

# Submission to the Inquiry on community safety in regional and rural communities



NSW Council of Social Service

7 June 2024

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 **ncoss**  
NSW Council of Social Service

## About NCOSS

NSW Council of Social Service (NCOSS) is the peak body for non-government organisations in the health and community services sector in NSW. NCOSS works to progress social justice and shape positive change toward a NSW free from inequality and disadvantage. We are an independent voice advocating for the wellbeing of NSW communities. At NCOSS, we believe that a diverse, well-resourced and knowledgeable social service sector is fundamental to reducing economic and social inequality.

## Acknowledgement of Country

NCOSS respectfully acknowledges the sovereign Custodians of Gadigal Country and pay our respects to Elders, past, present and emerging. We acknowledge the rich cultures, customs and continued survival of First Nations peoples on Gadigal Country, and on the many diverse First Nations lands and waters across NSW.

We acknowledge the spirit of the Uluru Statement from the Heart and accept the invitation to walk with First Nations peoples in a movement of the Australian people for a better future.

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## Introduction

The NSW Council of Social Service (NCOSS) welcomes the opportunity to respond to the *Inquiry into community safety in regional and rural communities*. This inquiry provides an opportunity to reflect on the justice system as a whole and implement much needed reform and investment in this area, including the key systemic causes of the overrepresentation of Aboriginal and Torres Strait Islander people in youth justice.

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 is well positioned to respond to the following Terms of Reference presented by this Inquiry:

1. the drivers of youth crime across regional and rural NSW, particularly since the COVID pandemic;
2. how a whole of government approach can reduce the drivers and root causes of youth crime in regional and rural NSW;
3. the wraparound and diversionary services available for youth and families in the regions and rural areas and how they can be better matched to individuals, measured, improved, and integrated into a coordinated approach to divert youth from crime, having regard to the NSW Government's commitment to working in partnership with Aboriginal people;
4. staffing levels and workforce issues, including police staffing, in regional and rural areas and how services can be improved to reduce youth crime in these areas.

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. Over the last three years, we have completed a series of consultations, including in regional communities, to inform the development of the following publications:

- [Choosing a better future – Pre-Budget Submission 2024-25](#) (March 2024)
- [Mapping Economic Disadvantage in NSW – 2023](#) (April 2023)
- [Aftershock: Addressing the Economic and Social Costs of the Pandemic and Natural Disasters](#) (October 2022)
- [The High Cost of Doing Business - administrative and management overload in smaller NGOs](#) (June 2022)

These reports and submissions highlight the intersection of poverty and housing, homelessness, domestic and family violence and mental health. Many of these are closely linked drivers of youth crime. The reports also provide an evidence-base for the need to

urgently increase investment in programs that keep young people engaged early as well as wraparound services and supports that reduce young people's contact with the justice system.

Building on this work, this submission outlines our recommendations for ensuring that regional and rural communities in NSW are safe, while ensuring that children and young people are given the support they need to keep them out of jail. NCOSS would also like to draw the Committee's attention to the submissions provided by Raise the Age, Youth Action, and Justice Reform Initiative. NCOSS endorses these submissions and acknowledges that the expertise in these submissions was used to also guide our approach.

Our most important messages to the Inquiry are as follows:

1. The drivers of youth crime, including in regional and rural NSW, are complex and involve challenges at individual, family, and community levels. This requires a holistic policy response that investigates, understands, and addresses the root causes and avoids over-reliance on responding to symptoms, including through the policing and justice system.
2. Unless youth crime is viewed through the lenses of poverty and disadvantage, investment and reform will continue to be ineffective in breaking the cycles of incarceration and therefore unsuccessful in building safer communities. This will include addressing the immense unmet needs in areas such as safe and stable housing, mental health support, and domestic and family violence prevention and response.
3. There is an alarming over-representation of Aboriginal and Torres Strait Islander children and young people in detention and interaction with the police and justice systems. Given this, efforts to address youth crime in NSW must include specific provisions to work with Aboriginal communities and provide space for Aboriginal and Torres Strait Islander decision-making and leadership in the design and execution of programs and services, in line with the Government's obligations under the Close the Gap agreement.
4. The non-government sector plays a critical role in diverting young people away from the justice system and in keeping communities safe. These organisations deliver programs across the full spectrum of community services, including: early intervention programs; wrap-around supports such as mental health and alcohol and other drugs treatment; and programs aimed at supporting young people to navigate the justice system. Greater investment in the non-government sector is critical in addressing the root causes of crime and ensuring that young people feel safe and supported in their community.

