

**Submission
No 28**

INQUIRY INTO THE ADEQUACY OF YOUTH DIVERSIONARY PROGRAMS IN NSW

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Submission by the Honourable Justice Hilary Hannam

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Submission

Introduction

I am a Judge of the Family Court of Australia, but provide this statement in my personal capacity. It contains my own opinions and is not a statement in my capacity as a Judge of the Family Court.

I was formerly the Chief Magistrate of the Northern Territory between August 2010 and August 2013.

Prior to my appointment as Chief Magistrate I had been a Magistrate in New South Wales since February 2000 including a Magistrate of the Children's Court of New South Wales for a number of years. I presided in both the Care and Protection and Criminal jurisdictions of the Children's Court and was the presiding Magistrate in the Youth Drug and Alcohol Court ("YDAC") in New South Wales for three years immediately prior to my appointment to the Northern Territory.

As Chief Magistrate (as the position was then known in the Northern Territory) I also had particular experience and interest in the Youth Justice (criminal) and Family Matters (child protection) jurisdictions in the Northern Territory.

In 2002 I was awarded a Churchill Fellowship to study and report on problem solving courts in seven jurisdictions in the United States including diversionary programs such as drug courts, juvenile drug courts, tribal drug courts and dependency (child protection) drug treatment courts.

The views I express in this statement are entirely a result of my personal experience as a Magistrate in various capacities in New South Wales and the Northern Territory.

Youth Diversionary Programs

The Terms of Reference for the committee inquiry refer to the adequacy of "diversionary programs to divert juvenile offenders from long-term involvement with the criminal justice system". There is also a reference to "youth diversionary efforts" that work with the courts. This submission deals with the Youth Drug and Alcohol Court which in my view falls within the definition of a diversionary program available through the Children's Court in New South

Wales and my experience with a similar court in the Northern Territory, being the SMART Court.

The label “diversionary program” is used in a variety of ways and may lead to a false sense that such a program is a diversion away from the criminal justice system and therefore away from the young offender facing consequences for their actions. However, the program under consideration in this submission, namely the YDAC, was "diversionary" in the sense that young people who completed the program and graduated were diverted away from custody. The program was otherwise firmly embedded in the criminal justice system.

It is my view that the YDAC was a diversionary program which had great success in diverting juvenile offenders from long-term involvement in the criminal justice system in its 12 year duration as a pilot program.

YDAC - Background and Operation¹

The YDAC has its origins in the Drug Summit convened by the NSW government in 1999, which was concerned with addressing the significant problems associated with the use of illicit drugs. An important focus of the summit was the development of alternate ways of dealing with young people with substance abuse problems who were also committing offences. The establishment of a youth drug court was carried as a Summit recommendation, and was then supported by the NSW Government and announced in the NSW Drug Summit 1999 - Government Plan of Action.² As the concept of a drug court was still relatively new, especially in Australia, it was decided that the Youth Drug Court would commence as a pilot program. The program commenced in July 2000 and continued to operate until July 2012 when it was abolished.

The YDAC was a rehabilitation program undertaken prior to sentence by suitable young offenders who were appearing before the Children's Court of NSW for criminal matters. The YDAC was not a court supported by its own legislation. It was formed and operated under a Practice Note issued by the President of the Children's Court of New South Wales³ together with other criminal justice legislation, in particular the *Bail Act 1978* (NSW) and the *Children's (Criminal Proceedings) Act 1987* (NSW).

¹ Much of the background information to the YDAC contained in this submission is drawn from an article I wrote in 2009: Hilary Hannam "A The Youth Drug and Alcohol Court - An Alternative to Custody" [2009] IndigLawB 28; (2009) 7(13) Indigenous Law Bulletin 12

² NSW Government, NSW Drug Summit 1999, Government Plan of Action, July 1999.

³ Children's Court of New South Wales, Practice Note 1, 2009.

The YDAC program was a collaborative project of the Children's Court, Police, Legal Aid and four government agencies, being Juvenile Justice, Health, Community Services and Education, together with non-government adolescent service providers. It aimed to divert young people from custody through the holistic provision of services, which addressed the factors that lead to the young person's offending.⁴ The key team focussing on the provision of services was the "JART" (Joint Assessment and Review Team), made up of representatives of the government agencies whilst the key judicial player was the Court Team.

