

Attachment B

Responses to Questions on Notice arising from Juvenile Justice Budget Estimates Hearing on 14 September 2010.

Question from Mr Ajaka:

Rape incidents involving juveniles in custody:

Question 1.

Has the Minister followed up on the wellbeing of the then-16 year old victim of the alleged rape in Frank Baxter Detention Centre in March 2009?

Response.

The well-being of the victim was monitored through the supervision of the NSW Department of Human Services, Juvenile Justice until April 2010, when its mandate to supervise the young person ceased. Ongoing specialised counselling in the community is available should the young person wish to receive it.

Question 2.

What kinds of services /support /resources were provided to the victim?

Response.

Immediately following the incident, the victim was escorted to Gosford Hospital Sexual Assault Service, which provided treatment, a report about which was provided to Police. He was subsequently referred to the Sexual Assault Counsellor from Gosford Hospital.

When the young person returned to Frank Baxter Juvenile Justice Centre, he received specialised counselling and was allocated a separate bed in the centre's clinic. An Operational Risk Management Plan was put into place to ensure his ongoing safety and support.

His parents visited him shortly after the incident.

Justice Health staff and the Centre Psychologist provided ongoing therapeutic support while he remained in custody.

The young person appeared before Woy Woy Children's Court three days after the incident and was released into his father's care. Bail conditions included counselling to ensure the young person received ongoing appropriate support.

Question 3.

Is this support ongoing?

Response.

I am advised that Juvenile Justice referred the young person for counselling and aftercare to a specialist Sexual Assault Service close to his home following his release on bail.

Additionally, the victim was supported by Juvenile Justice Officers and Counsellors until April 2010 as part of his formal supervision. While the young person was on a supervised order he was monitored and assessed on an ongoing basis.

Even though Juvenile Justice's mandate to supervise the young person had ceased by the time of the offenders' sentencing, Juvenile Justice contacted the family at that time to ensure he had adequate support.

The young person has been offered on-going counselling in the community. This remains available to him if he wishes to receive it.

Question 4.

Was the violent offender, who committed the alleged rape, charged for this offence?

- a) If yes to (4), what are these charges? What was the sentence?
- b) If no to (4), why not?

Response.

Yes. Two young people were charged with offences in relation to the incident. They were convicted in June 2010.

One young person was convicted of Aggravated sexual assault in company inflict actual bodily harm, Sexual intercourse without consent and Aggravated indecent assault in company. He was sentenced to a partly-concurrent total of ten years in custody with a non-parole period of five years.

The other young person was convicted of Aggravated sexual assault in company and sentenced to 4 years six months in custody with a non-parole period of two years.

Question 5.

Has an apology from the NSW Government been given to the rape victim?

- a) If no to (5), why not?

Response.

The NSW Government has endeavoured to assist and support this young person on an on-going basis. Juvenile Justice has focussed on the practical approach of the provision of support services to assist the young person.

Question 6.

Have any other juveniles in NSW Juvenile Justice centres been the victims of sexual assaults since March 2009?

Response.

There has been one alleged sexual assault since March 2009. A young person has been charged with offences in relation to that incident.

As the matter is currently before the courts, it is inappropriate to make any specific comment regarding this incident.

Question 7.

What action has been taken to ensure the safety of juvenile inmates in NSW detention centres?

Response.

Juvenile Justice places a high priority on the safety of staff and young people in detention centres.

Juvenile Justice has invested significantly in security at juvenile justice centres and uses a range of measures to improve the level of safety in its juvenile justice centres. This includes physical security measures as well as behaviour management programs.

Staff members have a range of options when responding to detainee behaviour that threatens safety or centre security. For example, maximum confinement periods have been increased, broadening the options that can be used as punishment for misbehaviour.

The Objective Classification System is used to inform decisions about the placement of detainees who have a history of violence and non-compliance, including assaults on both staff and other detainees.

The Detainee Behaviour Intervention Framework improves communication between staff and detainees and provides appropriate channels for detainees to discuss issues and concerns, as well providing a structured Incentive Scheme which has a substantial influence on detainee behaviour. The Framework has now been implemented in all juvenile justice centres.

Question 8.

Consequences of the Closure of Keelong Detention Centre:

Since the closure of Keelong Detention Centre, what has it cost your Department in additional transportation costs for detainees to be taken to other centres, particularly offenders from the Illawarra area?

Response.

The NSW Police Force is responsible for the initial movement of a young person following their arrest to a designated Children's Court or to a juvenile justice centre. Subsequent movements are routinely undertaken by the Juvenile Justice Court Logistics Unit.

Police now take young people from the Illawarra area who are refused bail to the nearest juvenile justice centre which is Reiby, a 45 minute drive from the former Keelong Centre.

Questions from Mr Khan

Question 9.

Of the promised interim and final Youth Conduct Orders, how many have been made in the Monaro electorate in each year since 2007?

Response.

The Youth Conduct Order pilot is not running in the Monaro electorate.

Question 10.