Effectively supporting young people through childhood and adolescence and diverting them from the criminal justice system leads to better outcomes for themselves, their communities, and sustainable and purposeful government spending. By identifying risk factors, intervening early, building capacity, and providing support at multiple points in their lives, we can significantly improve their chances of living a healthy life outside of the justice system. In turn,

this contributes to more resilient and cohesive families and safer communities for our current and future generations.

Finally, as the committee will be aware, in 2018 there was an Inquiry into the adequacy of youth diversionary programs in NSW. NCOSS, along with a number of other organisations, made submissions to that Inquiry. In conducting this Inquiry, the Committee should review the recommendations<sup>1</sup> of the past Inquiry and the NSW government's response<sup>2</sup> to ascertain the extent to which the recommendations have been fully implemented by government.

For any questions related to this submission, please contact Ben McAlpine, Director of Policy & Advocacy, at [ben@ncoss.org.au](mailto:ben@ncoss.org.au).

## Summary of NCOSS recommendations

### **Invest in critical social infrastructure that can prevent poverty and crime and keep communities safe**

1. Immediately address critical housing shortages for those most in need by building/acquiring/renewing an additional 5,000 social housing dwellings per annum with appropriate allocations made for the groups of people most likely to have contact with the justice system - women and children escaping domestic and family violence, young people, people with disability including psycho-social disability and First Nations people.
2. Develop a long-term plan to build towards 10% of all housing as social and affordable housing, over a 20-year time frame.
3. Properly fund the design and delivery of the upcoming NSW standalone Child and Youth Homelessness and Housing Action Plan.
4. Improve services for the 40% of Specialist Homelessness Services clients, including families, who have complex needs through the expansion of Together Home as a permanent supportive housing (PSH) or housing first program providing long term secure housing and support for as long as is needed.
5. In partnership with Aboriginal Peak organisations, including ACHIA NSW, NSW Aboriginal Land Council and the Aboriginal Community Controlled sector, review and streamline existing legislative controls and arrangements for funding and commissioning of housing and homelessness services and supply to ensure genuine place-based leadership and decision-making by First Nations communities.
6. Increase investment in early intervention and family preservation by 25%, prioritising funding for Aboriginal Community Controlled Organisations.
7. Increase investment in services for young people that provide non-clinical prevention and early intervention mental health support.
8. Increase investment in drug and alcohol support options for young people, particularly in regional areas, including intensive residential rehabilitation and inpatient programs, counselling, therapeutic groups, and health education and information provision.
9. Provide core funding for neighbourhood centres, youth services and similar local services that provide early intervention programs and connect young people to specialist services and programs and create opportunities for social connection.
10. Improve access to health and social services for children and their families by investing in 'Linker roles' at schools in regions with the highest concentrations of disadvantage in NSW. These roles provide a connection between the education system and the social service sector to improve outcomes for young people and their families.
11. Raise the minimum age of criminal responsibility from 10 years to at least 14 years old without exception.
12. Maintain support for the promised treaty process to strengthen human rights and self-determination for First Nations people and communities, starting with the establishment of an independent treaty commission.
13. Implement the Family is Culture blueprint, including establishing an Aboriginal Child and Family Commissioner, through shared decision-making with Aboriginal leaders, Community Controlled Organisations, and communities.

14. The Federal Government must substantially lift Jobseeker and the Youth Allowance so that young people can afford essentials including housing, food, medical support, and education.

**Invest in a coordinated approach to keep young people out of jail**

15. Increase investment in and availability of alternative and specialist court processes in regional and rural NSW, including the expansion of the Youth Koori Court and the reinstatement of the Youth Drug and Alcohol Court.
16. Increase the investment, availability, scope, and capacity of existing, effective diversionary programs with positive evaluations to ensure young people have access to appropriate services, especially those living in regional and rural NSW.
17. Invest in expanding bail accommodation, including Aboriginal-specific bail accommodation, focusing on young people in regional and rural NSW.
18. Expand the Bail Assistance Line to become an all-hours service that assists NSW Police and Youth Justice caseworkers to provide the necessary support for young people in conflict with the law.