The court team consisted of a Children's magistrate, a prosecutor from the NSW Police and a Legal Aid Solicitor, all of whom were specifically attached to the program, and a representative from JART. A Registrar and Deputy Registrar provided administrative support.

In accordance with the Practice Note any young person facing charges which could be dealt with to finality in the Children's Court could be referred to the YDAC if he or she:

- had entered a plea of guilty to or been found guilty of all charges, none of which were sex offences;
- had a demonstrable drug and/or alcohol problem;
- was aged between 14-18, (or was over 18 but was under 18 at the time of commission of the offence);
- resided in, committed the offence in, or otherwise identified with the greater Sydney metropolitan area; and
- was ineligible for a caution or youth justice conference, (which are less serious orders in the sentencing hierarchy).

There were no exclusions from the program on the basis of violent offending or the type of drug (including alcohol) that the young person had a problem with.

A young person could be referred to the YADC by any Children's Court magistrate whether the young person consented to the referral or not. Once referred to the program the young person was provided with information about the program so they could make an informed decision about whether they consented to being assessed for participation in the program.

⁴ Roger Dive et al, 'NSW Youth Drug Court Trial' (Paper presented at the Juvenile Justice: From Lessons of the Past to a Road Map for the Future Conference, Sydney, 1-2 December 2003).

Although participation in the program was ultimately voluntary, when young offenders were provided with accurate information about the program most agreed to be assessed. If they did not agree to be assessed they were returned back to the Children's Court for sentencing.

If the young person was deemed eligible for the program after the first initial assessment then a further in depth assessment was conducted by JART to ascertain the young person's specific needs and circumstances in order to create a unique treatment plan for that individual. While each treatment plan was unique all included alcohol and/or drug treatment, the attainment of living skills, completion of offence-focused counselling and the obtaining of further schooling, vocational training or employment.

Once a treatment plan was developed and the young person admitted to the YADC program, compliance with the program became a condition of their bail undertaking and sentencing in the Children' Court was deferred for up to 12 months to enable completion of the program.

Health Services (including dental care) were provided to all young people involved in the YDAC through the provision of two nurses, a part-time addiction specialist and a part-time psychiatrist. Most participants also completed a residential drug rehabilitation program that generally lasted up to three months. Some participants undertook a day program; others, especially those attending school or carrying out paid employment, addressed their substance abuse issues through counselling in the community. All young people in the program were subject to regular random urinalysis.

The YDAC operated in Bidura (Glebe), Parramatta and Campbelltown Children's Courts. Services and programs for YDAC participants were delivered either at the YDAC office in Liverpool or through community-based agencies. Each participant was assigned to one of seven juvenile justice officers or counsellors exclusively attached to the YDAC. One of the two Aboriginal Juvenile Justice staff members was allocated to assist Indigenous participants, who comprised a significant proportion of the young offenders in the program. Juvenile Justice offered specific programs such as group or individual sessions aimed at ending offending.

Two TAFE teachers were based at the YDAC office and offered participants assistance with education. Where possible, the Education JART member assisted young people to gain readmission to school or TAFE. The JART Education member also provided assistance with training and job searching.

Each participant was also assigned a case manager from a non-government agency to assist with welfare related issues. One of the case managers identified as Aboriginal. This relationship with non-government agencies was a very special component of the YDAC. Many participants formed strong, long-term relationships with their case managers which often continued even after completion of the YDAC program. YDAC also had strong links with many Indigenous-based services such as Oolong House, the Glen and Weigelli rehabilitation centres, as well as supported accommodation services such as Hebershem Aboriginal Youth Services and Aboriginal Medical Centres in Mt Druitt, Campbelltown, Redfern and Canberra which were all frequently utilised.

Most of the participants in the YDAC came from dysfunctional families and some were under the care of the NSW Department of Family and Community Services. For these young people it was not possible to live at home and succeed on the program. For this reason, virtually all of the participants spent some time, generally after initial release from custody, in the Residential Induction Unit, a six-bed facility in Liverpool solely for participants in YDAC. The unit was also available for young people who had nowhere suitable to stay while participating in the program. In addition to providing supported accommodation, social outings, and participation in community services, activities to enhance living skills were also offered to residents. Young people were assisted in finding other supported accommodation where it was not appropriate or desirable for them to return home.

