

**Submission
No 112**

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: Save the Children and 54 reasons

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Community safety in regional and rural communities

Submission to NSW Legislative Assembly Committee on Law and Safety

30 May 2024

This submission is made by Save the Children and 54 reasons.

Save the Children is a leading global non-government organisation focused on children's rights which has been active in Australia for over 100 years. 54 reasons is our Australian service delivery arm, working alongside children and their families and communities in accordance with the 54 articles in the United Nations Convention on the Rights of the Child (CRC). We are Australia's leading child rights organisation. In line with the CRC, we define a child as anyone aged up to 18.

Our views are informed by our experience working with children, young people and their families across NSW and nationally. We deliver evidence-informed and trauma-informed services that centre children, their rights and voices and respond holistically to children's needs. Nationally, our youth justice services span early intervention, bail support, throughcare and transition from detention, child rights programs in detention settings, and other supports.

Of particular relevance to this inquiry are:

- We deliver **mobile youth outreach services in the Wagga/Junee and Cessnock/Singleton local government areas**. These services aim to improve wellbeing outcomes for children and young people aged 12-18 years, targeting at-risk young people in regional areas with service gaps through a whole-of-family case management approach. They include assertive outreach and early intervention via Mobile Youth Van, delivered in locations such as schools, skate parks and PCYC, to provide safe and accessible spaces for young people to connect and be heard. Youth Specialists facilitate youth-led arts and recreational activities, mentoring in practical skills, and career and education support, while Family Support Specialists provide advice, information, and referrals to specialist services to young people and their families.
- We are delivering a **pilot program in Wagga Wagga that aims to reduce the volume of children and young people (aged 10-17) experiencing avoidable short-term remand**, especially those who are the victims or who have used violence within their home. The pilot is delivered in primary schools and local skate parks and community hubs. Youth Justice refers participants for our case management program and we work in partnership with Wollundry dreaming, police and Youth Justice to ensure the needs of community are being met.

These services have demonstrated effectiveness in improving outcomes of children and young people in regional areas who are either in contact with youth justice or at risk of such contact. Our experience delivering them, and working with communities and other service providers, has highlighted that there are significant service gaps and areas of unmet need across regional and rural communities in NSW, which we provide more detail about in this submission.



Recommendations

In summary, our recommendations are that the NSW Government:

1. Address the root causes of youth crime through a long-term, whole-of-government plan that is underpinned by a rights-respecting approach
2. Support self-determination of Aboriginal and Torres Strait Islander peoples as part of prioritising addressing over-representation in the youth justice system
3. Uphold children's and young people's right to be heard across the youth justice system
4. Focus system attention on early intervention for key cohorts to strengthen support for:
 - (a) Children in the 'middle years' from ages 6 to 12
 - (b) Children and young people in, or at high risk of joining, the 'crossover' cohort between child protection and youth justice
 - (c) Adolescents using violence at home and with intimate partners, and their families
5. Implement reforms to reshape the youth justice system:
 - (a) Raise the minimum age of criminal responsibility to at least 14
 - (b) Invest in youth services, including increased funding for casework support
 - (c) Review bail and remand laws and practices and invest in evidence-informed programs and supports and alternatives to detention
6. Respond to the specific contexts of regional and rural NSW in implementing reform

The causes of youth offending in regional and rural NSW

There is strong expert consensus – across researchers, community-based service providers and peak bodies, and young people with lived experience of the system – about what causes contact with youth justice and drives reoffending. Relevantly to regional and rural NSW:

- Intersecting historical, environmental, institutional and system factors contribute to children and young people encountering youth justice. This includes extremely high rates of severe maltreatment, neurodevelopmental and other disorders (often undiagnosed) and trauma, intersecting with institutional racism, the continuing legacy of colonisation and dispossession, and acute system failures.
- The factors driving children into contact with youth justice are exacerbated by challenges and barriers in every important part of children's lives. This includes education barriers, health and development complexities, employment and societal barriers, and environmental barriers.
- Systems are not addressing these complex, but known, root causes, challenges and barriers in a coordinated or effective way.