**Strengthen sustainability of the NSW social service sector so that essential support reaches young people in need:**

19. Immediately increase recurrent baseline funding for essential social services by 20% to reflect the real costs of service delivery across the sector.
20. Aboriginal-owned and controlled solutions must be a matter of first principle in working with Aboriginal young people and any increase in investment must prioritise Aboriginal young people and Aboriginal community-controlled organisations.
21. Introduce an evidence-based, data-informed funding model that is linked to demand indicators, population growth and demographics, economic and workforce conditions and the real cost of service provision for the sector, including a consistent, transparent, and evidence-based approach to indexation. Any such model must support Indigenous Data Sovereignty

## NCOSS Responses to Terms of Reference

### A) The drivers of youth crime across regional and rural NSW, particularly since the COVID pandemic

Most young people who come into contact with the criminal justice system have experienced some form of disadvantage or trauma in their lives. Research highlights several systemic factors that contribute to a young person's engagement in offending behaviour.<sup>3</sup> These can include:

- having been in out of home care;
- receiving a poor school education;
- being Indigenous;
- having early contact with police;
- having unsupported mental health and cognitive disability;
- problematic alcohol and other drug use;
- experiencing homelessness or unstable housing; and
- coming from or living in a disadvantaged location.

A recent report from the Victorian Youth Parole Board found that of the 540 young people in custody on 2 June 2023:<sup>4</sup>

- 52% had been subject to a child protection order;
- 64% had experienced abuse, trauma, or neglect as a child;
- 42% had experienced family violence;
- 68% had accessed mental health support in relation to their diagnosed mental illness;
- 25% had an active cognitive difficulty diagnosed or documented by a professional;
- 61% had a history of use or misuse of alcohol;
- 82% had a history of use or misuse of drugs (illicit or prescription).

Acknowledging the myriad drivers of youth crime across regional and rural NSW, NCOSS would like to draw particular attention to the intersection of child poverty and many of those drivers and subsequently childhood poverty and the justice system.

#### *Correlation between poverty and youth crime*

In Australia, children aged 10 to 17 from the lowest socioeconomic areas are about seven times more likely to be under youth justice supervision compared to their peers from the highest socioeconomic areas.<sup>5</sup> In NSW, poverty is more widespread in rural and regional NSW. The poverty rate for young people (15-24 years) is 25% higher in rural and regional NSW (15.1%) compared to Greater Sydney (12.1%). It increased from 2016 to be the highest poverty rate of all age groups in rural and regional NSW.<sup>6</sup>

Poverty is correlated with significantly higher rates of juvenile crime in New South Wales, largely because it increases the rate of child neglect. For instance, an increase of 1,000 additional poor families is associated with 141 more juveniles involved in crime, assuming other factors remain

constant.<sup>7</sup> This is not to say that poverty is the key driver of youth crime; the relationship is more complex. Other factors such as cognitive stimulation, family context, and peer pressure also play significant roles in determining a child's likelihood of entering the justice system.<sup>8</sup> However, even when controlling for these factors, US research indicates a persistent link between child poverty and delinquency.<sup>9</sup>

Intergenerational effects also contribute to this cycle of disadvantage, with a quarter of Australian prison entrants reporting that they had at least one incarcerated parent or caregiver during childhood. Moreover, prison entrants aged 18-24 are three times more likely to have a family history of incarceration compared to those aged over 45.<sup>10</sup> For Aboriginal and Torres Strait Islander youth, incarceration rates are often a reflection of intergenerational and ongoing trauma and stressors that have affected their parents, families, and communities.

## **B) How a whole of government approach can reduce the drivers and root causes of youth crime in regional and rural NSW**

A whole-of-government approach is critical to addressing the root causes of youth crime in regional and rural NSW while also building a safe community. Antisocial and offending behaviour within any community is a broader societal issue, not merely the 'problem' of an individual young person. Community-level investment is essential to addressing the drivers and impacts of poverty, ensuring equitable access to health, housing, education, support services and employment opportunities for all young people. It is important to recognise the systemic issues that contribute to poverty and disadvantage, such as racism, discrimination, and intergenerational trauma.

The NSW Government must ensure that critical social infrastructure is available for young people in regional and rural NSW. This includes the buildings, spaces, services, and networks that support the quality of life and wellbeing of our communities. It is vital that individuals and families can access the services they need, when they need it, and before they hit crisis point. Our member organisations regularly report the significant challenges they face in terms of accessing specialist services for young people they work with across the regions.

For regional and rural communities in particular, the centralisation of services in regional hubs has made it more difficult for rural and remote communities to engage with support in a timely and culturally sensitive manner. The availability and affordability of transport can impact a young person's ability to receive the health care they need. When some specialist services become available for rural communities in NSW, through outreach programs, often the frequency is not enough to assist the young person in a timely manner. Additionally, services report that while the introduction of more online services can be beneficial for these communities, young people already present challenges in relation to engagement and therefore in-person appointments can create a sense of connection and improve accountability in attending the appointments.

