



SUBMISSION TO THE NSW PARLIAMENT COMMITTEE ON LAW AND SAFETY
INQUIRY INTO COMMUNITY SAFETY IN REGIONAL AND RURAL
COMMUNITIES

Submission by Just Reinvest NSW – Moree

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JR NSW Recommendations to the Committee

Just Reinvest NSW (JR NSW) urges the Committee on Law and Safety to pursue the holistic, effective, and adequate use of resources to prevent crime and ensure community safety. Breakdowns in community safety should be understood as a symptom of more “upstream” challenges, while interventions on behalf of the police and the criminal justice system are necessarily too late – the harm has already occurred.

Crime prevention policy must centre the effective delivery of basic human services like education, health, and housing, and on the use of wraparound and diversionary services where breakdowns occur – before seeking to increase resourcing for and use of police and the criminal justice system. Furthermore, JR NSW has identified significant gaps in these services in rural and regional settings. These gaps must be addressed.

As such, and considering the information presented to the Committee herein, JR NSW recommends that the Parliament of NSW:

- Pursue community-led and place-based solutions to improve community safety, with a particular emphasis on listening to Aboriginal community leaders and centring Aboriginal voices.
- Develop transparent mechanisms whereby communities can track the allocation of resources and hold government accountable for effective service delivery.
- Divest resources directly into the control of local communities whenever possible, especially Aboriginal Community Controlled Organisations (ACCOs), and invest in the capacity of community organisations to directly support children and families.
- Ensure that government service professionals have adequate cultural training for working in and with Aboriginal communities, so that Aboriginal people are supported and safe in their interactions with service providers.
- Prioritise immediate solutions to the housing crisis, on a community-led basis.
- Prioritise the recruitment and retention of skilled social workers, health professionals and other community-based professionals who can leverage supportive resources instead of punitive responses.
- Develop and deliver an evidence-based strategy for urgently reversing the rising trend of family and domestic violence.
- Ensure adequate, effective, and locally accessible support is available to people struggling with drug and alcohol addiction.
- Raise the minimum age of criminal responsibility from 10 to at least 14, without exception.

Community-led and place-based crime prevention

Community safety is typically understood as the responsibility of police and the criminal justice system. However, decades of research demonstrate that crime and violence do not occur in a vacuum. Crime and violence occur when individuals and families face instability and acute stress – or in other words, when community support structures break down.

Government has a critical role to play in addressing these breakdowns in community safety, and not only by deploying reactive and punitive resources. Government can and should secure every citizen's access to basic human needs and to the level of economic security and material wellbeing required for families and communities to thrive. Policing at its most effective certainly includes preventative measures. However, truly preventative community safety policy must deploy a robust service sector, staffed by highly qualified professionals, well beyond law enforcement alone.

We urge the Committee to understand community safety in a holistic sense and consider the drivers of crime:

- Economic insecurity, including material poverty and unemployment or underemployment
- Inadequate educational outcomes, including disengagement and exclusion from school, poor performance, and leaving school early, which, for Aboriginal students, often results from a lack of safety and cultural appropriateness in schools
- Homelessness and inadequate housing, including overcrowding and limited access to affordable housing
- Mental illness
- Disability, including cognitive impairment (intellectual disability, acquired brain injury, and foetal alcohol syndrome disorder-FASD)
- Substance abuse
- Difficulty in accessing services in remote and regional areas, due to distance, cost, wait times, and other barriers
- Experiences of abuse and violence, including sexual assault
- Cycles of contact with the criminal justice system, including intergenerational cycles

Ample research has established that early contact with child protection and/or criminal justice systems creates an intergenerational cycle that is extremely difficult to interrupt. Punitive criminal justice approaches to community safety risk drawing more people into cycles of recidivism; meanwhile, the most significant predictor of a child or young person's likelihood to become involved in the criminal justice system is whether their parents were involved in the same system.

Solutions that ensure economic security, high levels of education, high levels of health and wellbeing, and access to support are what prevent breakdowns in community safety before they ever occur. Interventions to address family violence or other forms of abuse, or to break cycles of contact with the criminal justice system are necessarily 'post-harm interventions,' but are critical to prevent further acts of crime and violence. Wherever government policy can impact these socioeconomic and wellbeing factors, we can consider these 'upstream' prevention strategies.