Our 2023 report, *Putting children first: A rights respecting approach to youth justice in Australia*,¹ summarises the available evidence (see [Attachment 1](#)).

¹ Save the Children and 54 reasons, 2023, *Putting children first: A rights respecting approach to youth justice in Australia*, pp 19-21.

The need for a coordinated, rights-respecting approach to youth justice in NSW

Despite substantial effort by government over many years, major challenges in the performance of NSW's youth justice system persist. At the same time, concern about youth crime remains high in sections of the community. Both problems are exacerbated by 'tough on crime' approaches.

Punitive and incarceration-focused responses are ineffective and not based in evidence. They disregard the underlying causes driving children into contact with youth justice – such as the impacts of trauma, medical and developmental challenges, poverty and institutional racism. Indeed, they retraumatise children and push them further away from positive connections with their communities.

This creates a vicious cycle: the youth justice system itself directly drives children and young people's repeated involvement with youth justice. The earlier a child's first contact is with youth justice, the more likely they are to reoffend. Early contact with youth justice makes further contact more likely, with punitive measures reinforcing trajectories towards escalating anti-social behaviour and recidivism.

Consequently, punitive responses do not secure community safety. Rather, they ultimately make the community less safe.

This creates another toxic cycle. Extreme policy responses fuel community concern rather than ameliorating it, in turn leading to more pressure on government to 'crack down'. This cycle then repeats periodically in response to outlying incidents or crests in community concern because underlying causes are not addressed. The pattern has been clearly visible in other Australian jurisdictions that have gone down this road in recent years.

A different paradigm is needed. This can be provided by a child rights framework – in other words, a rights-respecting approach to youth justice. Its critical elements, all of which are interrelated, are:

- A comprehensive, coherent and clear roadmap to guide reform effort, underpinned by child rights principles and standards (see [Attachment 2](#)).
- A concerted focus on addressing root causes, preventing contact with youth justice, and providing effective support to change trajectories as early as possible.
- A system that is centred around children and young people themselves, rather than being organised around existing government policy and service delivery silos. This means taking seriously the 'ecological' factors that shape children's lives, outcomes and behaviour and recognising that children do not make choices in isolation from the circumstances of their lives and their individual medical and developmental needs.
- Responses that are grounded in an understanding of child development and the impacts of trauma. There is significant evidence that therapeutic, trauma-informed and culturally safe and appropriate services and supports are far more effective than punitive approaches.



Recommendation 1: Address root causes

Addressing a problem of the complexity of youth crime, especially in regional and rural areas, requires focusing on **root causes**, rather than seeking to treat the symptom.

The underlying causes of youth crime are structural and include poverty, racism and intergenerational disadvantage and trauma. These structural forces manifest in the lives of individual families, children and young people and intersect through the extremely high rates of neurodevelopmental and other disorders, trauma and maltreatment among children and young people in contact with youth justice.

These circumstances and characteristics of children and young people who are coming into early contact with youth justice – or are at high risk of such contact – would, in any other context, be recognised as a clear indication of the need for appropriate support, not punishment. The large crossover between children in contact with both child protection and youth justice is particularly damning.

Shifting the system's focus to addressing root causes will require a coordinated and whole of government approach, with a clear commitment to greater investment in prevention and early intervention. In turn this requires a focus on:

- Directly addressing *systemic and structural* factors such as poverty, racism and intergenerational disadvantage and trauma.
- Ensuring supports and interventions for *individual young people* – and their families – recognise and respond to individual circumstances, developmental needs, trauma experiences and other relevant factors.

Achieving this will require a **long-term, comprehensive, whole-of-government plan**. To remain focused on the real drivers and root causes of youth crime, efforts must be coordinated (not siloed), through a system-wide approach, with an unwavering focus on addressing the needs of children and young people and putting those needs at the centre of all policy and decision-making about them. This includes a strong focus on strengthening protective factors, including connection to family and culture and engagement with education.