At a recent NCOSS forum held in Dubbo with services working in Far West NSW, participants stressed the need to map services in the region to gain a better understanding of what is being provided and at what stages of a young person's life. This would improve their ability to coordinate with other services to ensure that young people are getting the full spectrum of care that they need. This lack of

transparency impacts individuals' ability to access services as well as the capacity of the services themselves to coordinate their efforts for the greatest benefit.

In this context, NCOSS highlights the following as critical priorities in addition to diversionary supports outlined in Part C:

*1. Social and Affordable Housing*

Affordable and secure housing that meets the needs of its resident/s, is a key element of social support that contributes to the mental and physical wellbeing of people. It allows them to participate fully in all that life has to offer – including education, employment, and social connection.

The NSW Government has a critical role to play in the provision of social and affordable housing, particularly for those on lower incomes. As a first step, the NSW Government should provide long-term housing for groups who are particularly vulnerable to interact with the youth justice system - women and children escaping domestic violence, young people, people with a disability, and addressing the projected shortfall of 30,124<sup>1</sup> social homes for Aboriginal people by 2031.<sup>11</sup>

**Recommendations:**

- 1. Address critical housing shortages for those most in need by building/acquiring/renewing an additional 5,000 social housing dwellings per annum with appropriate allocations made for the groups of people most likely to have contact with the justice system - women and children escaping domestic and family violence, young people, people with disability including psycho-social disability and First Nations people.**
- 2. Develop a long-term plan to build towards 10% of all housing as social and affordable housing, over a 20-year time frame.**

*2. Homelessness Supports*

People experiencing homelessness, and those at risk of homelessness, are among Australia's most socially and economically disadvantaged. Nearly a quarter of homeless people are young people from 12 to 24 years of age.<sup>12</sup> Furthermore, almost 15% of young people under juvenile justice supervision had received homelessness support in the year before their most recent supervision and 8% received support in the year after their most recent supervision.<sup>13</sup> They need specialist age-appropriate housing models, and larger subsidies for community housing due to their constrained incomes.

Specialist Homelessness Services (SHS) agencies receive government funding to assist people experiencing, and at risk of, homelessness. The services are aimed at prevention, early intervention, crisis, and post-crisis assistance, and include accommodation-related services and personal services. In 2022-23, 1 in 10 people presenting to SHS agencies were children and youth aged 10–17.<sup>14</sup> Unmet demand for SHS is high, and many people are unable to access services or get the support they need.<sup>15</sup>

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<sup>1</sup> Demand modelling for AHO (in 2017) forecasts a current deficit in NSW of 10,855 social housing dwellings and 13,506 affordable housing dwellings for Aboriginal people. This is forecast to increase to 30,124 and 34,924 respectively by 2031.

Approximately 40% of clients of SHS present with complex needs, including mental health issues and/or alcohol and other drugs (AOD) use.<sup>16</sup> The Together Home program was developed by the NSW government to transition people away from homelessness and into long-term stable housing, while improving participants overall personal wellbeing.<sup>17</sup> The program has been successful, however it currently does not offer ongoing support, with a time limit for support of two years. Delivery of the program is also patchy across regional and rural NSW. Housing First (or Permanent Supportive Housing – PSH) programs provide a suitable long-term home and wraparound support *for as long as is needed* to people experiencing homelessness. This ensures they can deal with the ongoing impacts of trauma, mental and physical health issues, and/or addiction, and attain the stability they need to maintain a tenancy and improve their quality of life. Expanding Together Home as a PSH program and across more regional and rural areas in NSW would assist more young people in getting the targeted support they need to obtain stable housing.

### Recommendations:

- 3. Properly fund the design and delivery of the upcoming NSW standalone Child and Youth Homelessness and Housing Action Plan.**
- 4. Improve services for the 40% of Specialist Homelessness Services clients, including young people, who have complex needs through the expansion of Together Home as a permanent supportive housing (PSH) or housing first program providing long term secure housing and support for as long as is needed.**
- 5. In partnership with Aboriginal Peak organisations, including ACHIA NSW, NSW Aboriginal Land Council and the Aboriginal Community Controlled sector, review and streamline existing legislative controls and arrangements for funding and commissioning of housing and homelessness services and supply to ensure genuine place-based leadership and decision-making by First Nations communities.**

### 3. Child Protection and Early Intervention

The NSW Child Protection system continues to be crisis-oriented, making it hard for families to connect with the right support early on. Between July and September 2023, less than a fifth of children reported at risk of significant harm were seen by a caseworker.<sup>18</sup> Further, the number of Aboriginal children entering Out of Home Care is the highest it has been in the last decade, despite 40% of those entering care only being the subject of one or no risk of harm reports.<sup>19</sup> Aboriginal children are 12 times more likely to be taken from the care of their families compared with non-Aboriginal children.<sup>20</sup>