The participants in the YDAC were also required to “report back” in person with the Court Team on a regular basis which assisted in building rapport and giving the young person a voice in the process. Each member of the court team, particularly the magistrate, played a therapeutic role in the young person's rehabilitation.⁵ Prior to each report-back, team members were provided with reports from each participant's juvenile justice officer and case manager concerning compliance with the program treatment plan. At the report-back, the magistrate and other team members offered encouragement and praise for progress and reiterated the importance of completing the program. The process was non-adversarial and informal, with family members of the participant being encouraged when this was helpful.

⁵ Therapeutic approaches to justice have been proven to be beneficial to those who engage with the justice system, for example see David B Wexler and Bruce J Winnick (eds), *Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence* (1996)

The court did not have the power to impose sanctions but bail could be revoked in extreme cases of non-compliance given compliance with the YDAC program was a condition of the young person's bail.

As part of the program there was a YDAC prosecutor on call 24 hours per day who could be contacted if the young person came into further contact with the police. This was a particularly important part of the program as the Prosecutor could advise police as to whether the young person was in fact breaching bail or was compliant with the directives of JART. A marked improvement in the relationship between the YDAC participating young people and the police was seen while the YDAC program was running.

All young people who satisfactorily completed the YDAC program received a non-custodial, community-based order on sentencing such as a probation order. As a Magistrate, I also generally exercised my discretion to not record convictions for those young people over 16 who had participated successfully in the program. Following sentencing the young person and the YDAC team participated in a graduation ceremony at which the young person's family and support workers attended and they were given a certificate. On a personal level I also baked a cake for the young person's graduation ceremony.

Outcomes of the YDAC

When assessing the outcomes or effectiveness of the YDAC program, it is important to bear in mind that the Children's Court was dealing with some of the most difficult young people in the criminal justice system. The nature of the program meant that, but for the participation in it, participants would ordinarily receive a custodial sentence, and experience tells us that these are the young people most likely to re-offend and find their way inevitably into the adult gaol system, very often soon after they reach adulthood.

The YDAC was only comprehensively formally assessed to my knowledge on one occasion. In 2003 a report was commissioned by the NSW Attorney-General's Department from a consortium of various faculties at the University of New South Wales led by the Social Policy Research Centre to evaluate the operation of the pilot over the two years ending July 2002.⁶ This evaluation examined all of the young people referred to the YDAC who either

⁶ Tony Eardley et al, 'Evaluation of the New South Wales Youth Drug Court Pilot Program — Final Report — Report Prepared for the New South Wales Attorney General's Department' (Report, The University of New South Wales, Social Policy Research Centre, March 2004).

graduated from the program or did not complete it. In the recommendations contained in the Executive Summary the authors express the view that:

... the program is having an important positive impact on the lives of many of those participating. The unit costs of achieving these impacts on a group of young people with entrenched drug use and criminal histories do not appear greater than keeping them in custody, On this basis the key recommendation is that the YDAC program should continue and possibly be expanded to selected other geographical areas.

Further key findings of this review were:

- graduates were less likely to re-offend than those who did not complete the program;
- most participants interviewed reported that their drug use had decreased compared to the three months before entering the program;
- graduates were more motivated to reduce their drug use than those who terminated early from the program;
- there was improvement in mental health over the longer term particularly for young women and for those who graduated from the program; and
- there was a high and sustained level of satisfaction with the program overall and with the court and casework staff.

The YDAC was one of very few programs that offered an alternative to the harsh reality of the revolving door of individuals in the criminal justice system, where children frequently progress from juvenile offenders to adult offenders. In my personal experience, the hundred or so young people I encountered in the program all made improvements in their lives, whether or not they completed the program.⁷

As presiding magistrate for three and a half years in the YDAC I have no doubt, on an anecdotal basis, that all participants gained some benefit from the program. Those who graduated gained significant benefits on many key indicators relating to reduced offending, such as reduced substance abuse, improved physical and mental health, access to counselling and psychological services, improved family relations and living skills and access to stable accommodation. Many went on to find employment or returned to school to complete their education. Through its problem-solving, holistic and therapeutic approach, the YDAC offered a real alternative to conventional pathways under the criminal justice system.

⁷ My personal experience is supported by the review completed by Toney Eardley et al.