JR NSW urges the Committee to prioritise upstream prevention policies because, compared to ‘tough on crime’ punitive approaches, they are cheaper, more effective, and they leave families and communities stronger, safer and better off.

Furthermore, we urge the NSW Government to adopt mechanisms that facilitate community-led and place-based solutions. The known drivers of crime are common factors that put people at risk; wherever these things are present, we may be concerned about crime and violence as a result. However, specific needs and solutions can and do vary by community, and this is especially true for Aboriginal communities.

Aboriginal and Torres Strait Islanders have been displaced over the course of many generations, with connections to land and culture persistently disrupted. Regional and rural communities in NSW are not uniform, in large part due to the displacement of generations of people, as well as more benign but no less relevant factors such as proximity to metropolitan areas; access to transport; natural resources; varying economic activity; etc.

There will be no ‘one-size-fits-all’ solution to community safety, and the people with the most intimate expertise of needs, strengths, and opportunities are the communities themselves.

Aboriginal People must be empowered to identify and meet their needs, and to leverage resources for place-based investments. Wherever communities and families face persistent interactions with the criminal justice system, resources and economic value are lost in the process. While people and families should not be reduced solely to their economic contributions, the losses in terms of wages and productivity are not insignificant. NSW Treasury estimates that the overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system *alone* – not even accounting for broader reductions in crime – costs the state \$1.8 billion per year.¹ JR NSW has estimated that the cost of incarcerating the Aboriginal people currently in custody from just one NSW community could provide laptops for almost 35,000 Australian school children.² And these figures only account for government expenditure; the economic benefits that would accrue from thriving families and an expanded workforce are in addition to these estimates.

Breakdowns in community safety are the symptom of upstream needs, and result in the significant diversion of community resources – economic and otherwise. As such, JR NSW submits that it is incumbent upon the NSW Parliament to address these drivers of crime, and to do so in partnership with communities and in such a way that resources are reallocated to and invested in these people and places – in other words, reinvested.

¹ NSW Treasury, “2023-24 NSW Indigenous Expenditure Report,” pg. 35.

² Based on the cost of incarcerating 103 Aboriginal adults from the Shoalhaven LGA, where the Aboriginal community in Nowra is pursuing justice reinvestment. At a daily cost of \$298 per prisoner, the cost of incarcerating Aboriginal residents of Shoalhaven in 2023 amounted to approximately \$30,728 in operating expenditures per day. This is equivalent to almost \$1 million in expenditures per month, or \$11.2 million for the year. That is enough money to buy a Chromebook for 34,939 children. As of 10 May 2024, the most frugal Chromebook sold by JB HI-FI cost \$321.

Centring Aboriginal Voices

Aboriginal communities are living at the forefront of the breakdowns in community safety that the Committee is concerned with. As such, the specific needs and experiences of Aboriginal and Torres Strait Islander people must be addressed for community safety policies to be effective.

Most of the Aboriginal population in NSW live in regional and remote areas (51.6%, as estimated by the 2011 census).

Despite making up just four per cent of the NSW population, Aboriginal and Torres Strait Islander people make up 30% of the state's prison population.³ The incarceration rate of Indigenous Australians is about ten times higher than that of the total population.⁴ Similarly, Aboriginal children make up about 40 per cent of the children in out-of-home care in NSW.⁵ And the rate of violent crime against Aboriginal people is four times higher than the rate at which non-Indigenous people are victims in NSW.⁶

Unsurprisingly, these statistics correspond to significant costs to the NSW Government. NSW Treasury reports that Aboriginal people are over-represented in government expenditure across all service areas, and most especially in the areas of justice and social services.⁷ This discrepancy is particularly stark in regional areas; the Moree Plains LGA offers an example, as seen in Figure 1, while Figure 2 demonstrates that the pattern is similar in neighbouring LGAs.

Data provided to JR NSW by NSW Treasury indicates that while Indigenous expenditure on health is roughly consistent with the Aboriginal and Torres Strait Islander share of the local population, percentages for justice and child protection are approximately three times higher. Which is to say, the Indigenous population is overrepresented in justice and child protection expenditure by a factor of three. (Note that this does not account for what may be a disproportionate *need* in Aboriginal communities for services like health, disability, and housing.)