Children and young people who have been abused or neglected are at greater risk of being in conflict with the law and of entering the youth justice system. More than half of young people (53%) aged 10 and over who were under youth justice supervision during 2020–21 had received a child protection service in the 5 years from 1 July 2016 to 30 June 2021.<sup>21</sup> Of those aged 10 at their first youth justice supervision, just over 4 in 5 (81%) had an interaction with the child protection system at some stage in the 5-year period from 1 July 2016 to 30 June 2021. The likelihood of involvement with the child protection system fell steadily as the age of a young person's first supervision rose.

This provides clear evidence that greater investment in prevention, early intervention and family preservation is required to provide timely support and prevent outcomes from worsening – particularly for already disadvantaged children. Investing in these services, particularly for children, significantly benefits child and family well-being by reducing exposure to risk factors such as abuse, neglect, family and domestic violence, and poverty, and thus lowering the risk of offending in the first place. It can also reduce crime at a population level by as much as 31% and reduce offending among at-risk populations by 50%<sup>22</sup> The needs of Aboriginal and Torres Strait Islander children must be prioritised within this, and services must ensure that they provide culturally safe programs.

#### **Recommendation:**

**6. Increase investment in early intervention and family preservation by 25%, prioritising funding for Aboriginal Community Controlled Organisations.**

#### *5. Mental health support*

Data from 2019 shows that it is young people aged 16-24 who have the highest prevalence of poor mental health.<sup>23</sup> Aboriginal and Torres Strait are reported to be more than twice as likely to have a mental health condition.<sup>24</sup> Poor mental health among young people can impact their ability to live fulfilling and productive lives. While young people living with mental health conditions are no more likely to commit crimes than those without, individuals who engage in criminal behaviour are more likely to experience mental health issues, which is evident in the over-representation of people with mental health conditions in NSW prisons.<sup>25</sup>

Young people are facing challenges in accessing mental health support, particularly those living in regional and rural NSW. Our member organisations regularly report that waitlists for specialist services such as paediatricians, child and adolescent mental health services, psychologists etc can be years long.<sup>26</sup> This wait can result in a child and/or young person's situation getting worse and heightens the risk of them engaging in risky behaviours. In addition to long waitlists, often the cost of private mental health treatment is unaffordable or there is limited availability of youth-friendly, culturally safe services in regional and rural NSW.<sup>27</sup>

#### **Recommendation:**

**7. Increase investment in services for young people that provide non-clinical prevention and early intervention mental health support.**

#### *6. Alcohol and other drugs*

Substance use issues, especially when combined with mental health disorders, can heighten the risk of crime, particularly violent crimes.<sup>28</sup> A significant number of young people involved in the juvenile justice system or supported by diversionary programs have a history of drug and alcohol dependencies.<sup>29</sup> Investing in post-release support programs that focus on people experiencing problematic alcohol and other drug use and other complex needs can have an effect on reducing days in custody (by 65.8%), reductions in new custody episodes (by 62.6%) and reductions in proven offences (62.1%) two years post referral.<sup>30</sup>

These investments have the potential to break the cycle of dependency and can support young people to create a life outside of alcohol and drug misuse. These programs include intensive residential rehabilitation and inpatient programs, counselling, therapeutic groups and the provision of health education and information. It is also important that these programs ensure they are working with young people in a culturally safe environment and empower them while they heal.

### **Recommendation:**

**8. Increase investment in drug and alcohol support options for young people, particularly in regional areas, including intensive residential rehabilitation and inpatient programs, counselling, therapeutic groups, and health education and information provision.**

## *7. Connecting children and young people to existing services*

### Neighbourhood and Community Centres

Neighbourhood Centres and other services such as multicultural services and Aboriginal Community Controlled Organisations play a crucial role in connecting young people in need to the services designed to support them. They provide social connection and psychological support, distribute food and financial aid, translate complex messaging, and ensure that available relief reaches those whose need is greatest. They are often the provider of last resort when vulnerable young people are unable to access support from other service systems. Locally managed neighbourhood centres are doing essential work, but are not provided with core funding needed to operate sustainably and effectively.

### School-based supports and linkages

The number of children from low socio-economic areas starting school developmentally vulnerable increased by 13.4% between 2018 and 2021, and they are more likely to be Aboriginal children.<sup>31</sup> The health and social supports these children need mostly exist, but they are commonly fragmented and difficult to access. School remains the most important universal platform for improving children's health and development, with the power to reduce inequities in children's outcomes now and into the future.

