

INQUIRY INTO YOUTH JUSTICE

Organisation: Justice Reform Initiative

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Submission by the Justice Reform Initiative to the NSW Legislative Council Select Committee on Youth Justice's Inquiry into Youth Justice

12 March 2026

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Introduction and current context

The Justice Reform Initiative (JRI) is pleased to make this submission to the NSW Legislative Council Select Committee on Youth Justice's Inquiry into Youth Justice ("the inquiry"). We would welcome the opportunity to provide additional evidence at hearings to support this submission.

In recent years children and young people's justice in Australia has become increasingly politicised, with state and territory governments across multiple jurisdictions adopting tougher 'law and order' stances and implementing legislation that further compounds and entrenches the cycle of disadvantage and incarceration.

New South Wales (NSW) relies on a system of incarceration for children that is harmful, expensive and ineffective. Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system.

The treatment of children in detention is one of the most significant human rights issues facing Australia. Countless inquiries, reports, and media exposés into the state of youth justice in Australia have found that the rights of children in detention are not upheld. Imprisonment of children is characterised by punitive, harmful, and often violent adversarial environments. For decades, the states and territories charged with the administration of youth justice have failed to keep children safe.

However, the failure of youth justice is not just about the failure to uphold the rights of children in detention. Justice systems run by the states and territories have also comprehensively failed when it comes to addressing the social drivers of children's incarceration. The evidence is very clear that contact with youth justice systems entrenches and exacerbates disadvantage, causes ongoing harm and trauma, and in fact increases the likelihood of future criminal justice system contact.

The Australian Human Rights Commission (AHRC) report, tabled in the Australian Parliament in August 2024: *"Help Way Earlier! How Australia can transform child justice to improve safety and wellbeing"*¹ clearly articulates the experience of incarcerated and criminalised children who have been failed by multiple systems, prior to their incarceration. We also draw the inquiry's attention to the recently published AHRC report: *"Evidence-based approaches to child justice. Supplementary paper to 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing"*.² This supplementary report contains six detailed case studies from Australia and overseas, illustrating evidence-based examples of a whole of systems approach, a primary prevention initiative, an Aboriginal led, community and place based initiative, and three small-scale, community based and therapeutic alternatives to detention.

The voices of over 150 children and young people with lived experience of the criminal justice system are centred throughout the AHRC reports. We urge the committee to consider what

¹ Australian Human Rights Commission, *'Help way earlier!': How Australia can transform child justice to improve safety and well being* (Report, 2024) <https://humanrights.gov.au/data/assets/file/0030/47289/1807_help_way_earlier_accessible.pdf>.

² Australian Human Rights Commission, *Evidence-based approaches to child justice, Supplementary paper to 'Help way earlier!': How Australia can transform child justice to improve safety and wellbeing* (Supplementary Report, 2025) <<https://cfecfw.org.au/app/uploads/2025/11/2025-Supplementary-Report-to-Help-Way-Earlier-AHRC.pdf>>.

these children have said, and to ensure that children and young people have safe and supported ways to provide testimony to this inquiry process.

JRI's approach to reform is outlined in our recent JRI Position Paper ***Children, Youth Justice and Alternatives to Incarceration in Australia*** ('the JRI Position Paper'), available online [here](#), and referred to in TOR2 of this submission below. Earlier in 2024, JRI also published a report called ***Alternatives to Incarceration in NSW*** available online [here](#) where we are argued for the implementation of a NSW Breaking the Cycle fund to ensure evidence based crime reduction approaches led by community sector organisations were adequately funded.

There is an urgent need for NSW to embrace a transformative, child rights and safety-based approach to reform that is informed by evidence-based public policy, recognition of the social determinants of incarceration, and the sustainable resourcing of supports, services and community-led programs that genuinely build pathways outside of the justice system.

This submission sets out close to 50 examples of evidence-based community-led programs, place-based initiatives, services, policy frameworks and alternative justice approaches. These programs have been successful in reducing the numbers of people in prisons across Australia and internationally. Many of the examples in this submission have been subject to robust evaluations that demonstrate their ability to reduce children's contact with the criminal justice system.

Response to Terms of Reference

TOR 1(a) - Underlying drivers

(1) **That a select committee be established to inquire into and report on evidence-based approaches to reducing the number of children in contact with the criminal justice system in New South Wales, and in particular:**

(a) **the underlying drivers of children's contact with the criminal justice system, including but not limited to:**

- (i) **school disengagement and educational exclusion**
- (ii) **out-of-home care, homelessness and housing instability**
- (iii) **disability, mental health, and alcohol and other drug (AOD) issues**
- (iv) **family dysfunction, poverty, and intergenerational trauma**

Most children who enter the youth justice system come from backgrounds where they have already experienced disadvantage and trauma, with a significant number also having experienced out of home care. Children in the youth justice system need family and community support, education, and life opportunities, not punishment that compounds disconnection and disadvantage.

For many decades, social determinants of health research has shown the way that social and structural factors (including poverty, disadvantage, geography, and access to supports and services) impact on health outcomes and life expectancy. More recently, Australian researchers have used linked administrative data to unpack the social determinants of incarceration³.

These include:

- Having been in out of home (foster) 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 location⁴

Their analysis demonstrates that these factors are intersecting and compounding, and that the more social determinants a person experiences, the more likely they are to be imprisoned. The findings challenge ideas of incarceration as primarily driven by individual choice or risk and

³ Ruth McCausland and Eileen Baldry, "Who Does Australia Lock Up? The Social Determinants of Justice" (2023) April, *International Journal for Crime, Justice and Social Democracy*.

⁴ Ruth McCausland and Eileen Baldry, "Who Does Australia Lock Up? The Social Determinants of Justice" (2023) April, *International Journal for Crime, Justice and Social Democracy*.

instead highlights the ways that criminal justice systems become the default systems tasked with 'managing' disadvantaged and marginalised people who have been failed by systems earlier in life. McCausland and Baldry argue that justice cannot be separated from government and policy decisions related to housing, education, health and disability support, and that in order to reduce imprisonment – particularly of First Nations people – it is critical to address the underlying structural conditions which drive rates of imprisonment in Australia⁵.

This, and other research below, is important for understanding why specific groups of young people are dramatically over-represented amongst young people in contact with the youth justice system and what systemic factors are at play when we are considering approaches to youth justice reform and responses for supporting children and young people.

Racialisation and settler colonialism

Australia's history of colonisation, forced removal of children, and dispossession of land is reflected in the contemporary and enduring over-criminalisation and imprisonment of First Nations children and young people⁶. The violence of the settler colonial state has resulted in significant intergenerational trauma amongst First Nations families and communities and the creation of social conditions (including poverty, disrupted education, and health disparities) that make contact with the criminal justice system more likely⁷. Alongside systemic racism and discrimination, these factors converge to drive rates of criminalisation and imprisonment of First Nations children and adults⁸.

From "care to criminalisation"

Research shows that children and young people who have been in contact with the child protection system are at greater risk of also coming into contact with the youth justice system. National linked data from the Australian Institute of Health and Welfare (AIHW) has noted that almost two-thirds of young people under youth justice supervision during 2022-23 had an interaction with the child protection system in the last 10 years⁹. The research also highlighted that the younger a person was when they first entered youth justice supervision, the more likely they were to have had an interaction with the child protection system¹⁰. First Nations young people are also more likely to experience both child protection and youth justice systems. 76% of First Nations young people under youth justice supervision in 2022-23 had an interaction with child protection services in the last ten years. This is in comparison to 55% of non-Indigenous young people. First Nations young people were 26 times as likely as non-Indigenous young people to have been under youth justice supervision to have been under youth justice supervision during 2022-23 and to have had a child protection system interaction within the last 10 years¹¹.

⁵ Ruth McCausland and Eileen Baldry, "Who Does Australia Lock Up? The Social Determinants of Justice" (2023) April, *International Journal for Crime, Justice and Social Democracy*.

⁶ Australian Institute of Health and Welfare, data available online at < <https://www.aihw.gov.au/>> (Accessed 2025)

⁷ Australian Law Reform Commission, *Pathways to justice—An inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples: Final report* (2017); E. Johnstone, *Royal Commission into Aboriginal Deaths in Custody* (Report, 1991).

⁸ C Cunneen and J Tauri, *Indigenous Criminology* (Policy Press, 2016).

⁹ Australian Institute of Health and Welfare, *Young people under youth justice supervision and their interaction with the child protection system 2022-2023* (Report, 2024) p. vi.

¹⁰ Australian Institute of Health and Welfare, *Young people under youth justice supervision and their interaction with the child protection system 2022-2023* (Report, 2024) p. vi.

¹¹ Australian Institute of Health and Welfare, *Young people under youth justice supervision and their interaction with the child protection system 2022-2023* (Report, 2024) p. vi.

There are various reasons for the high level of children and young people experiencing both systems. These include early experiences of adversity and trauma, for children who have experienced abuse, neglect, family violence, or parental substance use and these experiences affect emotional regulation, development, and behaviour which can attract police attention¹². Children and young people experiencing poverty, racism and higher levels of disability are also over-represented in both systems, and as a result may be subject to higher levels of policing and surveillance and may be more visible to police¹³. Research has also highlighted instability in 'care' environments, including frequent placement changes, disrupted schooling and loss of trusted adults which can undermine stability¹⁴. Children are also frequently criminalised in the context of care environments, where behaviour that might usually be managed within a family is more likely to be criminalised in residential or out-of-home-care settings¹⁵. Children and young people in child protection systems have higher levels of unmet health, disability and education needs and without appropriate support there may be no appropriate early preventative or diversionary response¹⁶.