This disproportionate expenditure occurs across all sectors; and yet, we have not seen the positive outcomes that would be expected from such spending. To take just one example of an upstream indicator, only 23.4 per cent of Aboriginal people in Moree Plains LGA have completed Year 12.⁸

³ Source: NSW Bureau of Crime Statistics and Research, https://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx, accessed 15 May 2024.

⁴ ABS Corrective Services, December Quarter 2023, <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/latest-release>, accessed 4 June 2024.

⁵ Based on data provided to JR NSW by DCJ.

⁶ Authors' own calculations, based on Aboriginality of victims of selected offences recorded by NSW Police. Crime data is sourced from NSW Bureau of Crime Statistics and Research and includes: Homicide; Domestic violence related assault; Non-domestic violence related assault; Sexual offences; Abduction and kidnapping; Robbery; Blackmail and extortion; Intimidation, stalking and harassment; Other offences against the person; Arson; and, Breach Apprehended Violence Order. Population data sourced from the ABS, "Estimates of Aboriginal and Torres Strait Islander Australians," August 31 2023 release.

⁷ NSW Treasury, "2023-24 NSW Indigenous Expenditure Report," pg. 34.

⁸ Of those aged 15 and over who are no longer attending school. Data source: ABS, 2021 Census.

Figure 1. First Nations expenditure allocations compared to share of total population, Moree Plains LGA, FY2020-21

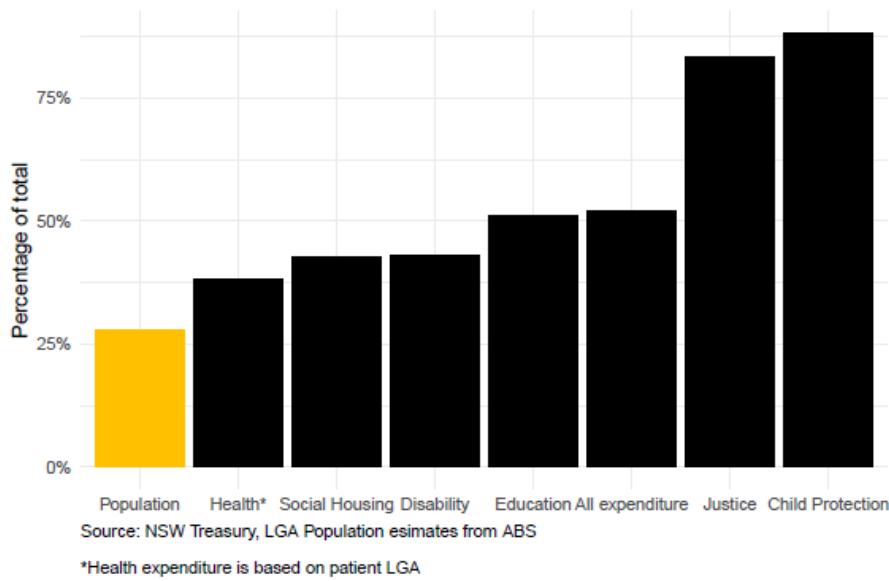
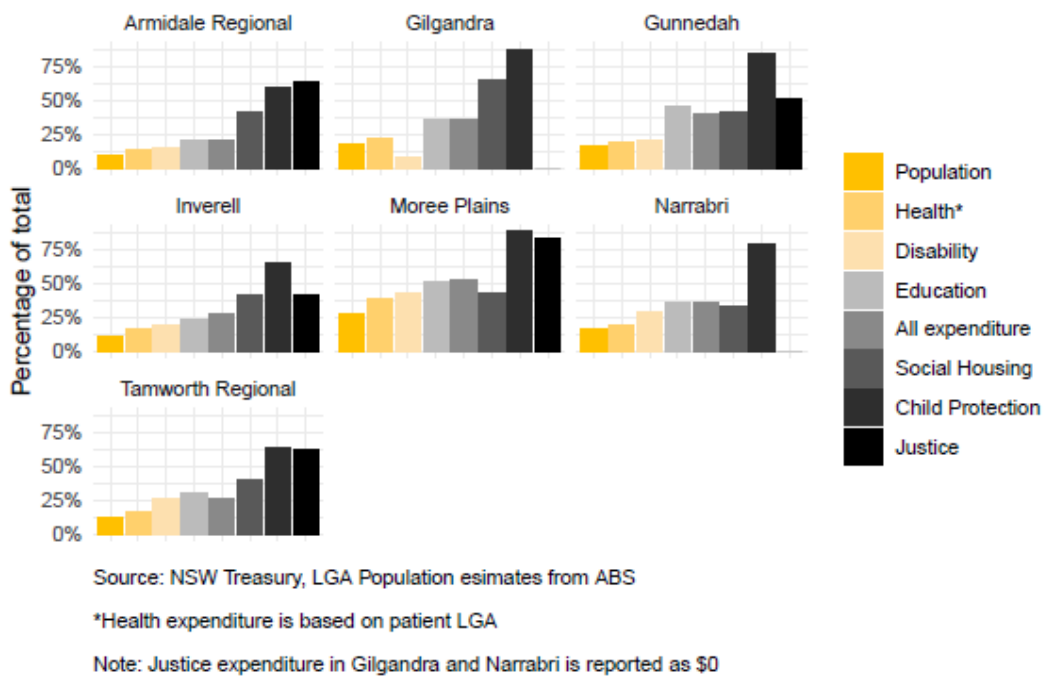