The NCOSS School Gateway Project is testing how to resolve this break-down in service coordination and lift educational outcomes. The Project is an innovative program, based on the Victorian Our Place approach, and uses the physical and social infrastructure of the school setting to connect families to timely health and social services. By providing these services in a familiar and welcoming environment, it encourages positive family functioning and parental involvement in children's learning, promoting equitable educational outcomes, strengthening student wellbeing, and preventing the need for crisis intervention.

By investing in 'Linker'<sup>32</sup> roles that can integrate social services into school setting, the NSW government can remove the barriers of access that children and their families face in getting support at the right time. Along with this role, providing flexible brokerage funds will allow the Linker to provide flexibly respond to the needs of the community they are working with (e.g. access to allied

health providers; extracurricular supports). This type of investment has a substantial return, leveraging existing expenditure on services and programs in the community.

### Recommendations:

9. **Provide core funding for neighbourhood centres, youth services and similar local services that connect young people to specialist services and programs and create opportunities for social connection.**
10. **Improve access to health and social services for children and their families by investing in 'Linker roles' at schools in regions with the highest concentrations of disadvantage in NSW. These roles provide a connection between the education system and the social service sector to improve outcomes for young people and their families.**

### 8. *Raise the Age of Criminal Responsibility*

Detention of children must be the last resort. Most young people who are in the juvenile justice system have experienced severe neglect, abuse, or trauma and/or have had contact with the out of home care system. Children as young as 10 are being locked up instead of being given the support they need to overcome the challenges they face from deep, systemic disadvantage.<sup>33</sup> It is estimated that Aboriginal and Torres Strait Islander children account for \$110.1 million or 46.4 per cent of the total \$237.4 million for Youth Justice in NSW.<sup>34</sup> Raising the age of criminal responsibility to at least 14 years reduces the contact that children have with the justice system, which would reduce recidivism rates and give these children an opportunity to build a brighter future.

### Recommendation:

11. **Raise the minimum age of criminal responsibility from 10 years to at least 14 years old without exception.**

### 9. *Self-determination for Aboriginal and Torres Strait Islander people*

As required by the National Agreement on Closing the Gap, Aboriginal and Torres Strait Islander people must be given shared decision-making authority with governments, in support of the "ultimate goal of self-determination".<sup>35</sup>

Aboriginal and Torres Strait Islander people make up a small proportion (3.8%) of the Australian population. Yet they are over-represented in the prison system, making up 32% of the total prison population, and are incarcerated at much higher rates than non-Indigenous Australians. Target 10 of the National Agreement on Closing the Gap specifies that by 2031, all parties must reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent.<sup>36</sup> In order to meet this target and in line with the NSW government's commitment to Closing the Gap, the government must invest in culturally appropriate and responsive diversionary programs, court processes and post-release programs and supports. These must be designed and led by Aboriginal communities. Moreover, the underlying causes of poverty and transgenerational trauma need to be the focus of such efforts.

A report recently released by the NSW government estimates that if spending on justice, OOHC and child protection in NSW was in proportion to the share of the Aboriginal and Torres Strait Islander population in these systems, then the government would avoid costs of around \$1.8 billion per year.<sup>37</sup> Investing in critical social infrastructure, that is designed and run by Aboriginal and Torres Strait Islander people can reduce the interaction of Aboriginal and Torres Strait Islander youth with these systems.

Additionally, fully implementing the Family is Culture blueprint is an important step in building a strong child protection system. A critical element of the blueprint is strengthening system accountability and oversight including immediately establishing an independent commission with an Aboriginal Child and Family Commissioner that is adequately funded and Aboriginal community-led designed. It is also crucial that the second phase of legislative reforms are expedited to strengthen safeguards for Aboriginal children and young people and their families.<sup>38</sup>

### Recommendations:

- 12. Maintain support for the promised treaty process to strengthen human rights and self-determination for First Nations people and communities, starting with the establishment of an independent treaty commission.**
- 13. Implement the Family is Culture blueprint, including establishing an Aboriginal Child and Family Commissioner, through shared decision-making with Aboriginal leaders, Community Controlled Organisations, and communities.**

### *Commonwealth Income Support Payments*

A critical element to reducing poverty in Australia is to increase income support payments above the poverty line.

