreement on Closing the Gap](#), Study report: Volume 1, Productivity Commission (January 2024): 4.

⁷ *ibid*

⁸ Review of the National Agreement, 5.

those programs, including imposing “generic, pre-existing models of service and program design” and requiring reporting against narrow key performance indicators (KPIs), instead of allowing ACCOs to design services and measure outcomes in ways that are most meaningful to communities.⁹

These are the same messages the Committee is hearing from service providers, both Aboriginal-controlled and otherwise.

In addressing these issues, where it involves First Nations-led service providers, ANTAR believes the NSW Government should:

- recognise and respect that community control is an act of self-determination;¹⁰
- recognise the authority of ACCOs to determine how service systems and models of delivery can best meet their community's needs (as per the Productivity Commission's recommendation);¹¹
- simplify funding by sustainably resourcing service providers for longer funding lifecycles of at least seven years or more, combined with outcomes-based funding models;
- minimise or remove stringent government-designed reporting and accountability requirements, and instead allow ACCOs and other First Nations service providers to measure outcomes in ways that are most meaningful to their communities. This requires extending meaningful trust.

For more detailed suggestions on how governments can engage in best practice with ACCOs regarding contract lengths, tender processes and reporting requirements, ANTAR would recommend the Committee review the detailed recommendations from the Productivity Commission's [Review of the National Agreement on Closing the Gap](#) (page 53).

Q3. Your submission proposes that the NSW Government should avoid ‘tough on crime’ policies in favour of public awareness and education in responding to community safety concerns. What would this kind of response look like and how do you think it should be communicated? (p32)

We acknowledge that the NSW Government is under considerable pressure, particularly from sub-sections of the population in regional areas, to take strong action with respect to concerns about community safety.

It is understandable that these same sub-sections of the public do not necessarily understand that ‘tough on crime’ policies not only do not improve community safety but in fact exacerbate and worsen youth crime. Currently, much of the criminological research and evidence on best practice approaches remains ‘trapped’ in academic and specialist circles.

It is ANTAR's view that a critical role and responsibility of the NSW Government is to:

⁹ *ibid*

¹⁰ Review of the National Agreement, 19.

¹¹ Review of the National Agreement, 12.

- a) act on this research by engaging in policy and lawmaking that is directly informed by the evidence on what works; and
- b) to build public support for evidence-based lawmaking by disseminating this research to the wider public in accessible ways, including to help raise awareness in regional communities of the benefits of pivoting away from 'tough on crime' approaches.

In terms of how to do this, the Committee heard from the Country Mayors Association, which represents over 80 councils across regional and rural New South Wales, about the need for a whole-of-government approach from the NSW Government that works with local governments to address root causes and generational change.

ANTAR agrees with this approach, and believes it starts with raising public awareness at a grassroots level of the fact that 'tough on crime' approaches do not work to improve community safety, as well as the clear evidence that well coordinated community-based prevention, early intervention and diversionary responses **do** work.

As a first option, this early public education could happen by the NSW Government working with the Country Mayors Association and local councils to deliver clear and accessible messaging on non-punitive approaches that are proven to work to reduce crime and improve community safety in the regions. This should include raising the community's awareness about the availability and efficacy of community-based social programs that are already operating in their communities, or in other regional areas. The Justice Reform Initiative (JRI) has compiled a paper on [Alternatives to Incarceration in NSW](#) that comprehensively outlines many of these programs.

This first stage of public education could take place at **community hearings or 'Town Hall' style meetings, particularly in regional communities with high levels of concern about community safety**. We note that these meetings have recently taken place in communities such as Moree and the Northern Rivers, and are attended by senior police officers, local councillors and relevant MPs.¹² These meetings should also, as a matter of priority, include relevant experts on community-based early intervention/diversion and/or program staff (e.g. a representative of a justice reinvestment program, BackTrack or similar program). These individuals can speak to the benefits and positive outcomes of social programs in specific and localised ways, thus building trust among communities that alternatives work.

