

**Submission
No 7**

INQUIRY INTO THE ADEQUACY OF YOUTH DIVERSIONARY PROGRAMS IN NSW

Organisation: People with Disability Australia (pwda)
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Legislative Assembly
Committee on Law and Safety
Parliament House
6 Macquarie Street
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30 January 2018

Dear Legislative Assembly Committee on Law and Safety,

Re: Inquiry into the adequacy of youth diversionary programs in NSW

People with Disability Australia (PWDA) welcomes the opportunity to provide a response to the inquiry into the adequacy of youth diversionary programs in NSW.

PWDA is a leading disability rights, advocacy and representative organisation of and for all people with disability. We are the only national, cross-disability organisation - we represent the interests of people with all kinds of disability. We are a non-profit, non-government organisation.

PWDA's primary membership is made up of people with disability and organisations primarily constituted by people with disability. PWDA also has a large associate membership of other individuals and organisations committed to the disability rights movement.

We have a vision of a socially just, accessible, and inclusive community, in which the human rights, citizenship, contribution, potential and diversity of all people with disability are recognised, respected and celebrated with pride. PWDA was founded in 1981, the International Year of Disabled Persons, to provide people with disability with a voice of our own.

PWDA is also a founding member of Disabled People's Organisations Australia ([DPO Australia](#)) along with Women With Disabilities Australia, First Peoples Disability Network Australia, and National Ethnic Disability Alliance. DPO's are organisations that are led by, and constituted of, people with disability.

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NGO in Special Consultative Status with the
Economic and Social Council of the United Nations

The key purpose of DPO Australia is to promote, protect and advance the human rights and freedoms of people with disability in Australia by working collaboratively on areas of shared interests, purposes, strategic priorities and opportunities. DPO Australia is made up of four national peak DPOs that have been funded by the Australian Government to represent the views of people with disability and provide advice to Government/s and other stakeholders.

Oftentimes, people with disability who are at risk of coming into contact with the criminal justice system are overlooked or denied access to early intervention or prevention services. Given the overrepresentation of people with disability in the criminal justice system,¹ it is therefore vital that diversionary programs, crime prevention and early intervention programs are inclusive and available to all young people with disability.

Diversionary policy and program responses must be available to and inclusive of all young people, including young people with disability and Aboriginal and Torres Strait Islander young people with disability. This is particularly important given evidence that shows Aboriginal and Torres Strait Islander young people with cognitive disability progress through the justice system much faster than young non-Indigenous offenders with cognitive disability.²

All young people with disability must be ensured access to appropriate services, including access to gender-specific and culturally appropriate disability, health and other therapeutic services and supports.³ Diversionary programs and efforts must not only work alongside police, juvenile justice, courts, health, housing and educational sectors, but must also work efficiently with the National Disability Insurance Scheme (NDIS).

PWDA applauds the NSW Department of Justice for taking the first steps towards ensuring that the NDIS is linked in to justice proceedings. The new two year pilot Cognitive Impairment Diversion Program appears to be a useful and positive step towards diverting people with disability away from the criminal justice system. This program aims to divert people with cognitive impairment who have committed low level offending, linking them into appropriate community based services. We are particularly pleased that this program will work alongside government agencies and

¹ Data from NSW shows, for instance, that 50% of all young people in juvenile detention centres have intellectual disability, and that 39% of these are young Aboriginal and Torres Strait Islander people. Data further shows that 85% of young people in NSW juvenile detention centres have a 'psychological condition'. See: Horin, A. 2010. 'Report Finds Disability and Disadvantage Common in Young Offenders', *Sydney Morning Herald* (Sydney) 27 February 2010. www.smh.com.au/nsw/report-finds-disability-and-disadvantage-common-in-young-offenders-20100226-p95r.html; Devon Indig et al. 2011. '2009 NSW Young People in Custody Health Survey: Full Report' (Report, Justice Health, NSW Health and Human Services Juvenile Justice, NSW Government, 2011) 15.

² Baldry E, Dowse L & Clarence M 2012. People with intellectual and other cognitive disability in the criminal justice system. Sydney: University of New South Wales, p2.

³ DPO Australia, 2017. 'Re: Resolution 30/7 "Human Rights in the administration of justice, including juvenile justice."'

non-government organisations to facilitate access to the NDIS. PWDA is keen for this program to be evaluated, and hopefully be established in additional local courts for all people with disability (regardless of age or impairment type).

PWDA thanks the Legislative Assembly Committee on Law and Safety for the opportunity to provide this brief response. We welcome further discussion about any of the issues that we raise.

Yours sincerely,

A solid black rectangular box used to redact the signature of Meredith Lea.

MEREDITH LEA
Senior Policy Officer