Although the Federal Government increased the daily rates of Youth Allowance and Job Seeker to \$43 and \$54, respectively, in September 2023, these amounts are far from sufficient to cover basic living expenses which means that people on Youth Allowance are living well below the poverty line. Due to inadequate payments, many young people cannot afford secure housing, food, transportation, internet access, and a phone. This is exacerbated by the cost-of-living crisis and the housing crisis. As a result, they are rationing food, going without heating, or cooling, and skipping necessary medications, which increases their risk of debt, social isolation, and homelessness.<sup>39</sup> Furthermore, the current rates are so low that they hinder young people from finding paid work.

### Recommendation:

- 14. The Federal Government must substantially lift Jobseeker and the Youth Allowance so that young people can afford essentials including housing, food, medical support, and education.**

## **C) The wraparound and diversionary services available for youth and families in the regions and rural areas and how they can be better matched to individuals, measured, improved, and integrated into a coordinated approach to divert youth from crime, having regard to the NSW Government's commitment to working in partnership with Aboriginal people**

Young people and families in contact with the policing and justice systems must be provided with the supports necessary to address the underlying issues they face, with detention as the last resort. People exiting custody also need to receive adequate and appropriate support to decrease the likelihood of reoffending. To break this cycle, post-release transitional services must be expanded to reintegrate individuals leaving detention back into the community in core areas of accommodation, housing, and income support.

### *1. Police and justice systems*

An analysis of NSW Police data by the Redfern Legal Centre found that Aboriginal and Torres Strait Islander people are twice as likely to be targeted for police personal searches than the rest of the population.<sup>40</sup> Furthermore, 10-year old Aboriginal and Torres Strait Islander children are targeted in 54 per cent of the searches in this age group. Over 80% of these searches do not reveal any evidence of crime.<sup>41</sup> These statistics reveal a system that unfairly targets young Aboriginal and Torres Strait Islander children.

Police and courts must continue to make use of the range of diversionary powers available to them 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.<sup>42</sup>

Specialist courts, in particular the Youth Koori Court need to be expanded into geographic areas of identified need. This expansion will help address the over-representation of Aboriginal youth in the juvenile justice system by providing a culturally appropriate diversionary avenue. Additionally, the Youth Drug and Alcohol Court<sup>43</sup> should be reinstated to offer an alternative form of intervention for young people in conflict with the law. These courts can help address the underlying causes of offending behaviour such as substance abuse, and mental health conditions in young people, by offering targeted support and diverting them from the justice system.

Connecting children – especially First Nations children – to effective community-based supports will avoid behaviour that leads to contact with law and justice systems or can support them during or after any experiences they have with the system. There is a suite of programs that already exist across NSW, that range from diversion and sentencing alternatives to in-prison programs to post-release support. These programs need to be strengthened with increased funding alongside building the workforce capacity to provide specialist culturally safe, trauma-informed, and evidence-based services to these young people.<sup>44</sup>

**Recommendations:**

**15. Increase investment in and availability of alternative and specialist court processes in regional and rural NSW, including the expansion of the Youth Koori Court and the reinstatement of the Youth Drug and Alcohol Court.**

**16. Increase the investment, availability, scope, and capacity of existing, effective diversionary programs with positive evaluations to ensure young people have access to appropriate services, especially those living in regional and rural NSW.**

*2. Safe and appropriate accommodation for children and young people on bail*

Currently, under section 28 of the Bail Act, a court may impose an “accommodation requirement” when granting bail, mandating that arrangements for the accused's housing be made before release. In the 12 months to June 2023, bail was granted to 46% (4,107) of people under 18 years. Of these decisions, 2,652 youth people had an accommodation requirement set.<sup>45</sup> Although well-intentioned, this provision has led to many homeless young people being denied bail and detained. Using detention to address accommodation issues is unacceptable and counterproductive to reducing young people's contact with the justice system.<sup>46</sup>

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, such as safe houses, bail hostels, and emergency refuge accommodation. There should be a particular focus on organisations providing this support for young Aboriginal and Torres Strait Island people.

**Recommendations:**

**17. Invest in expanding bail accommodation, including Aboriginal-specific bail accommodation, focusing on young people in regional and rural NSW.**

**18. Expand the Bail Assistance Line to become an all-hours service that assists NSW Police and Youth Justice caseworkers to provide the necessary support for young people in conflict with the law.**

## **D) staffing levels and workforce issues, including police staffing, in regional and rural areas and how services can be improved to reduce youth crime in these areas**

The NSW social service sector employs more than 240,000 staff and provides care and support to over one million individuals each year.<sup>47</sup> Its annual output is worth \$15.4 billion<sup>48</sup> however despite this significant contribution, the workforce is under immense pressure from growing demand for services, low pay and poor working conditions and inadequate funding and investment. These issues threaten the viability of the sector and its ability to achieve outcomes.