Intergenerational Imprisonment

The phenomenon of intergenerational incarceration¹⁷, is well established, with some research indicating that a small proportion of families account for a large number of arrests. The UK's longitudinal *Cambridge Study in Delinquent Development*, which tracked the development of children in South London from the age of eight until 48, found that 'offending' and criminalisation were concentrated within certain family units¹⁸. Similarly, the US *Pittsburgh Youth Study* began in 1987, following 1,517 boys from late childhood into their 20s, finding that 'family risk factors' have long-term effects for young men's trajectories into the criminal legal system¹⁹. Beaver's study analysed national longitudinal data to conclude that '5% of families accounted for more than 50% of all criminal arrests' in the US²⁰.

In Australia, one study drawing on data from two statewide surveys in 2015 highlighted the racialised character of intergenerational imprisonment in NSW, finding that one in six adults and over half of all young people in youth prisons in NSW have had a parent incarcerated²¹. For children and young people in youth prisons, First Nations young people were almost twice

¹² S Baidawi, "Crossover Children: Examining Initial Criminal Justice System Contact Among Child Protection-Involved Youth" (2020) 73(3) *Australian Social Work*, 280.

¹³ S Baidawi, "Crossover Children: Examining Initial Criminal Justice System Contact Among Child Protection-Involved Youth" (2020) 73(3) *Australian Social Work*, 280. ; B Goldson, et al, *Youth justice and penalty in comparative context*. (2021,Routledge).

¹⁴ J. J. Cutuli, et al, "From foster care to juvenile justice: Exploring characteristics of youth in three cities" (2016) 67 *Children and Youth Services Review*, 84.

¹⁵ B Goldson, et al, *Youth justice and penalty in comparative context*. (2021,Routledge); K McFarlane, K, "Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system" (2018) 51(3) *Australian & New Zealand Journal of Criminology*, 412.

¹⁶ Ibid (McFarlane, 2018)

¹⁷ D Farrington, J Coid, and J Murray, "Family factors in the intergenerational transmission of offending" (2009) 19(2) *Criminal Behaviour and Mental Health*, 109-124, p. 109.

¹⁸ D Farrington, J Coid, and J Murray, "Family factors in the intergenerational transmission of offending" (2009) 19(2) *Criminal Behaviour and Mental Health*, 109-124, p. 109.

¹⁹ M Hoeve, et al, "Long-Term Effects of Parenting and Family Characteristics on Delinquency of Male Young Adults" (2007) 4(2) *European Journal of Criminology*, 161.

²⁰ K. M. Beaver, "The Familial Concentration and Transmission of Crime" (2013) 40(2) *Criminal Justice and Behavior*, 139-155, p. 139.

²¹ M Remond, et al, "Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment" (2023) No. 663 *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology.

as likely as non-Indigenous participants to have a previously imprisoned parent (66% vs 35%)²². The study also found women were more than twice as likely as men to report that their mother had been in prison. Intergenerational incarceration is also more common amongst younger participants and those who have experienced out-of-home-care and completed fewer years of schooling²³.

Education exclusion

Most young people in contact with the youth justice system have fractured experiences of education systems²⁴. Exclusion from school through suspensions and expulsions is often one compounding factor impacting children and young people who have come into contact with the youth justice system. Research on the experiences of early school suspensions amongst children in Western Australia who have had adverse childhood experiences – such as child maltreatment, parental illness, domestic violence, or parental incarceration – are twice as likely to be suspended in comparison to children without adverse childhood experiences²⁵.

Young people with disability

There are higher levels of complex support needs including disability and mental health diagnoses amongst criminalised populations, including children and young people. For example, the 2015 NSW *Young People in Custody Health Survey* found 83% met the criteria for a psychological disorder, while 17% have an intellectual disability and 39% had borderline intellectual disability²⁶. Young people with disability are overrepresented in the youth justice system in NSW. Although they represent only 3.5% of the general population, they account for 7.7% of young people who had at least one police caution, youth justice conference or court appearance before the age of 18 and 17.4% of those with at least one youth detention episode²⁷. Children and young people with disability tend to have earlier and more frequent contact with the youth justice system and often charged with different offences compared to their peers without disability. These differences are shaped by intersecting systemic factors including delayed or limited access to disability support, higher levels of child protection involvement, and geographic remoteness²⁸. There is strong evidence for crossover between child protection and youth justice systems for children and young people with disability, with NSW data showing 89% had been the subject of at least one child protection report²⁹.

²² M Remond, et al, "Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment" (2023) No. 663 *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology. p 8.

²³ M Remond, et al, "Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment" (2023) No. 663 *Trends & Issues in Crime and Criminal Justice*, Australian Institute of Criminology.

²⁴ L Ewenson, "Lived experiences of youth justice detention in Australia: Reframing the institution in a decarcerated state" (2024) 30(1) *Australian Journal of Human Rights*, 41; B Goldson, et al, *Youth justice and penalty in comparative context*. (2021, Routledge).

²⁵ M. F. Bell, et al, "Early school suspensions for children with adverse childhood experiences (ACEs)" (2021) 76 *Journal of Applied Developmental Psychology*, 1.

²⁶ Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW, *2015 Young People in Custody Health Survey: Full Report*. (Report, 2017, NSW Government)

²⁷ Boiteux, S., & Poynton, S. (2023). *Offending by young people with disability: A NSW linkage study* (No. 254; Crime and Justice Bulletin). NSW Bureau of Crime Statistics and Research.

²⁸ Boiteux, S., & Poynton, S. (2023). *Offending by young people with disability: A NSW linkage study* (No. 254; Crime and Justice Bulletin). NSW Bureau of Crime Statistics and Research.

²⁹ Boiteux, S., & Poynton, S. (2023). *Offending by young people with disability: A NSW linkage study* (No. 254; Crime and Justice Bulletin). NSW Bureau of Crime Statistics and Research.

Research by McCausland and Baldry found that in the absence of early and appropriate diagnosis, intervention and support in the community, those who are marginalised and disadvantaged, and First Nations young people, are being systematically criminalised, and youth and adult prisons have become normalised as places of disability management and control³⁰. Other research has also emphasised the importance of holistic programs and interventions which adequately screen young people for mental health disorders and cognitive disability at the earliest point of contact with the youth justice system³¹.

TOR 1(b) - the availability, effectiveness, and evaluation of evidence-based and community-led responses that prevent offending and reoffending, including:

- (i) **diversionary programs and early intervention strategies**
- (ii) **alternatives to remand and custodial sentencing**
- (iii) **support services targeted at at-risk children and families, particularly in regional and remote areas**
- (iv) **vocational, training, employment, and mentoring initiatives**

Early Intervention and Prevention

Please note, many early intervention and diversion programs also incorporate vocational, training, employment, and mentoring elements. These terms of reference are combined in this section of the submission.

Investment in a wide-variety of community-based early intervention as well as developmental crime prevention policies and initiatives is key to preventing offending and diverting children away from the justice system.³² Early intervention (secondary crime prevention) aims to intervene early in an individual's developmental pathway to address risk factors associated with offending and strengthen protective factors that support engagement in pro-social behaviour.³³ Early intervention commonly occurs early in life, but it can also occur later in life at a crucial transition point on a pathway to offending.³⁴ Children who are at risk of justice system involvement often experience a number of individual, family, peer, and school/community risk factors such as disconnection from education, unstable home environments, homelessness, and poverty.³⁵ Programs that work to reduce contact with the justice system tend to address a

³⁰ R McCausland and E Baldry, "I feel like I failed him by ringing the police": Criminalising disability in Australia" (2017) 19(3) *Punishment & Society*, 290.

³¹ F Summersett Williams, et al, 'An examination of a juvenile justice diversion program for youth with mental health needs and traumatic stress symptoms: A strengths-based approach' (2024) 30(7) *Psychology, Crime & Law*, 653; R Whittington, A Haines and J McGuire, 'Diversion in youth justice: A pilot study of effects on self-reported mental health problems' (2015) 26(2) *Journal of Forensic Psychiatry & Psychology*, 260.

³² National Crime Prevention, Attorney General's Department, *Pathways to prevention: Developmental and early intervention approaches to crime in Australia* (Report, 1999) <https://eprints.qut.edu.au/4482/1/4482_report.pdf>

³³ Paul J. Brantingham and Frederic L. Faust, 'Conceptual Model of Crime Prevention' (1976) 22(3) *Crime & Delinquency* 284.