As a second stage, we recommend the NSW Government **design and deliver a public campaign** to communicate that when it comes to improving community safety:

- a) carceral responses (i.e. greater police presence, harsher laws and more incarceration) do not work and in fact increase offending and disproportionately harm First Nations kids;
- b) well coordinated community-based social programs based on addressing children's needs do work.

This campaign could follow a 'public health' style approach that has been previously utilised by governments to successfully raise public awareness and education on, for example, the

¹² [Moree town meeting to address youth crime and violence](#), Moree Online News, 20 Feb 2025. and Aslan Shand, [Lennox residents call meeting over local and Northern Rivers crime](#), Echo, 6 December 2024.

risks of smoking and the benefits of quitting. This campaign could include examples of the successful alternatives to carceral responses currently available across NSW that can be scaled up, or compelling statistics from international examples where this shift has been successfully navigated.

There is very strong evidence to suggest that when regional communities are given the information on what works to reduce crime – including the incredible cost savings to the community of social programs when compared to carceral responses – they are in strong support of restorative approaches based on principles of early intervention, diversion, increasing life skills, rehabilitation and care. Recent research in Armidale, NSW found that after being given the evidence on the success of local holistic and community-based programs (such as BackTrack) to address community safety concerns, Armidale residents surveyed **consistently demonstrated a preference for social programs to address youth crime and community safety in the Armidale area as opposed to greater police presence.**¹³ Overall, the proportion of times in which respondents chose BackTrack over greater police presence was very high (74.8%).¹⁴ This data should reassure the NSW Government that **the pathway toward regional community support for long term, community-based social programs to improve community safety is clear and achievable.**

Moreover, lessons can be learned from the many successful justice reinvestment programs being carried out in NSW communities such as Bourke, Mount Druitt, Moree and Kempsey. Concerned community members in regional communities need to be given the data on the efficacy and significant cost-savings of these place-based justice reinvestment approaches that address the root causes of offending and improve community safety – for example, the \$3.1 million estimated savings generated by the collaborative efforts in Bourke/Maranguka in 2017.

In terms of international best practice on how to best raise awareness and build public support for restorative approaches to building community safety, the NSW Government might also consider taking its lead from governments in Norway and Scotland, both of whom pivoted from ‘tough on crime’ approaches to systems built on principles of rehabilitation and reintegration with widespread public support.

We strongly believe that if the public were aware of the overwhelming research that punitive approaches to crime in fact decrease community safety and the success of alternative approaches, they would support this paradigm shift. The NSW Government thus has an opportunity to exercise bold and courageous leadership.

¹³ Kim Edmunds, Laura Wall, Scott Brown, Andrew Searles, Anthony P. Shakeshaft and Christopher M. Doran, ‘[Exploring Community-Based Options for Reducing Youth Crime](#)’, *Int. J. Environ. Res. Public Health* 18, 5097 (2021)

¹⁴ *ibid*

Q4. You have recommended that Youth Koori Courts and restorative justice approaches should be expanded across NSW. Can you tell us more about this, and are there any areas of NSW that you think should be prioritised?

Though ANTAR does not believe children, and First Nations children in particular, should be criminalised for behaviour that requires a trauma-informed and needs-based approach, we agree that we as a society have the responsibility to respond to children exhibiting difficult and antisocial behaviours in restorative, rehabilitative and culturally responsive ways. Further, given the disproportionate and worsening incarceration of First Nations children, we recognise the urgent need to divert First Nations children away from custody. It is on this basis that we recommend the expansion of culturally safe sentencing courts, circle sentencing and other First Nations-led restorative justice approaches across the state.