The needs of the community are increasing and becoming more complex, and frontline services cannot keep up with the demand. Many services (including neighbourhood centres, domestic and

family violence, homelessness, mental health and child and family supports) report they are seeing more people who have not previously needed help before, and more who are in crisis. They are also reporting that more people who work in the sector are seeking help themselves.

This overwhelming demand is placing extreme burden on services and the people who work there. Services across NSW are being forced to turn people away. In 2022, a survey of NSW sector leaders<sup>49</sup>:

- 31% of services turned people away due to lack of capacity
- 40% received referrals because other services were at capacity
- 52% reported that current funding arrangements do not cover the important costs required to operate services like administration, management, and IT
- 65% do not believe that funding enables them to meet community demand.

The community service sector clearly requires far greater investment.

*‘The pandemic has shown our sector is fragile and at breaking point. I am sick of being expected to jump through endless hoops for our polities and bureaucrats, yet I am paid at 28 hours per week and have to work over 40 hours per week. I am considering going back to the public service. The stress and pressure has taken a toll, this is not sustainable.’*

*Respondent - Women in the NGO Social Services Sector in NSW Survey 2022<sup>50</sup>*

The juvenile justice sector also requires greater flexibility of funding to ensure that it can best meet the needs of young people. For example, some funding arrangements for services working with young people limit ages to small cohorts such as 9-12 year olds, not working with young people who are involved with alcohol or illicit substances and imposing strict timelines on program delivery. Services at NCOSS’s regional forum in Dubbo emphasised a need to move to a ‘cradle to grave’ approach to ensure that they can meet the needs of children and young people at any point in time and before challenges became more serious.

Across the system, there is a need to invest in workforce development and planning to provide more effective interventions support for young people. In regional and rural areas of NSW, the need to attract and recruit qualified and committed staff across all parts of the system are particularly acute. Furthermore, there is a need to build the capabilities of existing staff, so that they can be retained and enable better continuity in relation to service delivery. Services report that strict standards on what qualifications potential staff need to gain employment in the sector are particularly challenging in regional and rural areas of NSW where the population of the workforce is already limited.

*“I’ll take passion over learning because passion works in this sector”*

*Participant in NCOSS Regional Forum in NSW*

Senior leaders from small, regional non-government organisations speak of wanting to prioritise lived experience and passion for the work over formal qualifications because often the barriers of cost and accessibility to gain these in regional and rural NSW outweigh the need for staff.

Amongst these issues, is a growing administrative and management burden, caused by a reliance on a multitude of funding sources, each with their own compliance and reporting requirements, the expectation of increasingly sophisticated approaches in a complex operating environment; and the discontinuity costs associated with short-term funding<sup>51</sup>.

The NSW Government's Secure Jobs and Funding Certainty project is a promising step to providing longer term funding and improving job security for our workforce. While the taskforce develops and implements its Roadmap, an immediate boost of 20 per cent to recurrent baseline funding would enable the sector to manage increased costs and risks incurred.

Ensuring a consistent, transparent, and evidence-based approach to indexation must be a priority for the established taskforce. The Government should prioritise undertaking a robust gap analysis of funding arrangements with the intention of introducing an evidence-based, data-informed funding model that is linked to population growth and demographics, demand indicators and needs analysis, economic and workforce conditions and the real cost of service provision for the sector.

*First Nations Ways of Knowing, Being, Doing*

Governments need to provide resources to address the ongoing impacts of dispossession, exploitation, and colonisation on Aboriginal communities. Aboriginal services are expected to comply with white ways of working – including outdated commissioning processes, inappropriate reporting mechanisms and racist approaches to indicators and outcomes measurement. A long history of distrust of harmful government practices has led to underreporting of Aboriginal data. This needs to be taken into consideration when developing the funding model.

**Recommendations:**

- 19. Immediately increase recurrent baseline funding for essential social services by 20% to reflect the real costs of service delivery across the sector.**
- 20. Aboriginal-owned and controlled solutions must be a matter of first principle in working with Aboriginal young people and any increase in investment must prioritise Aboriginal young people and Aboriginal community-controlled organisations.**
- 21. Introduce an evidence-based, data-informed funding model that is linked to demand indicators, population growth and demographics, economic and workforce conditions and the real cost of service provision for the sector, including a consistent, transparent, and evidence-based approach to indexation. Any such model must support Indigenous Data Sovereignty.**

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