³⁴ National Crime Prevention, Attorney General's Department, *Pathways to prevention: Developmental and early intervention approaches to crime in Australia* (Report, 1999) <https://eprints.qut.edu.au/4482/1/4482_report.pdf>

³⁵ David Farrington, 'Childhood risk factors and risk-focused prevention' (2007) 4 *The Oxford handbook of criminology*; Tony Vinson and Margot Rawsthorne, *Dropping off the edge 2015: Persistent communal disadvantage in Australia* (Jesuit Social

multitude of these factors at once.³⁶ Primary crime prevention is distinct from early intervention and focuses on modifying 'criminogenic' factors in physical and social environments to stop crime before it starts.³⁷

While there are clear limitations in studies that focus primarily on costs, these findings are important in framing the significance of the impact of early intervention and prevention, not just financially, but in terms of a range of social and health wellbeing measures. A study of children at risk of criminalisation in NSW found that 7% of individuals under the age of 25 will account for half the estimated costs of the state's social services by the time they are 40 years old. Additionally, 1% of this cohort will be responsible for 32% of NSW justice service costs, highlighting that early intervention targeting a small percentage can significantly reduce future costs significantly.³⁸

A 2019 economic analysis of early intervention resourcing in Australia found that one dollar invested in early childhood education yields a return of two dollars.³⁹ In 2019, the cost of late intervention in Australia was estimated to be \$15.2 billion per year, including \$2.7 billion (18%) for youth crime.⁴⁰ A more recent (2024) Minderoo Foundation report, compiled by the Front Project, found the cost of late intervention in Australia has surged to \$22.3 billion annually – rising almost 50% since the 2019 study. Spending for youth crime in Australia has increased from \$2.7 billion in 2019 to \$3.4 billion in 2024, which accounts for the second highest amount of spending behind child protection (\$10.2 billion in 2024 up from \$5.9 billion in 2019).⁴¹

Research findings support investing in capacity building strategies that scale-up community-based approaches to early intervention and early prevention. Building on the success of relatively small-scale and economically efficient community-led innovations that create the conditions for healthy development pathways early in life can be a path to larger-scale crime prevention.⁴²

There remains a genuine opportunity in Australia to further invest in early intervention responses and build capacity for sustainable, scalable, place-based primary youth crime prevention.⁴³ Alongside this investment, adjacent research in this area is needed so that there

Services/Catholic Social Services Australia Report, 2015); Martin Drum and Riley Buchanan, 'Western Australia's Prison Population 2020: Challenges and Reforms' (2020) *Catholic Social Outreach Series*; Candace L. Odgers, 'Income inequality and the developing child: Is it all relative?' (2015) 70(8) *American Psychology* 722; Australian Institute of Health and Welfare, *Vulnerable young people: interactions across homelessness, youth justice and child protection – 1 July 2011 to 30 June 2015*. (Report, 2015); Australian Institute of Health and Welfare, *National data on the health of justice-involved young people: a feasibility study* (Report, 2018).

³⁶ National Crime Prevention, Attorney General's Department, *Pathways to prevention: Developmental and early intervention approaches to crime in Australia* (Report, 1999) <https://eprints.qut.edu.au/4482/1/4482_report.pdf>

³⁷ Paul J. Brantingham and Frederic L. Faust, 'Conceptual Model of Crime Prevention' (1976) 22(3) *Crime & Delinquency* 284.

³⁸ NSW Government, *Forecasting future outcomes: Stronger communities investment unit – 2018 insights report* (Report, 2019)

³⁹ The Front Project, *A smart investment for a smarter Australia: Economic analysis of universal early childhood education in the year before school in Australia* (Report, June 2019)

⁴⁰ William Teager, Stacey Fox and Neil Stafford, *How Australia can invest early and return more: A new look at the \$15b cost and opportunity* (2019, Report, Early Intervention Foundation, The Front Project and CoLab at the Telethon Kids Institute, Australia)

⁴¹ M O'Connell, The Front Project, *The cost of late intervention in 2024* (Report, 2024)

⁴² R. Homel, K.Freiberg and S. Branch, 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework' (2015) 48(3) *Australian & New Zealand Journal of Criminology* 367.

⁴³ R. Homel, K.Freiberg and S. Branch, 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework' (2015) 48(3) *Australian & New Zealand Journal of Criminology* 367.

is sufficient high-quality data and evaluations that can drive evidence-based policy and investment. There is a particular need for longitudinal studies, using some form of matched-group comparisons at baseline to determine the impact of existing and new early intervention programs to reduce offending and improve community safety.

Child Skills Training & Behavioural Change Programs (Australia and International)

In young people, the pre-frontal cortex (the part of the brain that controls executive functioning) is still developing. This means that children and young people are still developing the cognitive processes required for planning, controlling impulses, and weighing up the consequences of decisions before acting.⁴⁴ There are various examples of programs that aim to build children's skills and cognitive abilities in areas that are often related to anti-social behaviour and offending (for example, self-control/impulsiveness, perspective-taking, and delayed gratification). Systematic reviews examining randomised-controlled trials of child skills training programs reported such interventions decrease anti-social behaviour by anywhere between 24-32%.⁴⁵ Similarly, systematic reviews of interventions that involve cognitive-behavioural therapy have shown effects on youth offending with a 21-35% reduction in recidivism.⁴⁶

Communities that Care (Australia and International)

There is a strong evidence base in Australia and overseas for primary prevention models such as the Communities That Care (CTC) model.⁴⁷ These models mobilise communities to strengthen protective factors and address risk factors that increase the risk of justice system involvement (such as harmful substance use, low academic achievement, early school leaving, and violence) through the implementation of place-based evidence-based solutions. Communities that Care operates in a similar way to justice reinvestment in Australia, which involves First Nations communities having the power, resources and control to self-determine their own solutions in collaboration with the community and other stakeholders. A recent study evaluated the impact of the CTC model across communities in Victoria, between 2010 and 2019. This study supports the existing evidence base showing CTC is effective at preventing youth crime at a population level, with findings demonstrating reductions in crimes associated with CTC including a 2% annual reduction in risk for crimes against persons and a 5% annual reduction in risk for crimes of property and deception.⁴⁸

Community Youth Response and Diversion (Qld)

⁴⁴ Richard J. Bonnie and Elizabeth S. Scott, 'The teenage brain: Adolescent brain research and the law' (2013) 22(2) *Current Directions in Psychological Science* 158 <<https://journals.sagepub.com/doi/pdf/10.1177/0963721412471678>>.

⁴⁵ David P. Farrington, Hannah Gaffney and Howard White, 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour' (2022) 64(4) *Canadian Journal of Criminology and Criminal Justice* 47; Andreas Beelmann and Friedrich Lösel, 'A comprehensive meta-analysis of randomized evaluations of the effect of child social skills training on antisocial development' (2021) 7(1) *Journal of Developmental and Life-Course Criminology* (2021) 41; Alex R. Piquero et al, 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency' (2016) 12 *Journal of Experimental Criminology* 229.

⁴⁶ J.A. Koehler, et al, 'A systematic review and meta-analysis on the effects of young offender treatment programs in Europe' (2013) 9(1) *Journal of Experimental Criminology* 19 <<https://doi.org/10.1007/s11292-012-9159-7>>; Mark W. Lipsey, Nana A. Landenberger and Sandra J Wilson, 'Effects of cognitive-behavioral programs for criminal offenders' (2007) *August Campbell Systematic Reviews* <<https://onlinelibrary.wiley.com/doi/10.4073/csr.2007.6>>

⁴⁷ John W. Toumborou, et al, 'Community Intervention to Prevent Adolescent Health Behaviour Problems: Evaluation of Communities That Care in Australia' (2019) 38(6) *Health Psychology* 536; J.D. Hawkins, et al, 'Youth problem behaviours 8 years after implementing the communities that care prevention system: a community-randomized trial' (2014) 168(2) *JAMA Pediatrics* 122 <<https://jamanetwork.com/journals/jamapediatrics/fullarticle/1788472>>

⁴⁸ Bosco Rowland, et al, 'Evaluation of Communities That Care- Effects on Municipal Youth Crime Rates in Victoria, Australia: 2010-2019' (2022) 23(1) *Prev Sci* 24 <<https://doi.org/10.1007/s11121-021-01297-6>>

The Community Youth Response and Diversion (CYRD) is an early intervention and diversion program for children and young people aged 10-15 years old who are at risk of offending or reoffending but generally are not involved in statutory youth justice interventions. Community-based organisations deliver diversion services, intensive case management, bridging support and alternative education, and First Nations cultural mentoring in Cairns, Townsville, Brisbane CBD, Brisbane South, Logan, Ipswich, and the Gold Coast. A 2023 outcomes evaluation by Nous Group Pty Ltd found CYRD participants showed significant reductions in the number of offences committed compared to a control group not engaged with CYRD, and that CYRD participants had an average 14% reduction in offences such as arson of building, dangerous driving, and non-aggravated sexual assault (compared to only 2% in the control group). The evaluation estimated \$4.5 million gross savings from reduction in offending and days spent in custody in the 12 months post participating in the program. It also estimated between \$2.9-\$6.1 million gross savings from diverting young people at high-risk of offending with no existing offences from crime in the period 12 months post participating in the program. The evaluation outlines a range of other broader short-term, medium-term, long-term and system benefits of the program.⁴⁹

Home Visitation Programs (Australia and International)

Pre-natal and infancy home visitation programs show positive outcomes in terms of improving the health and wellbeing of children and families and reducing contact with the criminal justice system.⁵⁰ Within these programs, health professionals visit new parents (typically mothers or expectant mothers) to provide support, care, and education pre-and-post birth. The most common home visiting programs involve sustained nurse home visiting (SNHV). The Elmira Nurse-Family Partnership program is an evidence-based SNHV program that originated in the United States.⁵¹ This program has been shown to have sustained effects on outcomes for children and mothers within several randomised-controlled trials in the US, the Netherlands, and the United Kingdom.⁵² In the US, young girls whose mothers participated in the program were less likely to be arrested than those who did not participate in the program.⁵³ In addition, participation in the program was shown to be associated with significantly reduced reports of child abuse and neglect, amongst other benefits.⁵⁴

The Australian Nurse-Family Partnership Program (ANFPP) is an adaption of the evidence-based United States Elmira Nurse-Family Partnership program, designed to be culturally appropriate for Aboriginal and Torres Strait Islander women.⁵⁵ This program is currently delivered in Queensland (Cairns, Brisbane north, Brisbane south), New South Wales

⁴⁹ Queensland Government. *Community Youth Diversion Response and Diversion evaluation*. <<https://www.youthjustice.qld.gov.au/our-department/research-evaluations/evaluations/cyrd>>

⁵⁰ A. R. Piquero, et al, 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency' (2016) 12 *Journal of Experimental Criminology*, 229.