This collaborative, case management style approach to assisting young people coming into contact with the criminal justice system was praised not only by those involved in the program but also received positive reports in the media, a rare occurrence for most alternative justice programs.⁸ It was also used as a model in other jurisdictions.⁹

Abolition of the YDAC

Despite the recommendations of the 2004 review and wide-ranging and consistent praise the program was not extended beyond the Sydney metropolitan area and was ultimately abolished in 2012. I had moved on from NSW at the time this decision was made and my knowledge of the reasons for the decision is drawn from publically available documents and media accounts. I understand from one of those accounts that the Attorney General's Department stated at the time that none of a number of internal evaluations it had conducted had been "positive enough to justify [the YDAC] continuing".¹⁰

I can only assume that the lack of positive outcomes referred to by the Attorney General's office relate to the \$4 million cost of the program with 15 – 20 young people graduating every year. Given that the cost of incarcerating a single young offender for 12 months is in the order of \$225,000 the cost of maintaining 15 – 20 graduates every year in the YDAC is less than than incarcerating each of the graduates in the program. That cost estimate also does not take into account the immeasurable savings to the public purse as a result of the improved health and social functioning and increased prospects of becoming employed and not being dependent on social security payments of the participants in the YDAC. There are also the significant the costs saved from ongoing incarceration given the lower likelihood of the graduates reoffending as youths or adults.

It remains my view to this day that the YDAC was a successful and worthwhile program that achieved positive outcomes both for the juvenile justice system and for young offenders themselves. For the sake of future young offenders and more importantly the community at large serious consideration should be given to reinstating the YDAC or a similar program which focuses on holistic and enduring rehabilitation rather than the populist but ineffective quick-fix of incarceration.

⁸ See Janet Fife Yeomans, "Feel-good cases offer a slice of hope amid the pain", *Daily Telegraph* (26 November 2009); Four Corners, *Kids Doing Time*, ABC TV (August 2009) [copy available on request]; Living Black, *Series 11 Episode 12* (30 November 2009) [copy available on request]

⁹ Such as the ACT (Childrens Court of the ACT. Youth Drug and Alcohol Court Program. Practice Direction No. 1 of 2011)

¹⁰ Sydney Morning Herald, "Quiet death of the youth drug court" (9 July 2012)

Diversionary programs in other jurisdictions – SMART Court

A similar diversionary program was the Substance Misuse Assessment and Referral for Treatment Court (“SMART Court”) in the Northern Territory which came into operation under the *Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011* (NT) on 1 July 2011.

The Court operated in Darwin, Alice Springs and Nhulunbuy (Gove) in East Arnhem Land as a sentencing court for adults and youths who had committed sufficiently serious criminal offences that imprisonment or detention was a real possibility and who had illicit drug and/or alcohol misuse problems. The Act, like the Practice Direction that established the YDAC, allowed a Magistrate to either defer the sentencing of an eligible offender to allow treatment and access to other services to take place or to impose a suspended sentence which was recalculated upon completion of rehabilitation. The SMART Court replaced the Alcohol Court and the CREDIT program which had previously existed to address the well documented connection between alcohol and drug misuse and offending in the Northern Territory.

At the time the SMART Court Bill was introduced there was significant discussion about therapeutic jurisprudence and alcohol and drug related violence in the Northern Territory. There was also specific reference in the second reading speech to alcohol misuse with particular reference to assaults and domestic violence. The reforms which introduced the Act were described as “a genuine attempt to holistically address the needs of people who misuse alcohol and other drugs”. The fact that the presiding magistrate in the SMART Court would be able to sentence offenders who complied with the Court order without the restraints of mandatory sentencing in place in the Northern Territory was also specifically referred to in the second reading speech.

Against this background, there was some real enthusiasm and excitement that the court would be given a good tool to tackle alcohol and drug related crime and in particular, violence and that the constraints of mandatory sentencing would not apply.

Despite the stated intentions and high hopes the SMART Court was severely hampered by two major flaws.

The first of these flaws was the exception made for violent offenders. Within a couple of weeks of the Bill having passed and with no further announcement until after the event,

violent offences other than very minor matters were excluded by Regulation from the operation of the SMART Court. Neither the Alcohol Court nor the CREDIT Program which preceded the SMART Court had excluded violent offenders and it was estimated that approximately 40% of offenders diverted from incarceration through those two programs had committed violent offences. The consequence was that the new Court actually provided fewer opportunities for rehabilitation for offenders whose offending behaviour was linked to their substance abuse.

