

30 March 2012

Secretariat
Ministerial Taskforce on Aboriginal Affairs
Level 13, 280 Elizabeth St
Surry Hills
NSW 2010

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Dear Secretariat

Submission to the Ministerial Taskforce on Aboriginal Affairs

The Youth Justice Coalition (YJC) is a network of youth workers, children's lawyers, policy workers and academics working to promote the rights of children and young people in New South Wales.

The YJC aims to promote appropriate and effective initiatives in areas of law affecting children and young people; and to ensure that children's and young people's views, interests and rights are taken into account in law reform and policy debate.

The YJC has made Aboriginal youth in the justice system a priority for their 2012 work plan. A sub-committee has been established to progress this plan for the YJC. This submission draws on the points raised by the sub-committee in a discussion of the Taskforce inquiry material.

YJC members note and support the Minister's Statement in the Taskforce *Community Discussion Paper* that while the focus of the Taskforce is on improvements in service delivery, educational and employment outcomes, other issues 'such as juvenile detention rates, health and housing' should also be addressed.

The over representation of indigenous youth in the NSW justice system is well known and documented in various reports including the Noetic review of juvenile justice in NSW and the national report *Doing Time – Time for Doing* by the national parliament's Standing Committee on Aboriginal and Torres Strait Islander Affairs. The Wood report of the Special Commission of Inquiry into Child Protection Services in NSW also reported on the high incidence of young Aboriginal people in the justice system and the urgency of addressing this issue. Wood noted that specific programs in the justice systems to reduce contact would not be effective without responding to the underlying issues of disadvantage and isolation from mainstream services. The YJC also refers the Taskforce to the NSW Ombudsman report '*Addressing Aboriginal disadvantage: the need to do things differently*' (October 2011), that includes a chapter on investing in education covering issues such as school attendance, innovative strategies and improving quality of teaching staff.

In order for the NSW strategy to apply to all Aboriginal people in the community it must address the issues that cause barriers to accessing services such as education and also to the meet the needs of people who may never be able to participate in mainstream education.

This is particularly the case if a narrow view of education is taken, one that measures success on the completion of year 10 or year 12 high school. A life-long education perspective and one where education can take place in many environments will lead to greater flexibility for young people who need a choice in how and where they learn. Addressing juvenile justice issues is essential if young people are to take on life-long learning and healthy and productive paths.

Taskforce goals

The YJC sub-committee recommends that the Taskforce include a goal to support policies and programs that:

- Reduce the numbers of Aboriginal young people inappropriately remanded in custody;
- Increase funding to the Aboriginal Legal Service to match current and future demand;
- Ensure safe accommodation is available for young Aboriginal people leaving custody; and
- Commit to funding programs that are proven to be successful.

The YJC sub-committee proposes that this could be achieved by:

- Amending bail laws through support for the current review of the NSW Bail Act, and supporting proposed changes where they allow magistrates and police to reasonably apply laws and provide guidance about what bail conditions work for young people.
- Improving policing – police need a better understanding of alternatives when exercising their discretion (such as the options of warnings, cautions, and youth justice conferences under the Young Offenders Act) and support from the Local Area Command to exercise reasonable discretion. Training is only one component; police also need to be mentored by an officer with appropriate experience and support from senior management.
- Providing accommodation that is acceptable to the court for young people granted bail.
- Resourcing Aboriginal organisations, police, young people and social workers to build relationships with each other. More research is needed to determine if good relationships generate referrals between services that keep Aboriginal young people out of the justice system. YJC members noted that the number of referrals received from police was determined by the relationship with local police rather than any standard policy and procedure. For community workers to assist they need to be funded for out-of-hours work and available at the times police are working and making referrals.
- Improving the quality and range of education options, including:
 - Greater flexibility for young people that have failed in mainstream schooling;
 - More creative intervention programs to keep young Aboriginal children in school. Programs must have positive partnerships with parents and community members, with well-resourced and trained classroom teachers;
 - Improved resources for programs designed specifically for girls, for example, Tirkandia, the short term residential school is for boys only. Equivalent programs should also be available to girls. It was suggested that girl's needs are often neglected because they do not act out like boys.

- Alternatives should be available for young people that have a poor experience of the conventional school model. There needs to be scope to have other education models registered and the students eligible for the same level of funding and concessions (e.g. such as travel).
- A review of behaviour schools should be undertaken with a view to examining how well young people reintegrate into mainstream schooling and whether improved communication and coordination would lead to better results. The experience of YJC sub-committee members is that young people are returned to schools to repeat the failure that brought them to the behavioural school.
- Alternative options for training programs need to support the young person financially. Disadvantaged families cannot afford to subsidise the tools, books and day to day living of a young person in poorly paid training job.
- Interventions should be focused on the strengths of the young person and not necessarily working towards a young person completing the standard school program.

The YJC would be pleased to discuss these issues further with Taskforce members or its secretariat. Please contact the YJC convenor on 9559 2899 or at yjc@clc.net.au if you wish to discuss issues raised.

Yours sincerely



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