⁵¹ Evidence Based Programs, Evidence Summary for the Nurse Family Partnership, (Report, 2020) <<https://evidencebasedprograms.org/document/nurse-family-partnership-nfp-evidence-summary/>>

⁵² Evidence Based Programs, Evidence Summary for the Nurse Family Partnership, (Report, 2020) <<https://evidencebasedprograms.org/document/nurse-family-partnership-nfp-evidence-summary/>>

⁵³ J. Eckenrode, et al, 'Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19-year follow-up of a randomized trial' (2010) 164(1) *Archives of Adolescent and Paediatric Medicine* 9. Erratum in: (2010) 164(5) *Arch Pediatr Adolesc Med*. 424. <<https://jamanetwork.com/journals/jamapediatrics/fullarticle/382597>>

⁵⁴ J. Eckenrode, et al, 'Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19-year follow-up of a randomized trial' (2010) 164(1) *Archives of Adolescent and Paediatric Medicine* 9. Erratum in: (2010) 164(5) *Arch Pediatr Adolesc Med*. 424. <<https://jamanetwork.com/journals/jamapediatrics/fullarticle/382597>>

⁵⁵ Australian Nurse Family Partnership Program, About the ANFPP, (Webpage) <<https://www.anfpp.com.au/about>>

(Wellington, Blacktown, Kempsey), the ACT (Canberra), Victoria (Goulburn Valley), South Australia (Adelaide) and Northern Territory (Alice Springs, Katherine, Darwin, and four remote communities including Maningrida, Gunbalanya, Wadeye, and Wurrumiyanga with the hub in Darwin). A 2024 evaluation of the ANFPP found it “has been successfully adapted to meet the needs of mothers of Aboriginal and Torres Strait Islander children in metropolitan, regional and remote Australia”.⁵⁶ This evaluation found the culturally appropriate support delivered through the ANFPP has delivered a wide range of positive health and wellbeing outcomes for mothers who participated in the program including addressing several risk factors and strengthening protective factors associated with future offending.

Resolve (Logan, Queensland)

Resolve is an early intervention program for young people aged 12 to 16 years old who are at risk of justice system involvement. The program was delivered in Logan through a joint partnership between Youth and Family Service (YFS), Griffith University, Overflow Foundation, and Queensland Police Service. The program included community outreach as well as intensive case management that used a flexible, relational, and strengths-based approach. In 2023, a Griffith University evaluation of the program found that participation in the program resulted in a significant reduction in risk levels evident in relation to housing, schooling, family relationships, social connections, physical health, drug and alcohol use, mental health and safety and the law, and considerable increases in young people’s hopefulness both in relation to their sense of agency and confidence in goal achievement. Despite the success of this program ongoing funding was unable to be secured and the program was discontinued.⁵⁷

Sport Programs (Australia and International)

There are limited evaluations in Australia with sound designs that evaluate the effectiveness of sport programs in preventing and reducing crime. However, a recent systematic review and meta-analysis of 13 control-group evaluations (two in Australia and the remainder overseas) found sport programs significantly protect against offending behaviour and related antisocial attitudes, as well as significantly increase self-esteem and psychological wellbeing.⁵⁸

Pathways to Prevention (Qld)

The Queensland Pathways to Prevention Project highlights the importance of early learning and communication development alongside long-term family support. The Pathways to Prevention Project was implemented in a disadvantaged region of Brisbane through a partnership between Mission Australia, Education Queensland, a Griffith University research team and seven local preschools and primary schools. The project combined two preschool enrichment programs for four-year-old children in 2002 and 2003 with comprehensive family support, which extended from 2002 until 2011, involving more than 1,000 families and nearly 1,500 children aged four to 11. The project findings highlighted that effective family support requires interdisciplinary teams, drawing on expertise from specialist teachers, psychologists,

⁵⁶Urbis Pty Ltd, *Evaluation of the Australian Family Partnership Program: Final Report* (Report, 2024) https://www.health.gov.au/sites/default/files/2024-09/evaluation-of-the-australian-family-partnership-program-afpp-evaluation-reports-2021-24_0.pdf

⁵⁷ M. Casley, et al, ‘Going the extra mile:: A mixed-methods evaluation of an early-intervention youth coaching and diversion programme’ (2025) *Journal of Criminology* 1 <<https://doi.org/10.1177/26338076251378938>>

⁵⁸ I. Jugl, et al, ‘Do sports programs prevent crime and reduce reoffending? A systematic review and meta-analysis on the effectiveness of sports programs’ (2023) 39 *Journal of Quantitative Criminology* 333

psychiatrists, and other professionals.⁵⁹ The family support program was described as 'highly flexible, strengths-based, responsive and complex in delivery'.⁶⁰

The communication program was designed to improve children's oral language and communication skills. Children with higher level oral language skills are typically better able to handle social situations and so are more likely to engage in positive interpersonal relationships and less likely to engage in disruptive behaviour in the classroom. In the preliminary phase, all children in the participating preschools were assessed using the Preschool Language Assessment, to measure the child's ability to cope with the language demands of the classroom. Children were then placed in small groups with others who were at similar stages of development. The program was delivered for 30 weeks across three school terms by specialist communication teachers with postgraduate qualifications. These specialists worked extensively with the classroom teachers and with parents to ensure the sustainability and reach of the intervention.

Extensive data were collected on children as they progressed through primary school and this data was linked with Youth Justice records. The study found that thirty-seven of the 616 children (6%) had a record for court adjudicated offending up to age 17, which was then the age of adult criminal responsibility in Queensland. The report finds persuasive evidence for the impact of an enriched preschool program, the communication program, in reducing by more than 50% the number young people becoming involved in court-adjudicated youth crime by age 17. The authors found equally strong evidence that comprehensive family support increased the efficacy and sense of empowerment of parents receiving family support. No children offended in the communication program if their parents also received family support, but family support on its own did not reduce youth crime. The rate of youth offending between 2008 and 2016 in the Pathways region was at least 20 percent lower than in other Queensland regions at the same low socio-economic level, consistent with (but not proving) the hypothesis that the Pathways Project reduced youth crime at the aggregate community level.⁶¹

Parenting Programs (Australia and International)

Parenting programs found to be the most effective at reducing antisocial behaviour and youth crime include parent-child interaction therapy, the Triple P (Positive Parenting Program), and the Incredible Years Parenting Program.⁶² These programs typically involve training and education that supports parents to develop positive parenting skills as well as strong relationships with their children.⁶³ Systematic reviews of parenting program evaluations have

⁵⁹ Jacqueline Allen, et al, *The Impact of a preschool communication program and comprehensive family support on serious youth offending: New findings from the pathways to prevention project* (Report to the Criminology Research Advisory Council, 2024) p. xi. <https://www.aic.gov.au/sites/default/files/2024-10/crg_impact_of_a_preschool_communications_program_v4.pdf>

⁶⁰ Jacqueline Allen, et al, *The Impact of a preschool communication program and comprehensive family support on serious youth offending: New findings from the pathways to prevention project* (Report to the Criminology Research Advisory Council, 2024) p 61.

⁶¹ Jacqueline Allen, et al, *The Impact of a preschool communication program and comprehensive family support on serious youth offending: New findings from the pathways to prevention project* (Report to the Criminology Research Advisory Council, 2024)

⁶² A. R. Piquero, et al, 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency' (2016) 12 *Journal of Experimental Criminology*, 229.

⁶³ A. R. Piquero, et al, 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency' (2016) 12 *Journal of Experimental Criminology*, 229.

estimated such interventions have resulted in anywhere between a 34-48% reduction in problematic child behaviour.⁶⁴

Youth Partnership Program (WA)

The Youth Partnership Project (YPP) brings together state government, local government, and the community sector in a place-based, collective impact approach to youth justice. The project focuses on early identification of young people aged 8 to 12 years old with complex needs, and the delivery of targeted community services to prevent their involvement with the justice system.

The Armadale Youth Intervention Partnership (AYIP) as part of the YPP achieved a 50% reduction in reoffending for those who completed the program.⁶⁵ Evaluation of YPP social outcomes used modelling to estimate that without the intervention, participants were likely to cost the government ~\$3 million in the future. It concluded that if the YPP Youth Justice Model reduces participants' future reliance on government by 10%, the program almost pays for itself, with approximately \$300,000 of reduced government costs.⁶⁶

You Got This (Qld)

The University of Sunshine Coast conducted an independent evaluation of the Johnathon Thurston Academy 'You Got This' initiative, which aims to boost courage and self-belief in young people aged 9 to 16 years old experiencing disadvantage. The Queensland Government noted the success of the program, outlining that the evaluation (based on the data of 39 participants, and also interviews with staff members and stakeholders) found successes in diversion, school re-engagement and a reduction in offending. The evaluation found there was a reduction in the number of offences committed by the young people who were at-risk and who participated in the program in Cairns. Nine out of 10 young people with a prior offending history who participated in the program in Cairns did not reoffend within 9 months after completing the program.⁶⁷

After-school Programs (International)

Evaluations have shown after-school programs that incorporate skills training, mentoring and/or academic components may reduce anti-social behaviour. Two robust systematic reviews of after-school program evaluations estimated between a 6-14% decrease in anti-social behaviour.⁶⁸

⁶⁴ David P. Farrington, Hannah Gaffney and Howard White, 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour'(2022) 64(4) *Canadian Journal of Criminology and Criminal Justice* 47; A. R. Piquero, et al, 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency' (2016) 12 *Journal of Experimental Criminology*, 229; B. Amit, et al, 'Digital parent training for children with disruptive behaviors: Systematic review and meta-analysis of randomized trials' (2016) 26(8) *Journal of Child and Adolescent Psychopharmacology*, 740.