To ensure that this plan is truly whole-of-government and coordinated, it should ideally be developed as a comprehensive NSW Children's Plan, rather than being limited to the 'youth justice' system. This Plan should establish a clear vision for children – aged up to 18 – growing up in NSW, and establish a long-term and comprehensive framework for how the NSW Government organises all policies, services, investments and decisions that affect children. It would unify across existing arrangements, with a child-centred focus, and strongly focus on addressing underlying causes and drivers of risk and harm to children.² This comprehensive Plan could be supplemented by a similarly long-term youth justice strategy that operated within the Plan's overall architecture.

² For more detail, see Australian Child Rights Taskforce, Save the Children and 54 reasons and UNICEF Australia, 2023, *A Blueprint for a National Children's Plan* (forthcoming).



Recommendation 2: Support self-determination

Aboriginal and Torres Strait Islander children and young people are severely over-represented at all points of the youth justice system. This is primarily due to historical and ongoing systemic racism and the impacts of colonisation, dispossession and intergenerational trauma experienced by communities today. It is perpetuated by the lack of system-wide support for culturally appropriate, Aboriginal and Torres Strait Islander-controlled and delivered services for children and young people.

Addressing this over-representation should be a top priority. This starts with recognising the fundamental importance of self-determination and enabling self-determined design, control and delivery of services and solutions at a community and system level. Self-determination is a fundamental right and it leads to better outcomes.

Government's responsibility is to invest in First Nations-led approaches for Aboriginal and Torres Strait Islander children, to enable these improved outcomes. Importantly, supporting self-determination requires acting and working with an understanding of the specific history and context of each community, and not making assumptions about what community wants or applying a 'one size fits all' approach.

Recommendation 3: Respect children and young people's right to be heard

Ensuring greater respect for children's right to be heard across the youth justice system is essential to improve the operation of the system and its outcomes.

Ensuring that *individual* young people who are in contact with youth justice understand their rights and participate meaningfully in goal-setting and other decisions affecting them has significant benefits. When young people have a real say in decisions about them, they are more likely to engage with diversionary programs and supports, feel accountable for improving their own lives, and have better social and emotional wellbeing flowing from a greater sense of agency and control in their lives.

Incorporating lived experience into *policy* and *service* design, implementation and evaluation can enable better policy and more effective implementation, by ensuring that policy, services and implementation approaches are grounded in a good understanding of how they will be received by those at whom they are directed. Young people with lived experience who feel heard and taken seriously by governments can also gain a greater sense of civic responsibility and connection, which can lead to a greater willingness to act as credible mentors and community-based advocates working with others who are currently at risk.

Supporting young people's voices to be heard can also build *public confidence* in the system. When done meaningfully, ethically and safely, the sharing of stories by young people in contact with youth justice can educate the public about the real causes and circumstances of youth offending and the evidence-based solutions that work to intervene early and divert young people from further contact.

There are existing examples of children's and young people's voices and views being meaningfully shared in youth justice, offering significant value for services and policy design. At 54 reasons, nationally, our ongoing and more targeted consultation and engagement with



children and young people who are in contact with youth justice through our programs has reinforced the value of genuinely listening to what these young people say and acting through changes to on the ground practice, service design, and policy settings. In NSW, the insights shared by young people through reports such as the Advocate for Children and Young People's *What children and young people in juvenile justice centres have to say* (2019) and Youth Action's *Youth Justice Report: Fair go for young people* (2024) are compelling and strongly aligned with other evidence, as well as with our own experiences as a service provider.

Recommendation 4: Intervene early for key cohorts

We have recommended, above, a significant shift in system orientation towards preventive and early intervention measures, away from acute responses. This should include a focus on key cohorts where early intervention would be particularly high impact.

