

# FEDERATION OF PARENTS AND CITIZENS ASSOCIATIONS OF NEW SOUTH WALES

## *POSITION PAPER - Juvenile Justice*

The provision of education is a legal and moral obligation, and providing education to young people in detention is crucial to preparing them for a return to the community. Juvenile justice cannot be purely punitive, but must have a focus on preventing reoffending behaviour. There must be collaboration across multiple government agencies and community groups to ensure coherent and effective methods to rehabilitate young offenders are implemented.

Detention is a highly disruptive factor in young people's education, which may permanently affect their education outcomes and thereby their future livelihoods. Bail must be granted to young offenders where possible and remand must always be a last resort for young people. We call on the NSW Government to explore the possibility of remand foster care as a viable alternative to prolonged custody. The NSW Government must also establish support services for young people after release from detention to facilitate their transition to a productive life, which involves facilitating access to adequate education.

### **Background**

- The United Nations Declaration of the rights of the child ensures us that:
  - Principle 1: "The child shall enjoy all rights set forth in this Declaration...without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.
  - Principle 7: "The child is entitled to receive education, which shall be free and compulsory...to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society."
- In terms of young people in detention on an average night in 2012-2016, NSW had the highest number.
- In 2016, the rate of young people aged between 10-17 years in detention on an average night was 3.21 in 10,000, the fourth highest of Australian states/territories.
- Victoria and Tasmania currently have some of the lowest numbers of young people in detention, and both states' approaches have been characterized by a strong focus on preventative measures.
- Two states that had the largest drops of young people per 10,000 in detention on an average night over four years were Western Australia (9.68 per 10,000 in 2012, 5.22 per 10,000 in 2016) and Tasmania (3.45 per 10,000 in 2012, 1.21 per 10,000 in 2016).
- Western Australia in this period increased the use of behaviour-management programs, under which 160 out of 297 young offenders were assigned to a program. These 160 young people accounted for 1,098 offenses, but their number of offenses dropped to 471 since being placed in interventions. These rehabilitation programs entailed strong focus on education.
- Tasmania in this period enacted two programs - Supporting Young People on Bail and Transition from Detention – and for every dollar invested in the two programs, \$3.50 in social and economic benefits was created. These programs had a strong educational and vocational focus.
- Remand of young people is a costly process: it costs up to \$556 per person per day (whereas community supervision costs \$23 per day), and for young people it can have a highly disruptive influence on their education.

## **Additional Resources**

Noetic Solutions Pty Limited. 2010. Review of Effective Practice in Juvenile Justice -

<http://www.juvenile.justice.nsw.gov.au/Documents/Juvenile%20Justice%20Effective%20Practice%20Review%20FINAL.pdf>

Australian Institute of Health and Welfare. 2016. Youth detention population in Australia 2016 -

<http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129557685>

Hickey and Robertson. 2014. Sharp drop in crime committed by WA's worst young offenders. PerthNow, 17

January - <http://www.perthnow.com.au/news/western-australia/sharp-drop-in-crime-committed-by-was-worst-young-offenders/news-story/8e2e77b2757ab7dedd9f87901342bc83?nk=4c761e6fd48679c9ffff671187a0d38e>

Save the Children. 2015. Social Return on Investment of Tasmanian youth justice programs -

[https://www.savethechildren.org.au/\\_data/assets/pdf\\_file/0016/123640/SCA\\_Youth-Justice-TAS\\_SROI\\_FINAL5b25d.pdf](https://www.savethechildren.org.au/_data/assets/pdf_file/0016/123640/SCA_Youth-Justice-TAS_SROI_FINAL5b25d.pdf)