⁶⁵ Sophie Stewart, Social Investment WA, *The Case for smart justice alternatives: Responding to Justice issues in WA through a justice reinvestment approach*. (Discussion Paper, 2020)
<<https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/5ef5632af22174273c5d18d5/1593140018902/SRWA+Discussion+Paper+on+Justice+Reinvestment+in+WA+March2020+%281%29.pdf>>.

⁶⁶ Youth Partnership Project, *Youth justice model: 2021 practice framework & evaluation summary* (Report, 2021)
<<https://resourcecentre.savethechildren.net/pdf/2021-YPP-YJ-Evaluation-Summary.pdf/>>

⁶⁷ Queensland Government, *Study finds success in Far North youth program* (Media statement, 4 May 2023)
<<https://statements.qld.gov.au/statements/97670>>.

⁶⁸ David P. Farrington, Hannah Gaffney and Howard White, 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour'(2022) 64(4) *Canadian Journal of Criminology and Criminal Justice* 47; Taheri A. Sema and Brandon C. Welsh, 'After-school programs for delinquency prevention: A systematic review and meta-analysis' (2016)

Anti-bullying/anti-cyber bullying programs (International)

Bullying is a known predictor of future offending and violence. Anti-bullying and anti-cyber bullying programs have the potential to contribute to reduced youth offending. There are various examples of programs in Australia and overseas that aim to intervene early (mostly during the school years) to reduce bullying. Several systematic reviews of anti-bullying and anti-cyberbullying program evaluations have estimated such interventions result in a reduction in bullying anywhere between 10%-35%.⁶⁹

Fast Track (US)

Fast Track is an evidence-based early intervention program in the United States that focuses on disrupting the school to prison pipeline. The program delivers a series of multi-level, developmental, and age-appropriate interventions to support children (from the age of 5 onwards), families, and schools over a long-term developmental period. A 10-year longitudinal study found children who were randomly assigned to the intervention displayed a reduction in violent offences (31% reduction) and drug offences (35% reduction) as well as significantly lower internalising problems, externalising problems and alcohol and other drug use. Fast Track costs \$58,000 per child over the 10-year investment period, which is much more cost-effective than incarcerating a child for just one year.⁷⁰

Mentoring programs (International)

Internationally, evaluations have found mentoring programs are effective at reducing offending and supporting children and young people to engage in prosocial behaviour.⁷¹ One study that reviewed 25 experimental and quasi-experimental evaluations of mentoring programs and their impact on delinquency found a 19-26% reduction in behaviours of concern.⁷²

The Perry School Project (US)

Pre-school programs provide early intervention and support for children at a crucial transition point in their development. There is a strong evidence base noting the relationship between behaviours in childhood that might be indicative of future offending.⁷³ In the US, the Perry Preschool Project is recognised as an evidence-based program that supports children from disadvantaged backgrounds to prevent the onset of offending. The Perry Preschool Project provides high-quality pre-school education to children aged three and four years old in small school-based sessions delivered by qualified teachers. In addition, teachers conduct a weekly home visit to support parents with at-home learning. An evaluation of the Perry Preschool

14(3) *Youth Violence and Juvenile Justice* 272; K. P. Kremer, et al, 'Effects of after-school programs with at-risk youth on attendance and externalizing behaviors: a systematic review and meta-analysis' (2015) 44(3) *J Youth Adolesc* 61

⁶⁹ David P. Farrington, Hannah Gaffney and Howard White, 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour' (2022) 64(4) *Canadian Journal of Criminology and Criminal Justice* 47

⁷⁰ K. A. Dodge, et al, Conduct Problems Prevention Research Group, 'Impact of early intervention on psychopathology, crime, and well-being at age 25' (2015) 172(1) *American Journal of Psychiatry* 59

⁷¹ Patrick Tolan, et al, 'Mentoring interventions to affect juvenile delinquency and associated problems: A systematic review' (2013) *Campbell Systematic Reviews*, 10. <<https://onlinelibrary.wiley.com/doi/10.4073/csr.2013.10>> ; E. B. Raposa, et al, 'The Effects of Youth Mentoring Programs: A Meta-analysis of Outcome Studies' (2019) 48(3) *Journal of Youth and Adolescence* 423; K. M. Christensen, et al, 'Non-Specific versus Targeted Approaches to Youth Mentoring: A Follow-up Meta-analysis' (2020) 49(5) *Journal of Youth and Adolescence* 959.

⁷² Patrick Tolan, et al, 'Mentoring interventions to affect juvenile delinquency and associated problems: A systematic review' (2013) *Campbell Systematic Reviews*, 10. <<https://onlinelibrary.wiley.com/doi/10.4073/csr.2013.10>>

⁷³ S. Batchelor, et al, 'The Pathways to Prevention project: doing developmental prevention in a disadvantaged community', *Trends & issues in crime and criminal justice* no. 323 (Australian Institute of Criminology online resource, 2023) <<https://www.aic.gov.au/publications/tandi/tandi323>>

Project found the program produced sustained effects well into adulthood. Positive outcomes included improved educational attainment, fewer teen pregnancies, reduced likelihood of spending time in prison, lower arrest rates for violent crimes, higher median incomes and reduced likelihood of receiving government assistance.⁷⁴

Youth Advocate Program (US)

The Youth Advocate Program (YAP) was developed in the United States. It is a strengths-based intensive support and advocacy program that provides individually tailored and wrap-around support to young people who are at risk of, or already experiencing, involvement with the justice system. Evaluations have shown the program is more cost-effective than incarceration, and that it reduces justice system involvement and improves other factors in children's lives.⁷⁵

Youth Crime Action Plan (NZ)

The New Zealand 10-year Youth Crime Action Plan⁷⁶, was used as an approach to reducing youth offending rates, with a focus on the overrepresentation of Māori people in the justice system. The program sought to have a 'genuine partnership with communities' by involving Māori communities, frontline practitioners and schools, to allow 20 communities across New Zealand to develop their own solutions to youth offending problems.⁷⁷ In 2015, the New Zealand Justice and Courts Minister reported that the number of young people (aged 10-16) appearing in court had more than halved since 2007 – which was the lowest number of young people in court in 20 years.⁷⁸

Diversion and alternatives to remand and custodial sentencing

Children and young people– especially First Nations children and young people– need off-ramps from the criminal justice system into effective community-based supports and interventions, with the aim of preventing recidivism and repeat victimisation.⁷⁹ Community-led services and strategies for children and young people in contact with the justice system encompass diversion and sentencing alternatives, in-prison programs and post-release support and need to be evidence-based, developmentally and age appropriate, and consider the specific needs of young people and their families.

A Place to Go (NSW)

The A Place to Go pilot has been operational in the Nepean Police Area Command and Parramatta Children's Court since November 2018. The program aims to improve support and

⁷⁴ Social Programs That Work, *The Perry School Project* (Report, 2021).
<<https://evidencebasedprograms.org/programs/perry-preschool-project/>>

⁷⁵ Youth Advocate Programs Inc., *Evidence supporting YAP's model* (Report, undated). <<https://www.yapinc.org/Portals/0/Docs/YAP%20Evidence%20Base%20-%20booklet.pdf?ver=2020-11-22-003401-663>>.

⁷⁶ New Zealand Ministry of Justice, *Youth Crime Action Plan 2013-2023* (Action Plan, 2013)
<<https://www.justice.govt.nz/assets/Documents/Publications/YCAP-full-report.pdf>>

⁷⁷ New Zealand Associate Justice Minister, 'Action Plan the next step forward for youth justice' (Media Release, 31 October 2013) <<http://www.beehive.govt.nz/release/action-plan-next-step-forward-youth-justice>>.

⁷⁸ New Zealand Justice and Courts Minister, 'Lowest number of youth in court in 20 years' (Media Release, 24 March 2015) <http://beehive.govt.nz/release/lowest-number-youth-court-20-years?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+beehive-govt-nz%2Fportfolio%2Fcourts+%28Courts+-+beehive.govt.nz%29>.

