

**Submission
No 16**

INQUIRY INTO THE ADEQUACY OF YOUTH DIVERSIONARY PROGRAMS IN NSW

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Position: Chief Executive Officer
Date Received: 6 February 2018

6 February 2017

Jonathan Elliott
Committee Director
NSW Parliament
Legislative Assembly Committee on Law and Safety
6 Macquarie St
Sydney NSW 2000



Dear Mr Elliot,

Re Inquiry into the adequacy of youth diversionary programs in NSW

NCOSS welcomes the opportunity to respond to the *Inquiry into the adequacy of youth diversionary programs in NSW*. This inquiry provides an opportunity to reflect on the justice system as a whole and implement much needed reforms in this area, including the key systemic causes of the overrepresentation of Aboriginal and Torres Strait Islander people in youth justice.

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities and alleviate poverty in NSW. As the peak body organisation representing the community sector in NSW, we have a keen interest in representing the issues and concerns of our members who are currently involved in direct service provision linked to juvenile justice such as children and youth, mental health, drugs and alcohol, child protection, and community development.

NCOSS routinely consults with a wide range of service providers, community members and other stakeholders to identify emerging issues and make recommendations to government, with a view to ensuring better outcomes for disadvantaged communities. Last year, we completed a series of consultations in regional communities to inform the development of our Pre-Budget Submission (PBS) [No Poverty: A roadmap for a fair NSW](#) and related policy advice to the NSW government. In these consultations, we heard that vulnerable young people do not receive the right level of help to minimise their contact with the justice system and that diversionary options to enable courts to divert people from prison are not available across all of NSW. We heard that this situation is particularly problematic in Far West NSW, due to the regional and remote nature of communities, high Aboriginal population, systemic issues and intersecting disadvantage in this region.

In this context, and in response to the inquiry's terms of reference, NCOSS endorses the key issues and recommendations raised in the submissions from the following member organisations and affiliates: [Mission Australia](#), [Youth Action](#), [Aboriginal Legal Services NSW/ACT \(ALS\)](#), and [Just Reinvest NSW](#).

Accordingly, we wish to reinforce that:

- Police and courts need to continue making use of the range of diversionary powers available to them in order to reduce young offenders' adverse contact with the juvenile justice system. These options need to be applied consistently by all police across all local area commands to ensure young offenders are treated in an equitable and non-discriminatory manner. The government needs to allocate extra resources and funding for police to develop the right level of cultural competence to enable them to work effectively with Aboriginal communities.
- Specialist courts, such as the Koori Youth Court and Youth Drug and Alcohol Court need to be expanded into areas of identified need to ensure young offenders who are experiencing issues of social or cultural disadvantage, such as living with a disability, substance abuse, and mental health conditions receive support to address the underlying cause of their offending. The Youth Koori Court needs to be expanded to address the over representation of Aboriginal in the juvenile justice system.

- The NSW Government needs to commit to viewing detention as a last resort and reducing the number of young people in remand. This commitment is particularly relevant for Aboriginal young people and young people with mental health conditions who are grossly overrepresented in the criminal justice system.
- The NSW Government needs to fund diversionary programs that are responsive to young offenders on bail by expanding the range of safe and appropriate accommodation options including safe houses, bail hostels, and emergency refuge accommodation. Organisations working with young Aboriginal people should be a target cohort for these services.
- Young people need to be provided with the necessary supports to address underlying issues such as homelessness, mental health and alcohol and drug dependencies, whilst under correction orders. For this to be realised, all parts of the community services sector which includes education, community services, and justice, need to work together in a coordinated and flexible manner to intervene at all 'touch points' to prevent adverse contact with the justice system. These services also need to be sustainably funded.
- People exiting custody need to receive adequate and right levels of support to decrease the likelihood of reoffending. To break this cycle, agencies like Juvenile Justice and Community Corrections need to develop and expand post-release transitional services that aim to reintegrate individuals leaving detention back into the community in core areas of accommodation, housing and income support. In our [2018/19 PBS](#), NCOSS called on the Government to invest in culturally appropriate post-release programs targeting Aboriginal young people leaving detention. The Indigenous Justice Program run by Regional Youth Support Services is an example of such a program.
- Social measures such as those underpinning justice reinvestment approaches need to be developed and implemented to assist Aboriginal families to raise their children before they become enmeshed in the justice system. Moreover, the underlying causes of poverty and transgenerational trauma need to be the focus of such efforts.
- Across the juvenile justice system, there is a need to invest in workforce development and planning to provide more effective interventions support for young people. There is a need to attract and recruit qualified and committed staff across all parts of the system and in regional and remote areas where staffing shortages are acute. Furthermore, there is a need to build the capabilities of existing staff, so that they can be retained and enable better continuity in relational service delivery.

We thank the Committee for the opportunity to respond to this inquiry. For further information, please contact Ben Folino [REDACTED]

Yours sincerely

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