Figure 2: First Nations expenditure allocations compared to share of total population, FY2020-21



The lasting impacts of the COVID-19 pandemic

The COVID-19 pandemic and the associated public policy approach had lasting impacts on all people in NSW, and especially young people and families in remote areas. Lockdowns limited young people's access to education and exacerbated issues of overcrowding where housing is inadequate. The pandemic increased pressures on families, and in many cases resulted in people being trapped in homes where violence and/or alcohol and drug abuse were taking place.

Lockdown enforcement put many people, especially young people, at risk of entering or interacting with the criminal justice system. Between 1 March 2020 and 4 June 2022, 3,707 penalty notices were issued to young people under the age of 18 in NSW.⁹ Many of these teenagers are still dealing with the consequences of these penalty notices, creating the risk that they will be trapped in a cycle of interaction with the criminal justice system.

Given that police were put on the front lines of public health policy during the pandemic, in many cases, police officers were the only government service providers that community members had access to for weeks or months at a time.

Effective service delivery as crime prevention

It is unsurprising that rural and regional communities in NSW are facing breakdowns in community safety, given the severity of the other challenges also faced in these communities.

Moree in particular faces:

- a significant lack of adequate housing;
- insufficient refuge centres for both men and women facing challenges (such as domestic violence or drug and alcohol abuse);
- no locally accessible drug and alcohol detox facility;
- lack of access to services outside normal business hours (i.e., support after work or on the weekends, when families can make best use of it);
- and a lack of pro-social activities for young people outside of school and work hours.

Staffing challenges and service coordination are consistent limitations on effective service delivery and crime prevention efforts in the region. JR NSW's survey of frontline service providers found that almost 20 per cent of youth service providers have trouble recruiting staff. 100 per cent of service providers for families reported that the service system in Moree is siloed, making it difficult for families to access services.

Data provided by the NSW Department of Communities & Justice (DCJ) to JR NSW indicates that fewer than 20 per cent of the Aboriginal children in Moree at risk of serious harm¹⁰ are seen by a child protection caseworker. DCJ's own caseworker dashboard indicates that the New

⁹ Data from NSW BOCSAR, cited in Quilter, J. et al, "Children and Covid-19 Fines in NSW: Impacts and Lessons for the future use of penalty notices," 2024.

¹⁰ Defined as the subject of a risk of serious harm (ROSH) report.

England/Mid North Coast/Northern NSW region has the highest rate of caseworker vacancies and the lowest rate of children seen in the state.¹¹

Further, there is a lack of transparency regarding the source and allocation of funding to services and organisations in the region, and how these funds are being used. Repeated attempts to investigate the resourcing of wraparound and diversionary services in the New England region – by JR NSW as well as its partners – have been unable to access transparent accounts of funds, outputs, and outcomes.

Taken together, the evidence of a poorly resourced and uncoordinated service sector suggests significant work is needed in the social service systems that *prevent* crime.

JR NSW strongly urges the Committee to inquire into and seek opportunities to support families, to work with the Aboriginal community, and to coordinate and adequately resource the services and organisations that can address basic human needs before these breakdowns threaten community safety and lead individuals into intractable criminal justice processes. An inquiry that focuses too heavily on policing and criminal justice responses will replicate the focus on the outcome of a broken process, rather than taking the opportunity to inquire how this process might be fixed.