⁷⁹ P. J. Brantingham and F. L. Faust, 'A conceptual model of crime prevention' (1976) 22(3) *Crime & Delinquency* 284.

deliver a better service response for 10 to 17 year old children in contact with the justice system, with a focus on young people on remand. It draws on services from across NSW Government and non-government service providers to deliver a coordinated and multiagency service solution that can support a young person to change their life trajectory. A Place to Go uses a young person's contact with police and/or the court as an opportunity to intervene early by linking them with appropriate community supports and services, court liaison staff, cross-agency panels and dedicated short-term transitional accommodation. An independent evaluation found that young people were supported in finding stable and appropriate accommodation, accessing health services, removing barriers to education, and connecting with their communities.⁸⁰

Back Track Youth Services (NSW)

Over the last ten years, the intensive, holistic and relational case work provided by BackTrack Youth Services has supported 1,000 children and young people at risk of criminal justice system involvement or entrenched in the justice system. An impressive 87% of the young people who leave BackTrack transition into employment or education. A University of NSW report of the impact of the program on the local community in Armidale found a 35% reduction in crime because of the engagement of young people in the program.⁸¹

Broadmeadow Children's Court Pilot (NSW)

The Broadmeadow Children's Court Pilot (Pilot) is a multiagency service program that provides a coordinated response to the needs of young people coming before the Broadmeadow Children's Court in Newcastle. The Pilot also operates at Singleton and Raymond Terrace Courts. All young people who present before Broadmeadow Children's Court have access to integrated, multidisciplinary support from the court-based team. This team provides support to the young person through the court process and assists the young person to engage with specialist services, supports and education pathways. An independent evaluation of the pilot found that:

- The pilot supported young people to address a wide range of needs, including urgent and immediate needs.
- Young people were supported to find accommodation, access mental health supports, engage in an appropriate educational pathway or employment and access victim's services.
- There is evidence that the initiative offers the court alternatives to placing young people on bonds, community service orders or in custody, as participation in the Pilot can be a factor in the decision of the court when sentencing young people.⁸²

Boost Youth Mentoring Program (NSW)

In response to the urgent need for targeted interventions addressing domestic and family violence offences among adolescents, Australian Community Support Organisation (ACSO) piloted a mentoring program developed in collaboration with NSW Police, NSW Youth Justice, and the University of Wollongong. The program was designed for young people aged 14 to 17 who had breached or were at risk of breaching an existing Apprehended Violence Order

⁸⁰ NSW Government, *A Place to Go - Overview and referral pathway* (Report, June 2022) 2-3

⁸¹ Backtrack, *Annual report 2020*.
<https://backtrack.org.au/wpcontent/uploads/2021/06/Backtrack_AnnualReport_2020.pdf>.

⁸² NSW Government. 2022. *Broadmeadow Children's Court Pilot, Overview and referral pathway*. June 2022. 5-6.

(AVO) to address the root causes of violent behaviours. The program was piloted in the Illawarra region of NSW. Based on the program's success and at the request of the local magistrate, Boost expanded its catchment to include the Sutherland Shire. The program ended in August 2023 as ongoing funding was not secured.

ACSO commissioned an evaluation of the pilot which found that:

- Young people's overall wellbeing improved;
- The program contributed to a lower AVO breach rate among young people in the program when compared with the 'comparison group', and particularly among First Nation participants;
- Protective factors were strengthened for young people, including understanding of their AVO and confidence to remain offence free, developing prosocial relationships and increased engagement in education and employment;
- Young people experienced the program as meaningful, meaning that these protective factors are more likely to be sustained.⁸³

Griffith Youth Forensic Service (Qld)

Griffith University delivers the Griffith Youth Forensic Service (GYFS) in Queensland, which provides state-wide multisystemic and specialist assessment and treatment services for young people adjudicated for sexual offences. In 2015, a study evaluating the impact of treatment provided in this service found it was equally effective at preventing sexual recidivism for First Nations and non-Indigenous youth. It also prevented violent and other recidivism for non-Indigenous youth living in remote and non-remote locations.⁸⁴

Embedded Youth Outreach Program (Vic)

The Embedded Youth Outreach Program (EYOP) provides after-hours outreach support to young people who come into contact with police. EYOP pairs a police officer with a Youth Support and Advocacy Service (YSAS) youth worker at the first point of police contact. The pilot began in 2018 with the aim of supporting the complex needs of young people at high risk of antisocial or criminal behaviour. The program provides young people with support and refers them to services tailored to their individual needs. It also refers young victims of crime to support services and works with them to reduce the likelihood of future victimisation. The pilot was delivered in Wyndham, Hobsons Bay, Maribyrnong, Dandenong, Casey, and Pakenham. In July 2023, the Victorian Government announced an expansion of these locations to include Brimbank, Melton and Shepparton.⁸⁵

The program was evaluated by Swinburne University. The evaluation compared a group of young people who had been subjected to YSAS/police contact (the treatment group) and a group that hadn't (the control group). The evaluation found that there was a 9% reduction in re-offending between the treatment and control group but that this was not statistically significant. However, for young people without a history of offending, there was a drop in

⁸³ 'The Impact of ACSO's Boost Program on Youth Justice Reform', *Australian Community Support Organisation* (Web Page, 5 April 2024) <<https://www.acso.org.au/the-impact-of-acsos-boost-program-on-youth-justice-reform/>>; 'Boost Program Empowers Young People to Break the Cycle of Violence', *Australian Community Support Organisation* (Web Page, 20 July 2023) <<https://www.acso.org.au/boost-program-empowers-young-people-to-break-the-cycle-of-violence/>>

⁸⁴ Troy Allard, et al, 'Responding to youth sexual offending: a field-based practice model that "closes the gap" on sexual recidivism among Indigenous and non-Indigenous males' (2016) 22(1) *Journal of Sexual Aggression* 82

⁸⁵ 'Embedded youth outreach program', *Victoria Police* (Web Page, 14 August 2025) <<https://www.police.vic.gov.au/embedded-youth-outreach-project>>.

family violence re-offending in the treatment group. Similarly, for young people with a history of offending there was a decrease in re-offending rates for property and deception offences in the treatment group.⁸⁶

The evaluation found that young people who had been supported by the police/YSAS partnership had future numbers of field contact with the police stabilise rather than increase as it did with the control group. (However, not all police contacts lead to a field contact record being submitted, so this finding is not conclusive of all contact with police.) The evaluation found that all groups of young people who had first contact with the police went on to have future contact with the police. However, the number of future contacts was lower for the group who had been contacted first by the police/YSAS partnership.

The researchers noted that, even with the modest outcomes, the EYOP program is likely to result in 1000 fewer offences on an annual basis. They found that this offers value for money and outweighs its expenses. Overall, the evaluation provides support that multi-disciplinary response teams are better at reducing crime than police alone. It also supports that youth worker presence may lead to a stabilising in police contact rather than an increase.⁸⁷

Intensive Case Management (Qld)

In February 2023, the Queensland Government published a report summarising findings from a 2022 Nous Group evaluation of the government-led Intensive Case Management (ICM) program. ICM is modelled on evidence-based practice frameworks including multi-systemic therapy⁸⁸, Collaborative Family Work⁸⁹, the Good Lives Model⁹⁰, and Strengthening Families Protective Factors⁹¹. This evaluation found 42% of ICM clients did not reoffend (some for as long as three years post intervention). Additionally, the evaluation showed ICM resulted in a 51% reduction in the frequency of offending (in comparison to a 29% reduction for young people receiving alternative youth justice supports) and a 72% reduction in the proportion of crimes against the person (in comparison to a 13% reduction for young people receiving alternative youth justice supports). It is estimated that the program results in an \$8.1-\$15.7 million saving through reduced frequency and severity of offending and reduced time in custody.⁹²

Supervised Community Accommodation (Qld)

In 2019, Griffith University conducted an evaluation of the Supervised Community Accommodation (SCA) program for young people in Queensland. This evaluation found SCA provided young people with a high-level of service delivery that addressed the drivers of offending and provided long-term safe and stable accommodation in a home-like

⁸⁶ S. Luebbers, et al, *Embedded Youth Outreach Program Evaluation* (Final Report, 2019).

⁸⁷ S. Luebbers, et al, *Embedded Youth Outreach Program Evaluation* (Final Report, 2019).

⁸⁸ M. Porter and L. Nuntavisit, 'An Evaluation of Multisystemic Therapy with Australian Families' (2016) 37(4) *Australia and New Zealand Journal of Family Therapy* 443

⁸⁹ Chris Trotter, *Collaborative Family Work: A practical guide to working with families in the human services* (Routledge, 1st ed. 2023)

⁹⁰ 'Welcome to the Good Lives Model website', *The Good Lives Model of Offender Rehabilitation*. (Web Page) <<https://www.goodlivesmodel.com/>>.

⁹¹ 'Strengthening families: The Protective Factors Framework', *Center for the Study of Social Policy, Florida Office of the Governor* (Online Fact Sheet) <https://www.flgov.com/wp-content/uploads/childadvocacy/strengthening_families_protective_factors.pdf>.

⁹² Nous Group, *Evaluation of Intensive Case Management* (Summary report, 2023) <<https://www.cyjma.qld.gov.au/resources/dcsyw/youth-justice/program-eval/summary-report-evaluation-of-intensive-case-management.pdf>>.

environment. This evaluation highlighted the relatively strong integration of case management partnerships between youth justice staff and non-government service providers operating the facilities.⁹³ In 2020, Ernst and Young produced a follow-up evaluation and comparative analysis of SCAs in comparison to other residential care and bail support services. This evaluation concluded that SCA and residential care are higher in cost/less cost effective than bail support programs due to offering 24/7 housing. It also found over 70% of young people did not offend while residing at SCAs, but 83% of young people reoffended after exiting the program.⁹⁴

Taldumande – Bail Assistance Line (NSW)

The Bail Assistance Line (BAL) takes referrals for children and young people aged 12 to 17 years who have come into contact with the law (but have not committed a crime that warrants detention at the time of arrest) and are in need of crisis accommodation. The child or young person is given a placement (for a maximum of 28 days) and provided with a range of supports to transition to longer-term accommodation or a return to home if legally able and it is safe for them to do so. Supports during the placement may include advocacy and referral pathways for employment, education, health, drug and alcohol and disability services as well as other case management services. Fees for the service are covered by Taldumande Youth Services, Youth Justice NSW and the Bail Assistance Line.⁹⁵

An evaluation released in 2021 showed that while the numbers of children and young people accessing the service was extremely low, those placed by BAL were 10.5% less likely to be in any form of custody within six months of their contact date, compared with those children and young people who couldn't be placed due to lack of services.⁹⁶

Target 120 (WA)