The **'middle years' from ages 6 to 12** are a critical developmental period during which children are actively forming an understanding of who they are, the difference between right and wrong, and what is appropriate behaviour. It is also a period when their understanding of these matters is highly influenced by those around them, whether for the better or the worse. It is a vital window for early intervention with children, and in communities, where contact with youth justice is a high risk.

Importantly, targeting early intervention at children in their middle years requires a shift from existing arrangements and assumptions to focus on a younger cohort. We increasingly see these younger children in need of support, including in regional and rural communities. Services are required to directly meet those needs.

The high rate of children who **'cross over' from statutory child protection and out-of-home care** services to becoming involved with youth justice³ is one of the clearest possible indicators that current policy and system settings are not working. These children have – along with their families – already been failed by the system to the extent that the state has intervened and even removed them into care. They are the last people who should be facing a criminalising response to their complex challenges.

Reducing the 'drift' from child protection to youth justice should be a high priority. This requires coordinated, trauma-informed services that are organised around children's needs while engaging with their families and supporting families and caregivers to provide a positive environment that meets children's needs, and avoiding punitive, criminalising responses.

The justice system is poorly equipped to respond to the **use of violence in the home by adolescents**. Similarly, intimate partner violence perpetrated by adolescents is a challenging issue that requires a thoughtful response. Many young people using violence at home are victim-survivors of violence themselves. Often, they still live with the adult perpetrator. National research indicates that 89 per cent of all young people using violence in the home have themselves experienced abuse. The probability of using violence in the home is highest

³ K McFarlane, 2018, 'Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system' 51(3) *Australian & New Zealand Journal of Criminology* 412; *Family Is Culture*, Review Report, 2019, Independent Review of Aboriginal Children in OOHHC.

among young people who have both witnessed violence between other family members and been subjected to targeted abuse.⁴

A criminal justice response to a young person using violence is almost certain to reinforce the intergenerational cycle of violence and makes repeated offending more likely. Providing trauma-informed and whole-of-family support where there is use of violence by adolescents in the home, and avoiding punitive and criminalising responses, should be a high priority.

Recommendation 5: Reshape the operation of the system

Raising the **minimum age of criminal responsibility** to 14 in NSW is a simple reform that would make a systemic difference, by keeping young children out of the criminal justice system. The age should be raised to 14 for all offences, with no exceptions, accompanied by adequate investment to establish an effective alternative service system. This would bring NSW law into line with medical evidence about children's brain development, extensive expert advice and international child rights standards. It would also be an important step towards reducing the intergenerational disadvantage and the over-representation of Aboriginal and Torres Strait Islander children that is reinforced by the current low age of criminal responsibility.

Investing in **youth services and caseworkers** should be an immediate priority. There is a critical shortage of services and workers providing early intervention and youth support services in community. We support the detailed recommendations in Youth Action's recent *Youth Justice Report* on these matters,⁵ including the particular importance of adequately funded casework support as an early intervention and diversionary intervention.

In NSW, as elsewhere, punitive **bail and remand laws and practices** are a key source of rights breaches that drive high rates of children and young people being detained without being sentenced and cause significant harm. This includes the recent changes to add an additional bail test for young people in certain circumstances.⁶ We recommend that bail and remand laws and practices be reviewed for consistency with human rights standards, accompanied by a significant increase in investment in evidence-informed bail support programs, alternatives to detention, and throughcare and post-detention support services for young people.

Recommendation 6: Respond to the specific contexts of regional and rural NSW

The measures we have suggested are relevant across the state. In this final part of our submission, we highlight some considerations that are particularly important or acute in regional and rural NSW, reflecting our experience working in these communities.

Most children and young people who are at risk of contact with youth justice do not know who they are. Without support to answer questions such as 'what do I enjoy most', 'what makes me feel safe' and 'what do I want to be' for themselves, young people will be highly influenced by

⁴ K Fitz-Gibbon et al, 2022, *Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts*, ANROWS, Research Report, Issue 15.

⁵ *Youth Justice Report: Fair go for young people*, 2024, 'Youth services and supports in community', pp 9-10.