Our recommendations to NSW Parliament are intended to direct focus toward these upstream solutions, and in such a way as to ensure they are more successful and sustainable.

Collaboration with and support of ACCOs and community organisations are essential, as is adequate cultural training. For example, research suggests that a lack of cultural understanding can increase the likelihood that an Aboriginal child is drawn into the child protection system, which is in turn a significant risk factor of a young person's likelihood of offending and incarceration.¹²

Similarly, Aboriginal students in regional areas have shared with JR NSW that they do not feel safe in their schools, that the learning environment is not welcoming for Aboriginal people, and that the curriculum is not meeting their needs. The incarceration rate for Indigenous people who complete school is 13 times lower than for those who do not;¹³ where Aboriginal students are asking for culturally appropriate education, the NSW Government must meet them with that support, both as a basic human right and as an incredibly important building block of community safety.

The service sector must be fully resourced, and accountable, at the necessary level to meet the task at hand. That includes cultural training, recruitment and retention of skilled staff, adequate facilities – especially for drug and alcohol support – and evidence-based, preventative interventions. The rate at which people return to NSW prisons has remained constant at 50% for almost a decade, and the rates of family and domestic violence have been steadily climbing for twenty years. The facts demonstrate that people are not getting the support they need.

¹¹ DCJ Caseworker Dashboard Public, https://public.tableau.com/app/profile/dcj.statistics/viz/DCJCaseworkerDashboardPublic_16831720791260/DCJCaseworkerDashboard, accessed 8 May 2024.

¹² PWC, "Indigenous incarceration: unlock the facts," May 2017, <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>, pg. 67

¹³ PWC, "Indigenous incarceration: unlock the facts," May 2017, <https://www.pwc.com.au/indigenous-consulting/assets/indigenous-incarceration-may17.pdf>, pg. 64

Lastly, JR NSW stands firmly behind the calls to raise the age of criminal responsibility to at least 14 years, without exception.

Criminalising young people causes long term harm to them and their families, through ongoing interaction with the criminal justice system that continues into adulthood. As such, it does not make communities safer. Assigning criminal responsibility at the age of 10 is at odds with the medical evidence on child development, as well as international human rights standards.

Raising the age of criminal responsibility is just one component of the reforms that are needed across the service and judicial sectors. However, it is a fundamentally necessary reform. It is the responsibility of communities and government to protect children from a lifetime of involvement in the criminal justice system; we must remove the option to criminalize these children and instead invest in supporting families in order to make our communities safer.

About Just Reinvest NSW

Just Reinvest NSW (JR NSW) supports Aboriginal communities to develop their own solutions for change, making them safer and more just. Our goal is to reduce Aboriginal People's interactions with the criminal justice system.

We do this by creating stronger and safer futures through both community-led initiatives and state-wide policy and legislative reform, redirecting funds away from systems that harm people, towards communities with high rates of contact with the justice system.

We work alongside Aboriginal communities to support place-based, community-led and data driven approaches to inform local solutions, such as devising local 'justice circuit-breakers'. Our place-based approach feeds into our broader policy and advocacy work to create levers for change. JR NSW brings together Aboriginal communities, government, agencies, philanthropic and private sector partners across political and cultural spectrums to leverage the justice reinvestment approach.

Resources are placed in the hands of the community, funding local backbone teams, capability building and governance support, alongside strategic assistance from a supporting body.

About JR NSW in Moree

The JR NSW Moree Backbone Team comprises a 100 per cent Aboriginal team, including a JR Manager, Community Engagement Lead, Youth Engagement Lead, Community Data Officer, and Admin and Project Officer. The team facilitates a process of community justice reinvestment design and decision-making, known as Community Leading Justice Reinvestment (CLJR). The process is governed by an elected Aboriginal Leadership Group, *Nginyani ngarri Maai* (meaning coming together). The group provides governance and strategic direction to both the CLJR and JR NSW to foster deeper relationships with government and non-government agencies.

The CLJR have working relationships with key allies from across the broader Moree community to help deliver priorities identified from consultation with the Aboriginal Community and collaboratively design potential interventions to interrupt the most consistent pathways into the criminal justice system.

In 2024, the JR Moree Backbone team has been substantially involved in the processes led by the NSW Premier's Department team in response to the government's package of initiatives regarding community safety in Moree.