Target 120 focuses on children between 10 and 14 years who have already had multiple contacts with police but have not yet been in detention. The program was first rolled out in 2018 in Bunbury and Armadale, and has since been expanded to Kalgoorlie, Kununurra, Northam, Albany, Port Hedland, Mirrabooka, Geraldton, Rockingham, and Midland in 2022-2023. A government evaluation was conducted in 2020, and in announcing an expansion of the project, the WA Government noted that 50% of people who participated in the program had not gone on to offend. Target 120 provides individualised support for young people at risk as well as additional coordinated support for their families for a period of 12 months.⁹⁷

Tedd Noffs Foundation (Qld, NSW)

⁹³ Dr William R. Wood, Dr Hennessey Hayes and Griffith University Criminology Institute, *Supervised community accommodation: Final report* (Report for Department of Children, Youth Justice, and Multicultural Affairs) <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/941fed03-5f2f-40a3-90f9-eaba14387a0a/17437_gu-sca-evaluation-1.pdf?ETag=cd8603af5b72880949753b5336abe92b>

⁹⁴ Ernst and Young. 2020. *Supervised Community Accommodation Evaluation, Multi-Criteria Analysis and Policy Options Report* (Evaluation report for Department of Children, Youth Justice, and Multicultural Affairs. September 2020). Available online <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/5720ee85-0cda-4bfe-8cd5-62bcd9b4b35/17438_ey-sca-evaluation.pdf?ETag=e613ded5ece945ba6fdbc38b5b0ac64>

⁹⁵ Taldumande Youth Service Bail Assistance Line (Web Page) <<https://www.taldumande.org.au/page/100/bail-assistance-line>>.

⁹⁶ Ilya Klauzner, 'An evaluation of the youth Bail Assistance Line'. *Crime and Justice Bulletin No. 237, July 2021*. (Online resource, NSW Bureau of Crime Statistics and Research) <https://bocsar.nsw.gov.au/documents/publications/cjb/cjb201-250/cjb237-report-evaluation-of-bail-assistance-line-2021.pdf>

⁹⁷ Government of Western Australia, '\$11.1 million boost to Target 120 program to address drivers of youth crime' (Media Statement, 3 May 2022) <[https://www.wa.gov.au/government/media-statements/McGowan-Labor-Government/\\$11.1-million-boost-to-Target-120-program-to-address-drivers-of-youth-crime-20220503](https://www.wa.gov.au/government/media-statements/McGowan-Labor-Government/$11.1-million-boost-to-Target-120-program-to-address-drivers-of-youth-crime-20220503)>

The Ted Noffs Foundation runs a residential alcohol and other drug treatment service called Program for Adolescent Life Management (PALM) for young people aged 13 to 18 years old with problematic substance and crime-related behaviours. A recent evaluation of this program analysed three pre-referral trajectories of convictions (no or low, moderate, or high incline convictions) for over 891 young people referred to the PALM service in NSW. This study found treatment was associated with a significant decrease in convictions for the high incline convictions trajectory, with 4.36 fewer convictions on average over five years post referral.⁹⁸

The Y Alternative Suspension Program (NSW)

Originally created in Canada, the Alternative Suspension Program is currently being piloted in NSW by The Y NSW. When an incident, accumulation of incidents, or reasons for concern occur (that would warrant a suspension), partner schools have the capacity to refer the student to the program with the permission of their parent/s. Once referred, a program youth worker supports the young person through a range of individual and group activities as well as their schoolwork. Return to school involves a range of meetings with the young person, their parents, youth worker and the school. The youth worker conducts follow-ups at 4-6 weeks post program (with the young person, their parents and the school) and 3 months post program (with the school). The purpose of the program is to reframe the period of suspension as a positive and highly supported experience.⁹⁹ An evaluation of the program in Canada found that up to 9 months after the program more young people who had completed the program than young people from a control group had met school academic expectations and improved their behaviour at school. Furthermore, the decrease in the number of disciplinary actions for young people who had completed the program was significantly higher (61.5%) than for the control group (39.6%).¹⁰⁰

Triple Care Farm (NSW)

Triple Care Farm is a youth drug and alcohol program offering withdrawal, rehabilitation and aftercare support for people aged 16 to 24 years of age from anywhere in Australia. Located on 110 acres in the NSW Southern Highlands, the program is voluntary, holistic, evidence-based and offers the following time options: 2 - 4 weeks (Withdrawal Program) or 12 weeks (Residential Rehabilitation). Up to 6 months of aftercare is provided to support young people on their return to the community. An evaluation showed that six months after completion of the Withdrawal Program, 80% of young people had a reduction in chronic use of drugs and alcohol; 80% of young people were engaged in training or education; and 100% were in stable housing.¹⁰¹

Triple Care Farm is run by Mission Australia. An evaluation using a 'Social Return on Investment' frame by Social Ventures Australia in 2015, found that the program facilitated long term, sustainable changes amongst a cohort of young people with multiple, intersecting and complex disadvantage. It specifically noted positive improvements in physical and mental health and well-being, stronger relationships with friends and families, and increased

⁹⁸ Tyson Whitten, et al, 'Influence of a residential drug and alcohol program on young people's criminal conviction trajectories' (2023) 84 *Journal of Criminal Justice* <<https://doi.org/10.1016/j.jcrimjus.2022.102026>>

⁹⁹ 'Alternative Suspension', *The Y NSW* (Web Page) <[https://www.ymcansw.org.au/community-services/youth/alternative-suspension/#:~:text=Alternative%20Suspension%20\(AS\)%20transforms%20the,fostering%20personal%20development%20and%20autonomy](https://www.ymcansw.org.au/community-services/youth/alternative-suspension/#:~:text=Alternative%20Suspension%20(AS)%20transforms%20the,fostering%20personal%20development%20and%20autonomy)>.

¹⁰⁰ Danièle Laliberté, *Evaluation of the Alternative Suspension Program Research Report: 2017-R008*. (Report for Public Safety Canada) <<https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2017-r008/index-en.aspx>>

¹⁰¹ 'Triple Care Farm', *Sir David Martin Foundation* (Web Page) <<https://martinfoundation.org.au/youth-programs/triple-care-farm/>>.

engagement in education and employment. The evaluation also noted a strong economic return on investment, noting that \$39.5 million worth of social value was generated. For every \$1 invested in the program, approximately \$3 of social value was created.¹⁰²

Weave Creating Futures Program (NSW)

This independent three-year evaluation of the WEAVE Creating Futures program (which provides intensive, culturally safe case work support to First Nations young people on release from custody) found that only 4.11% of the 93 young people engaged in the program over the period of the evaluation reoffended. This was compared to BOCSAR reoffending rates for young First Nations people which are 57.3% for a comparable cohort.¹⁰³

Whitelion: Deadly Diversions Youth Support Service (WA)

The Deadly Diversions project is a collaboration between WA Police and Whitelion aimed at preventing young people in Perth's Northern suburbs from continuing their cycle of criminal justice system involvement. The program provides 28 individuals with intensive case management support and addresses the root causes of their offending through individualised support, mentoring, and social engagement activities. The program focuses on improving long-term outcomes and addressing social factors such as education and literacy, connection to culture, housing, parenting, and counselling.¹⁰⁴ Outcomes from the service include: 73% of participants feel they have become more independent; 71% of participants feel better about the future; and there is evidence of a reduction in crime and antisocial behaviour.¹⁰⁵

First Nations Led Alternatives

Mounty Yarns (NSW) – Example of centring the voices of Aboriginal children and young people in proposing solutions

Mounty Yarns is a youth-led initiative in Mount Druitt, NSW, designed and delivered by First Nations young people with lived experience of the youth justice system. The Mounty Yarns project documented and amplified the voices of almost 100 Aboriginal young people aged between 6 and 26 (with most between the ages of 15 and 23), through yarning circles, one-on-one conversations, school and youth justice centre sessions, and community engagement. Twelve young people subsequently took on leadership roles in the project, with ongoing input from Elders and community leaders¹⁰⁶.

The project was created to address the over-representation of First Nations young people from Mount Druitt in the criminal justice system and the lack of youth voice in decisions affecting

¹⁰² SVA Consulting, *Triple Care Farm, Baseline Total Return on Investment Project* (Report, May 2015) <<https://www.parliament.nsw.gov.au/lcdocs/other/11330/Additional%20document%202%20-%20Mission%20Australia.PDF>>.

¹⁰³ Melanie Schwartz and Mareese Terare, *Creating Futures: Weave's intensive support service for young people leaving custody or involved in the criminal justice system* (Evaluation report) <<https://apo.org.au/node/306819>>.

¹⁰⁴ Government of Western Australia, 'Deadly Diversions kicking goals in the northern suburbs' (Media Statement, 29 May 2018) <<https://www.wa.gov.au/government/media-statements/McGowan-Labor-Government/Deadly-Diversions-kicking-goals-in-the-northern-suburbs-20180528>>

¹⁰⁵ 'Programs that work: Existing alternatives to the justice system for young people 10 Case Studies', *Social Reinvestment Western Australia and Raise the Age Western Australia* (Online PowerPoint Presentation) <<https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/615bf3ac17e47d7acf388f44/1633416111307/RTA+Case+Studies+Programs+that+Work.pdf>>.

¹⁰⁶ Mounty Yarns. (2023). *Mounty Yarns: Lived experiences of Aboriginal young people in Mt Druitt*. Mounty Yarns.

them. The project was grounded in a strengths-based and culturally informed approach and was centred around building trusting relationships with young people who are often considered 'hard to engage', involving them directly in identifying systemic issues impacting their life in Mount Druitt and proposing solutions¹⁰⁷.