⁶ Bail and Crimes Amendment Bill 2024.



the implicit messages they receive from around them – about who they are, and where they do or don't fit in.

In regional and rural contexts, this creates particular challenges. For these young people, unfortunately the messages they receive will typically be overwhelmingly negative, arising from their interactions with police, school and elsewhere in their communities. As a result, their identities are particularly susceptible to being shaped by the attitudes and behaviours of the crowd around them, with older teenagers already in contact with youth justice often highly influential, due to the absence of positive feedback, influences or mentors.

- **Police** and other authority figures are commonly demonised. An attitude held by many young people with whom we work in Wagga Wagga is that the worst thing you can do is report something to the police – it's ok to hit a woman but it's wrong to 'snitch' to police.
- For many, the **education** system does not meet their needs and can be actively exclusionary. For example, children get 'tarred with the same brush' as their older siblings, with teachers making unfair negative assumptions and these children being more likely to be suspended. The cumulative effect is to drive disengagement with school, not least due to embarrassment.
- Getting to **jobs**, or attaining qualifications, is difficult. Public **transport** is limited or unavailable at the hours when young people would need to start work. It can be difficult getting to providers like Indie College where young people can gain qualifications.

In these communities, the lack of things to do is a significant problem, especially at **night**. For some young people it is common to sleep during the day and socialise at night. Yet everything starts closing down at 5.30 or 6pm, or a bit later in the evening in the case of the PCYC, with food available through community-based programs and centres in some cases at around 3.30 or 4pm and not afterwards.

In general, **youth services** in regional and rural NSW are especially scarce. Many services are reluctant to work with young people due to a lack of the specialist understanding and skills needed to do so. There is a need for more youth-focused supports around (and in) families, on streets, and in neighbourhoods. Importantly, this must include late-night and 24-hour programs that are suitable for both younger and older children and adolescents, given the issues noted above. As also noted earlier, there are notable gaps in early intervention support for children in the 'middle years' from ages 6 to 12.

At the heart of any effective response to these difficult, interrelated issues must be a focus on supporting young people to build **positive relationships with their community** through effective **youth services and programs including casework**. For young people who are at significant risk or already in contact with the youth justice system, this requires careful, strengths-based, trauma-informed and culturally responsive one-to-one work to build rapport and trust over an extended period of time. In turn this requires a long-term commitment by government and adequate resourcing to enable those organisations who are working with, and part of, communities to do this work.



Further information

We would be delighted to provide further information, including by giving evidence at a public hearing of this inquiry. For more information, please contact:

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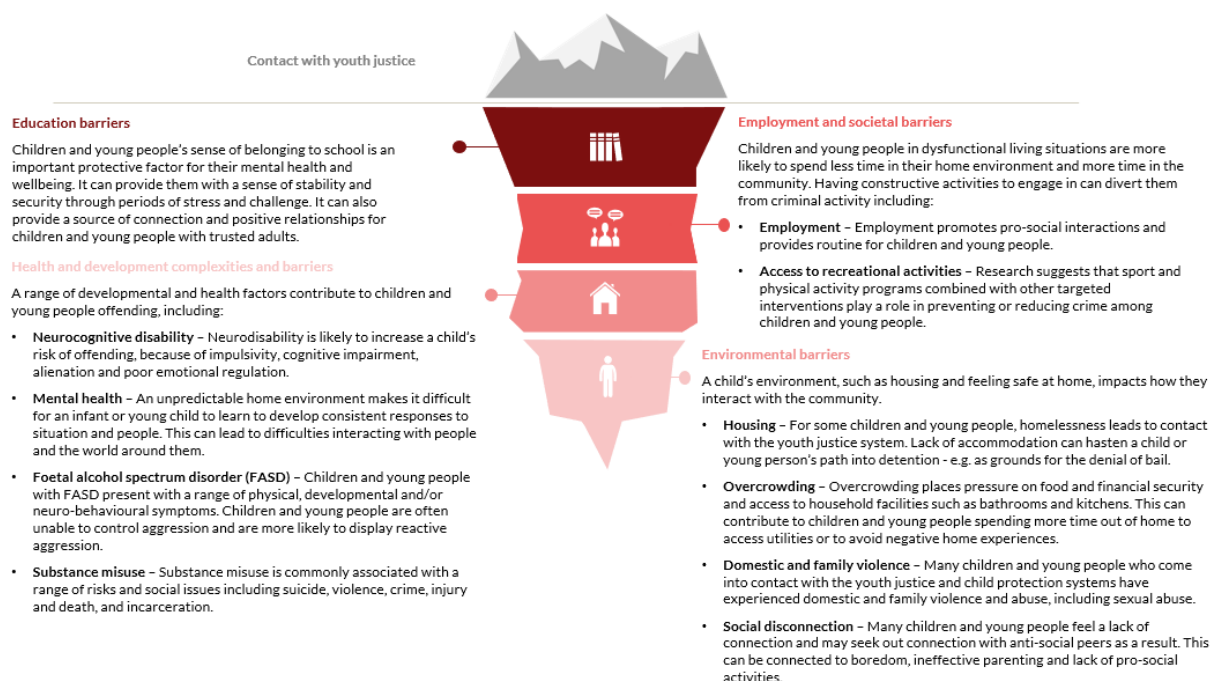


Attachment 1: Causes of youth offending

Factors causing contact with youth justice

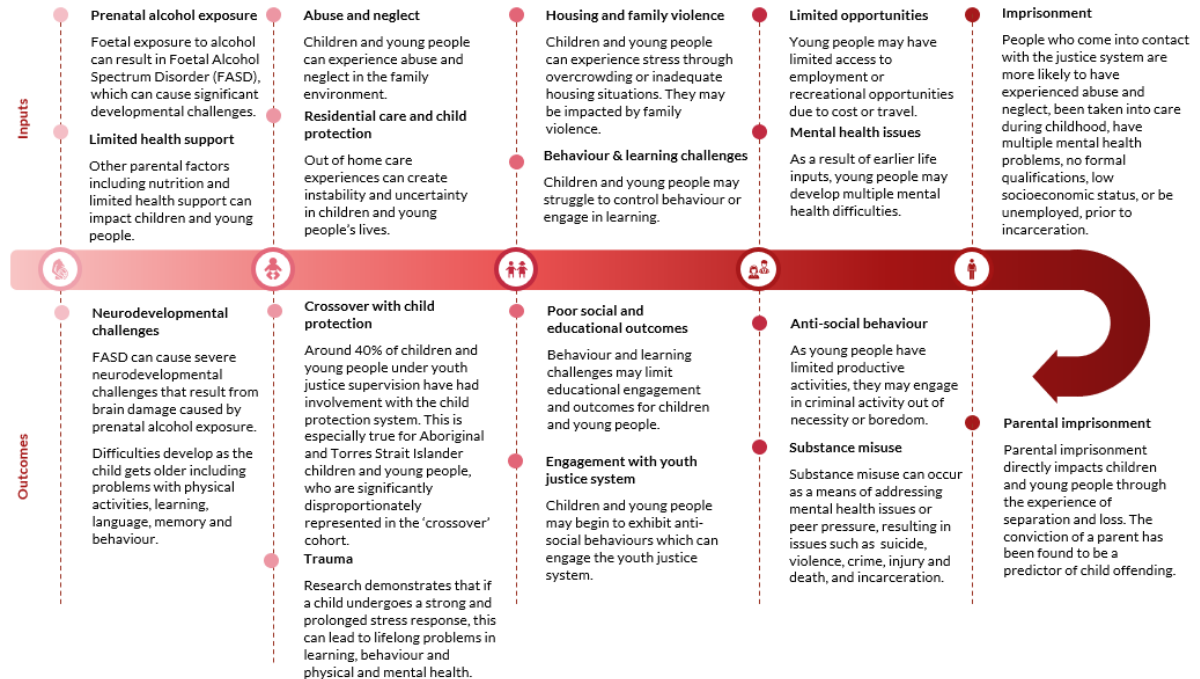


Challenges and barriers contributing to contact with youth justice





Service system deficiencies contributing to contact with youth justice



Source: Save the Children and 54 reasons, 2023, *Putting children first: A rights-respecting approach to youth justice in Australia*, pp 19-21