Of the promised Supervision Program which was designed to closely track young offenders and make parents accountable for their child's behaviour, what funds have been expended in the Monaro electorate in each year since 2007? How many people have been involved in this program? What have been the outcomes of the program in the Monaro electorate?

Response.

See response to Question 9.

Question 11.

What funds have been expended extending Young Adult Conferencing in the Monaro electorate in each year since 2007? What funds are planned to be expended on this program in each of the next three years?

Response.

The Department of Justice and Attorney General administers Young Adult Conferencing. The Question should be referred to the Attorney General.

Question 12.

Of the promised interim and final Youth Conduct Orders, how many have been made in the Port Macquarie electorate in each year since 2007?

Response.

The Youth Conduct Orders pilot is not running in the Port Macquarie electorate.

Question 13.

Of the promised Supervision Program which was designed to closely track young offenders and make parents accountable for their child's behaviour, what funds have been expended in the Port Macquarie electorate in each year since 2007?

Response.

See response to Question 12.

Question 14.

How many people have been involved in this program? What have been the outcomes of the program in the Port Macquarie electorate?

Response.

See response to Question 12.

Question 15.

What funds have been expended extending Young Adult Conferencing in the Port Macquarie electorate in each year since 2007? What funds are planned to be expended on this program in each of the next three years?

Response.

The Department of Justice and Attorney General administers Young Adult Conferencing. The Question should be referred to the Attorney General.

Questions on Notice taken during the hearing

Question from The Hon Marie Ficarra

Question 1.

Has New South Wales Juvenile Justice applied for additional funding from Treasury to respond to other recommendations of the Noetic report into Juvenile Justice?

Response.

The NSW Government has taken immediate steps to implement recommendations of the Noetic report. At the Budget Estimates hearing on 15 September, I outlined the Government's commitment to invest \$1.8 million (2009/10) to improve Youth Justice Conferencing and also to invest \$2.3 million (2009/10) to establish the Bail Assistance Line, which was launched in Dubbo in June 2010 and in Western Sydney in August 2010. It will shortly expand to Newcastle / Hunter.

The NSW Government recognises the rehabilitation of juvenile offenders and reduced juvenile re-offending is a responsibility shared between government agencies and the community; this is also acknowledged in the Noetic report.

The NSW Government has committed funding for programs that place strong emphasis on preventing juvenile crime and rehabilitating young offenders using diversionary and restorative justice programs. These programs include:

Youth Justice Initiatives (YJI)

The YJI budget of \$6.3 million is in line with Treasury Allocations and includes \$4.4 million under the 2010/11 Community Funding Program. The program is aimed at providing services such as emergency accommodation, employment opportunities, post-release support and local offender programs.

Drug Related Programs

The \$6.9 million for drug and alcohol programs is a protected funding allocation, jointly funded by the State Government (\$4.5 million) and the Federal Government (\$2.3 million).

Federal funding covers drug counselling in regional and rural areas and drug rehabilitation programs operated by non-government agency.

State funding covers a number of programs including drug & alcohol counselling; rural residential rehabilitation; Youth Drug and Alcohol Court; drug intelligence; drug monitoring and testing in juvenile justice centres; and drug related activities supporting the Intensive Supervision Program (ISP).

Community-Based Services

A budget of \$62.9 million will be directed to the supervision of young offenders on community-based sentences on order of the courts, providing reports to the courts, counselling and interventions to address young offenders' risk of re-offending.

Intensive Supervision Program

\$1.55 million has been allocated for 2010/11 for core business activities supporting the ISP program. (Note: A further \$0.437 million is provided for drug activities supporting the ISP program.)

Bail Intervention Program

In 2010/11 the Government has committed \$1.9 million to better support young people who have been released on bail. Juvenile Justice will continue to support young people on remand and more intensive bail supervision with the aim of reducing overall numbers of juveniles in custody.

Child Wellbeing Unit

In addressing juvenile offending, as in other policy areas, the Government is embedding the principle of prevention and early intervention into its decision-

making. The Government is implementing a range of initiatives to intervene early in the offending cycle.

The Child Wellbeing Unit provides reporting and referral support to Mandatory Reporters within Juvenile Justice, Housing, and Ageing, Disability and Home Care. Funding for Juvenile Justice's contribution to this program in 2010/11 is \$1.4 million.

Youth Justice Conferencing

Funding of \$6.9 million has been provided to support the program and meet the increasing number of referrals being processed. The Youth Justice Conferencing program is aimed at providing an effective community-based alternative to formal court orders.

Youth Justice Conferences are proving successful as a key diversionary scheme keeping young offenders out of the more formal juvenile justice processes. Young offenders who participate in conferences are less likely to reoffend than those in other justice streams.

Community Clean Up Orders – Graffiti

Funding of \$1.9 million has been provided to address the problem of graffiti. Juvenile Justice requires young people on community service orders to provide restitution to their communities through the removal of graffiti. The scheme is operated in partnership with local councils and community stakeholders.

Graffiti clean up teams work on a range of sites including council properties, community centres, bus shelters, shopping centres, parks and playgrounds. The councils identify the sites and provide graffiti removal and safety materials.