The second flaw was the lack of preparation and funding given to the court. Despite the statements of the then Attorney General in the second reading speech, there was a lack of understanding of what therapeutic justice was in theory or practice amongst lawmakers. Further, unlike other drug courts such as the YDAC there was no contact made with various government and non-government agencies prior to the legislation being passed to ensure that a holistic approach to the offenders dealt with by the SMART Court was understood and could be ensured.

Most of the agencies that could have provided assistance or were specifically contemplated to provide assistance in the legislation were unaware of and unprepared for their role. I had to personally contact the then CEO of the Department of Health who was unaware that the SMART Court even dealt with offenders who had illicit substance misuse problems or that his agency was funding treatment places for participants in the Court.

For youths another particular and significant problem was the complete unavailability of any evidence-based residential rehabilitation program at any place in the Northern Territory and that there was no separate Youth Justice government agency or any officers within Corrections who had appropriate expertise.

More fundamentally, one of the other central matters of concern was that no additional funding had been allocated to the Court from the date of its commencement. For 12 months the Court was required to operate with no allocated budget and the Court was subsequently abolished after being in place for only 18 months in any event.

Despite these difficulties and fundamental flaws a number of adults and youths received a benefit from the court program during its short operation.

Lessons from the YDAC and SMART Court

There are some crucial lessons to be learnt from the YDAC and the SMART Court about court-based diversionary programs, particularly those targeted at young people.

1. Legislation

While the SMART Court was hampered by under-resourcing, it had great potential as the court was created by legislation which should have had a number of advantages over operation under a Practice Note as was the case with the YDAC.

The first benefit of legislation is that it should ensure that the diversionary program is properly funded. The funding of any court or other program created by legislation will usually be dealt with by way of an Appropriations Bill, be that the annual budget Appropriations Bill or an Additional Appropriations Bill. Legislation can also include an Appropriations Clause that specifies the budget or funding required to be allocated to the program created by the legislation. In NSW the Budget Estimates Papers are also likely to include information on funding allocated to diversionary programs created under legislation. Passing legislation to create a program or court generally means that budget and cost will have been discussed and debated by parliament prior to the implementation of the program. This would not necessarily be the case if the program is created pursuant to a court Practice Note.

While the usual expectations in relation to funding allocations for legislation did not occur in the case of the SMART Court in the Northern Territory this was an anomaly, possibly unique to that jurisdiction and does not reflect the usual funding process for courts and other justice initiatives in NSW.

The second benefit of legislation is that it makes the program less vulnerable to unilateral abolition. As the YDAC was a 'pilot program' for its entire 12 years it was always in a precarious and vulnerable position. It was very difficult for those of us who worked in the YDAC to make decisions and plan for the future when it was constantly unclear what the status of the court was and whether the program would be made permanent or would be abolished.¹¹ This is to be compared to the [adult] Drug Court which is firmly embedded in the

¹¹ Shelley Turner, "New South Wales Drug & Alcohol Court Program: A Decade of Development" (2011) 37(1) *Monash University Law Review*, No 15.

NSW justice system and provides certainty to those running the program and those participating in the program as to its longevity.¹²

Again, generalisations should not be drawn from the Northern Territory government's treatment of the SMART court given the unusual circumstances surrounding that court's creation and abolition.

2. Inclusion of violent offenders in the program

Disappointingly the capacity of the SMART Court to make real change was diminished through a Regulation enacted after legislation had passed limiting the number of offenders eligible for the program and undermining the stated intention of the legislation. It was a real strength of the YDAC on the other hand that it did not exclude from the program, and in fact specifically targeted, young offenders who had committed violent offences.

A significant proportion of drug and alcohol fuelled offences are violent in nature. By excluding violent offences from any diversionary program the capacity of the program to make real change that is visible to the community, such as through the reduction of youth alcohol and drug fuelled violence, is lessened. One of the key ways in which the successes of the criminal justice system are made clear to the general public is through a reduction in violent crime in the community. Lower levels of violent crime make people feel safer in their communities and programs such as the YDAC, which target young offenders who engage in violent behaviour because of their drug or alcohol misuse, are able to have a direct impact on people's real and perceived safety.¹³

It is also not in the interests of young offenders facing juvenile detention on the basis of violent offences be denied their opportunity to be diverted from incarceration. Offenders who serve terms of incarceration are more likely to reoffend and by not permitting violent or other serious offenders to be included in the program the impact on recidivism rates is greatly reduced.