This recommendation is based on evidence that the use of NSW Youth Koori Court (YKC) for First Nations young people led to a substantial (40%) reduction in the probability of being sentenced to a juvenile control order (i.e. imprisonment) when compared to First Nations children sentenced in a NSW Children's Court, as well as significant reductions in recidivism.¹⁵

Moreover, research shows that Youth Koori Courts encourage children to take responsibility for their behaviour.¹⁶ The use of Elders and other Respected Persons help support the child in following their Action and Support plan to address the underlying risk factors for offending, which better enables children and young people to access services and supports that increase their chances of rehabilitation and reintegration.¹⁷ YKC has been proven particularly effective among its participants by addressing the underlying social factors contributing to First Nations children coming into contact with the 'justice' system, such as lack of access to housing, education, substance abuse and unemployment.¹⁸

It is notable that research on restorative justice processes has found that where restorative justice processes include victims, they typically score the experience highly on satisfaction and perceived fairness, and report reductions in feelings of trauma and fear of crime.¹⁹ This may be of particular interest to the NSW Government given the pressure from certain sub-sections of regional communities to elevate and centre the harm caused to victims during sentencing. There is strong evidence to suggest that it is not just young people engaged in offending but victims who receive greater benefits from restorative justice processes.

¹⁵ Evann J. Ooi and Sara Rahman, 'The impact of the NSW Youth Koori Court on sentencing and re-offending outcomes', NSW Bureau of Crime Statistics and Research, *Crime and Justice Bulletin* Number 48 (April 2022): 1.

¹⁶ Melissa Williams, David Tait, Louise Crabtree, Mythily Meher, '[Youth Koori Court Review of Parramatta Pilot Project](#)', Western Sydney University (2018): 138.

¹⁷ Ibid, 147.

¹⁸ [What is the Youth Koori Court?](#), Aboriginal Legal Service (NSW/ACT), nd.

¹⁹ Price, Stephanie, Tim Prenzler, Susan Rayment-McHugh, and Nadine McKillop, '[A Review of Restorative Justice Programmes for First Nations Peoples in Queensland](#)', *International Journal of Comparative and Applied Criminal Justice* 49:1 (2024): 1-15.

Research on public support for restorative justice in NSW shows widespread support for restorative justice initiatives, with most respondents agreeing that restorative justice initiatives were 'more effective than receiving a prison sentence'.²⁰ Respondents agreed that strengths of a restorative justice approach included victims being given the opportunity to inform offenders of the harm caused.²¹ Furthermore, recent BOCSAR research shows that more than 85 percent of offenders and victims reported being 'satisfied' or 'very satisfied' with most aspects of youth justice conferencing (another form of restorative justice), with this satisfaction remaining high four months after the conference.²² There are also cost savings, with an evaluation of the YKC process showing that every dollar invested in a Youth Koori Court brings back a \$2 return to the community.²³ The same research highlights that expanding the YKC to one additional site would result in a benefit-cost ratio of 2:1, an estimated direct economic impact to the NSW economy of \$2.1 million and an estimated indirect economic impact of \$1.6 million.²⁴

This data should reassure the NSW Government that non-punitive and relational approaches to sentencing, including the use of restorative and culturally sensitive approaches such as Youth Koori Court, can win and hold public support.

While ANTAR is not in a position to nominate which areas of NSW should be prioritised for YKC expansion, we recommend these decisions are made by First Nations communities in consultations guided by the principle of free, prior and informed consent. Additionally, we recommend that any future expansion does not simply replicate the current models but instead engage in a thorough and relational process of consultation to make sure that the YKC model matches the particular needs and priorities of the community in which it operates.

²⁰ Elizabeth Moore, [Restorative Justice Initiatives: Public opinion and support in NSW](#), Issue paper no. 77, NSW Bureau of Crime Statistics and Research, February 2012

²¹ *ibid*

²² [Victim and Offender Satisfaction with Youth Justice Conferences](#), BOCSAR Media Release, 15 August 2013.

²³ [An evaluation of the Youth Koori Court process: A final report prepared by Inside Policy for the NSW Department of Communities and Justice](#), Inside Policy (June 2022): 7.

²⁴ *ibid*