



Submission to the Senate Legal and Constitutional Affairs Committee
Inquiry into Australia's youth justice and incarceration system

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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.

JR NSW brings together Aboriginal communities, government, agencies, philanthropic and private sector partners across political and cultural spectrums to leverage the justice reinvestment approach.

About justice reinvestment

Justice reinvestment redirects funds away from punitive justice responses into investments in thriving communities, by reducing crime and thus reducing demand on the criminal justice system. At its core, justice reinvestment is a preventative approach to criminality and seeks to understand and address the underlying drivers of crime, including factors like poverty, family dysfunction, addiction and mental illness.

The process of justice reinvestment involves generating savings from the criminal justice system that can be invested in solutions at the community level, particularly within communities with the highest rates of incarceration. In Australia, these communities are overwhelmingly Aboriginal and Torres Strait Islander. Justice reinvestment is place-based, data-driven and community-led, and designed to empower communities to produce solutions to benefit their specific needs.

JR NSW Recommendations

Just Reinvest NSW (JR NSW) urges the Commonwealth Government to further support justice reinvestment as a process for improving the effectiveness of, reducing the cost of, and correcting the harms caused by Australia's youth justice and incarceration system. We acknowledge that the Commonwealth Government has made significant commitments to justice reinvestment, within its jurisdiction, including an \$81.5 million dollar investment at the national level. Notwithstanding, improvements to the process and additional resources are still needed.

Justice reinvestment offers a powerful solution to the challenge of addressing youth crime. Firstly, it prioritises local solutions, which is the core tenet of federalism. Secondly, it frees governments of the usual constraint that comes with funding innovative, community solutions: funding a new program usually requires either cutting existing spending or raising new revenue. However, justice reinvestment frees up existing resources to be reallocated toward *preventing* crime rather than the costly task of attempting to redress its harms.

Australia's current youth justice and incarceration system traps children and young people in intergenerational cycles of crime, incarceration and recidivism. The system is particularly problematic for Aboriginal and Torres Strait Islander young people, who are radically overrepresented in out-of-home-care, interactions with police and courts, and youth detention. The scientific evidence is clear: the younger a child is when they first have contact with these

systems, the more likely they are to be trapped in them. This cycle perpetuates the dismantling of Aboriginal community structures that prevent youth crime. And all the while, the cost to the tax payer is increasing, without delivering better outcomes.

Thus, we urge the Commonwealth Government to:

- Further invest in and support justice reinvestment as a preventative solution to youth crime.
- Approach the question of youth justice from a truly preventative perspective. Breakdowns in community safety should be understood as a symptom of more “upstream” challenges, while interventions by the police and the criminal justice system are necessarily too late – the harm has already occurred.
- Centre its policy solutions on the effective delivery of basic human services, such as education, health, and housing, and on the use of wraparound and diversionary services where breakdowns occur – before seeking to increase resourcing for and the use of police and the criminal justice system.
- Demonstrate leadership to other jurisdictions by championing community-led and place-based solutions to improve community safety, with a particular emphasis on listening to Aboriginal community leaders and centring Aboriginal voices.
- Raise the age of criminal responsibility, in the federal jurisdiction, from 10 to at least 14 without exception.