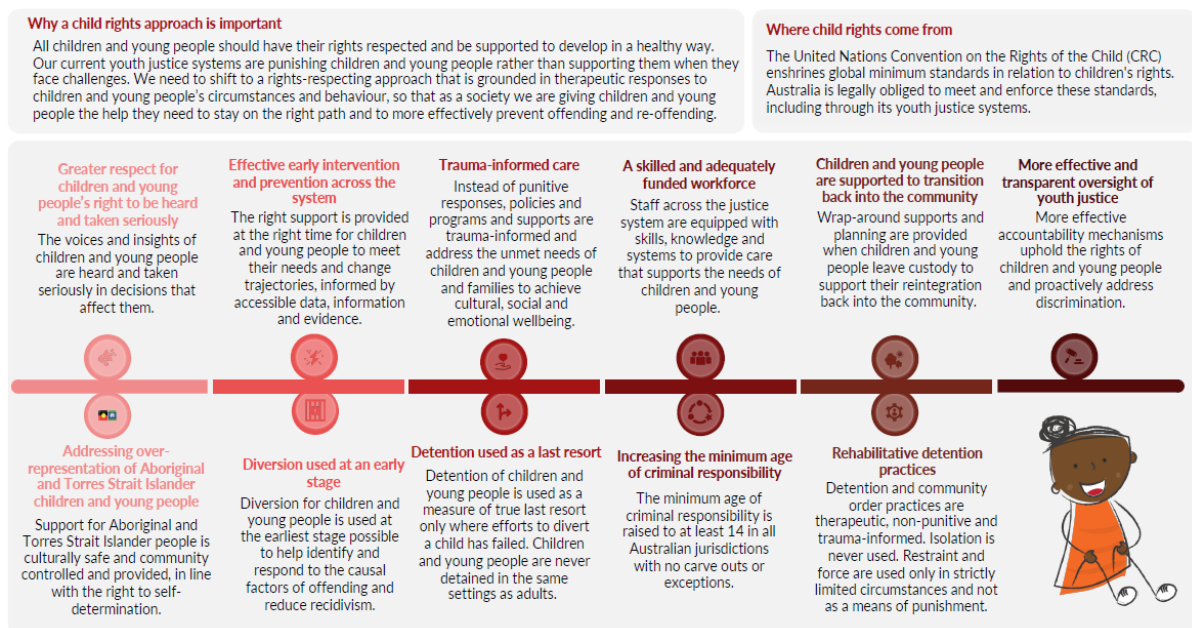
Attachment 2: Child rights standards and a rights-respecting youth justice system

Children's rights are globally accepted minimum standards enshrined in the CRC, and contextualised and elaborated in other instruments such as the UN Declaration on the Rights of Indigenous Peoples. This includes services, supports, and material, social, economic and other conditions necessary for all children to have the chance to develop to their fullest potential. These rights are held by all children and young people aged up to 18. Governments are responsible for ensuring they are upheld for all.

A child rights-based approach is strongly aligned with child development science and the evidence about what works to prevent children and young people's initial or continuing contact with youth justice.

A child rights framework provides a roadmap for system-wide reform in youth justice and child wellbeing. It includes overarching principles and specific standards and minimum requirements that must be met for youth justice systems to be rights-compliant and achieve their goals.

Key elements of a rights-respecting approach to youth justice are summarised below.



Source: Save the Children and 54 reasons, 2023, *Putting children first: A rights-respecting approach to youth justice in Australia*, p 9