Targeting violent offences also detrimentally impacts certain groups to a significantly greater extent. Aboriginal and Torres Strait Islander peoples would be afforded fewer opportunities

¹² Ibid.

¹³ Ibid.

for rehabilitation as opposed to incarceration if violent offences are excluded from the court's operation.¹⁴

3. Appropriate funding and resourcing

Successful programs such as YDAC are holistic and collaborative in their approach. There are many components to individual case management involving various government and non-government agencies and a court team comprising at least one specialist magistrate, police officer and legal aid lawyer. Each and all of these components must be in place for the program to be effective.

The SMART Court in the Northern Territory was in many ways set up to fail because it lacked appropriate resourcing and was not budgeted for by the government.

If a youth diversionary program is being considered it is incontrovertible that such a program must be funded to the extent that the approach of the YDAC can be practically achieved. It must be acknowledged prior to such a diversionary program being established that appropriately targeting the causes of young people's offending behaviour is not a cheap exercise. The YDAC was extremely comprehensive in its approach to rehabilitating young offenders and that it a significant reason it was so successful and widely praised. It is simply impossible to run a program like the YDAC with minimal funding.

4. Embedded evidence-based research

Although the reasons for the abolition of the YDAC are not entirely clear I understand that this occurred as the YDAC was considered to be not successful enough to justify its cost. During the period in which I was the presiding magistrate I was acutely conscious as was the then President of the Children's Court of the need to establish that the court was successful enough to justify its cost. However, the appropriate method by which the program was to be evaluated including standards and criteria (and funding for this evaluation to be carried out by an appropriate body) did not appear to have been firmly established and embedded from the outset even though the program began as a pilot.

In my view, if such a program or court is to be again established then standards and criteria to judge its success and an appropriate body to carry out the research must be clearly identified

¹⁴ National Indigenous Drug and Alcohol Committee, Australian National Council on Drugs, *Bridges and Barriers: Addressing Indigenous Incarceration and Health* (2009) 11

from the start. An allocation to fund such research must also be established at the outset. Of greatest importance however, is that governments be committed to be guided by that research.

It is important in my view to not only quantify the cost to the taxpayer of young offenders participating in the program as compared to them being incarcerated but also to quantify the long-term savings and financial benefits gained by reducing recidivism, increased employment and improved health associated with completing such a program.

Conclusion

It is my view that the YDAC was an effective and well regarded diversionary program. It was only ever externally evaluated on one occasion and the recommendation at that time was made for it to be expanded to other areas. It was well regarded in other jurisdictions and used as a model for the establishment of the ACT YDAC.

Although due to the small numbers it was not ever evaluated by an agency such as BOCSAR there is no reason to suggest that the research with respect to the Drug Court of NSW, which is very positive,¹⁵ could not have also been considered in relation to the YDAC. The therapeutic approach, procedure and framework of the YDAC and Drug Court NSW are very similar. Due to the success of the Drug Court NSW that court has been expanded from its first location in Parramatta and now operates in Sydney and the Hunter region. Internationally, drug courts are increasing in popularity due to their cost effectiveness.

There are special provisions set out in the criminal law as it applies to children¹⁶ and Superior Courts have held¹⁷ that punishment and general deterrence may be given less weight and rehabilitation should be given greater weight when dealing with young offenders. In light of these provisions, and the focus in recent years on the benefits of a therapeutic approach to offending behaviour, it is inconsistent for diversionary programs, set up to support the complex needs of and rehabilitate young offenders, to be judged solely on the basis of their economic viability as opposed to the impact they have on the lives of young people and the community.

¹⁵ See for example Don Weatherburn et al., "The NSW Drug Court: A re-evaluation of its effectiveness" *NSW Bureau of Crime Statistics and Research Crime and Justice Bulletin* (September 2008) No. 121

¹⁶ *Children (Criminal Proceedings) Act 1987* (NSW)

¹⁷ *R v GDP* (1991) 53 A Crim R 112