The stories collected in Mounty Yarns described consistent patterns of over-policing, criminalisation from a young age, negative interactions with police, punitive and unrealistic bail conditions, repeated custody episodes, and limited access to culturally-appropriate support. Young people reported experiences of racial profiling, physical use of force by police, and fines for minor offences, all of which contributed to cycles of justice system contact. Those who had experiences of youth prisons described being strip-searched, having limited contact with family, and a lack of meaningful post-release support. Participants also recounted fractured experiences of education marked by exclusion, racism, low expectations from teachers, and limited opportunity for cultural learning.

Many young people had been suspended repeatedly, expelled or disengaged from school entirely. Those who had experiences of out-of-home-care reported frequent placement changes, disconnection from family and culture, and fragmented casework support. Despite these experiences, young people involved in Mounty Yarns described holding a lot of pride in their community, emphasised their strong cultural identity, and a commitment to building better futures for themselves and younger generations. They emphasised that punitive justice approaches do not work, are harmful, and fail to address the underlying causes of why young people from Mount Druitt end up in the youth justice system.

Participants had various solutions for addressing the issues they faced in their community. The recommendations coming out of the project included:

- An Aboriginal community-controlled youth service in Mount Druitt to provide safe, culturally appropriate spaces for young people and families, with after-hours access, cultural programs, mentoring, throughcare support, and community-based bail options. Participants acknowledged that one service isn't the whole solutions, but that systems change is critical.
- System change in service delivery, with flexible, responsive support from workers who understand the justice system, hold cultural knowledge and can work outside standard hours.
- Expanded youth-led activities including sport, music, cultural camps, and community events with young people holding decision-making roles in what these activities would ultimately look like.
- Increased culturally appropriate support for young people in OOHHC, including clear processes for young people in leaving care, knowing their rights, and in connecting with families and communities.
- Housing solutions including supported and transitional and affordable accommodation, with wraparound support.
- Culturally safe mental health and AOD services which are delivered by First Nations workers¹⁰⁸.

¹⁰⁷ Mounty Yarns. (2023). *Mounty Yarns: Lived experiences of Aboriginal young people in Mt Druitt*. Mounty Yarns.

¹⁰⁸ Mounty YaMounty Yarns. (2023). *Mounty Yarns: Lived experiences of Aboriginal young people in Mt Druitt*. Mounty Yarns.

The project also included various criminal justice system reform proposals which included:

- Ending racial profiling, overuse of police powers, and targeting of First Nations young people through measures such as the Suspect Target Management Plan (no longer operating in NSW)
- Greater cultural training for police in Mount Druitt, informed by local young people, and independent oversight of complaints.
- Stopping fines being issued to children under the age of 18 and providing free public transport for young people and adults (under 26) who have had interactions with the youth justice or child protection systems.
- Expanding access to the Youth Koori Court and ensuring bail conditions are realistic and supportive.
- Increasing cultural programs, Aboriginal staff, and independent mentors in youth prisons, and establishing community-led throughcare services¹⁰⁹.

Participants also had various proposals for education reforms, including more Aboriginal teachers, cultural mentors, and Elders in schools; cultural safety and trauma-informed training for staff; reduced reliance on suspension and exclusion, as well as alternative education pathways, and support with work experience and post-school options¹¹⁰.

The report produced by the Mounty Yarns Project Mounty Yarns: Lived Experiences of Aboriginal young people in Mt Druitt and a short-film have been used as tools in advocating to the NSW government, and other key stakeholders in youth justice.

In July 2025, based on the insights and recommendations developed through the Mounty Yarns project, Mounty Aboriginal Youth & Community Services was established.

Anindilyakwa Land Council Youth Justice Initiatives and The Peacemaker Program (NT)

The 2018 Groote Archipelago Local Decision-Making Agreement provided Traditional Owners, the Anindilyakwa people, with control over law and justice on the remote island community of Groote Eylandt. Since the agreement, Traditional Owners have overseen a range of community-led youth justice initiatives focused on diversion and early intervention, with the aims of directing children and young people away from the justice system and re-engaging them with education or employment. The approach supports young people to take responsibility and to develop strategies to prevent reoffending and learn new skills. Programs include intensive mentoring for early intervention with at-risk young people as well as integration into training and work experience opportunities.

There has been a 95% reduction in youth crime on Groote Eylandt since the implementation of these initiatives. 346 offences were recorded in 2018-19 compared to just 17 in 2021-22, with particularly sharp reductions in offending for boys 17 and under. Groote Eylandt provides a clear case of the benefits of local decision-making in remote communities, and evidence that community-led initiatives to divert and support are effective solutions to reducing youth crime.

¹⁰⁹ Mounty Yarns, 2023, pp. 41-47.

¹¹⁰ Mounty Yarns, 2023, pp. 48-49.

A core part of the Anindilyakwa Land Council justice initiatives was the opening of a 32-bed Healing Centre on Groote Eylandt in March 2025, as an alternative to prison in Darwin. The Healing Centre provides culturally appropriate community-based residential rehabilitation for young men aged 17 to 25. The daily operations of the service are overseen by Drug and Alcohol Services Australia (DASA). The NT Government provided \$11m in funding for operating costs for its first four years of operation.

Community Justice Groups (Qld)

Community Justice Groups (CJGs) were first trialled in three Queensland communities in 1993 in response to the Royal Commission into Aboriginal Deaths in Custody. The program has since been expanded state-wide, with First Nations-led CJGs now operating in 41 communities across Queensland. CJGs work with key stakeholders to coordinate place-based responses that support First Nations people interacting with the justice system. A 2010 KPMG-led evaluation found stakeholders involved in Queensland CJGs widely supported the initiative and that it is closely aligned with state and national justice priorities. However, the evaluation found that CJGs required greater resourcing and support to improve their capacity to deliver responses that reduce the over-representation of First Nations people in prison.¹¹¹ Following this evaluation, Queensland Government released a Framework for Stronger CJGs and allocated an additional \$19.1 million over four years in the 2019-2020 state budget to enhance the initiative. Myuma Pty Ltd conducted an evaluation of CJGs over three phases (Phase 1 in 2021, Phase 2 in 2022 and Phase 3 in 2023). The three year evaluation showed CJGs support and empower First Nations communities to reduce contact with the criminal justice system as well as support community members to navigate justice processes.¹¹²

Community Night Patrols (various locations)

Community Night Patrols are a form of 'community self-policing' led by First Nations communities.¹¹³ They operate across urban, rural and remote locations in most Australian states and territories. Community night patrols are "locally run initiatives with formal agendas that focus on keeping young people safe and preventing contact between Indigenous young people and the state police, although in practice they often appear more focused on an array of loosely related issues of social welfare".¹¹⁴ The "core ethos of patrol work includes connection to the local First Nations community; independence from state police; and a consensual basis of operations (built on trust, rapport and in some cases cultural authority)".¹¹⁵

Night patrol initiatives are shaped by their specific local context, resulting in diversity in function, composition, funding and goals.¹¹⁶ Similar features include providing safe

¹¹¹ KPMG, *Department of Justice and Attorney General, Evaluation of the Community Justice Group Program, Final Report*. (Final Report, 2010) <https://www.courts.qld.gov.au/_data/assets/pdf_file/0004/519898/final-report-community-justice-group-evaluation.pdf>

¹¹² 'Community Justice Group Program', *Queensland Courts* (Webpage, 2025) <<https://www.courts.qld.gov.au/services/court-programs/community-justice-group-program>>

¹¹³ H. Blagg, and T. Anthony, 'If Those Old Women Catch You, You're Going To Cop It: Night Patrols, Indigenous Women, and Place Based Sovereignty in Outback Australia—ProQuest', (2014) 8(1) *African Journal of Criminology and Justice Studies* 103

¹¹⁴ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548, 549.

¹¹⁵ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548, p549

¹¹⁶ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548, p549.

transportation, dispute resolution, the prevention of family violence, homelessness, substance misuse, and reducing contact with the criminal justice system.¹¹⁷

Night patrol work extends well beyond providing a 'free taxi service' as some non-Indigenous community members perceive it. Workers provide interpersonal and relational support akin to social work functions, assisting young people with safe housing, mentoring, emotional support, local service identification and referral, and act as a visible and caring presence in the lives of young people who use their services.¹¹⁸ This distinguishes them from state policing practices, where they may operate in tension with state authorities due to differing priorities and approaches.¹¹⁹ As government interest and funding in night patrols increased, local control and responsiveness has reduced.¹²⁰ Governments came to view night patrols through a crime prevention lens and as supporting police work. This focus on crime and violence reduction can undermine the legitimacy and credibility of night patrols in Aboriginal communities.¹²¹ As Blagg and Anthony have noted: "Government, rather than communities, increasingly establishes the rules by which patrols operate, and attempt to define 'core business' in a way that restricts patrols to activities that can be measured in directly 'crime prevention' terms".¹²² Porter's research found that maintaining clear independence from the police is crucial to the legitimacy of night patrols, especially for children and young people who have had negative experiences with the criminal justice system.¹²³

Maranguka Justice Reinvestment Project (NSW)

Maranguka is the first Aboriginal-led place-based model of justice reinvestment in Australia located in Bourke (North-West NSW). The independent review of the Maranguka Justice Reinvestment Project in 2016–17 found a 23% reduction in domestic violence offending; 38% reduction in the number of youth proceeded against for driving offences, alongside increased rates of school retention and estimated savings of \$3.1 million over the course of a year.¹²⁴ The close partnership between the community and police was critical to the success of this work, with regular meetings between police and community members, sharing of data, and working together to identify community members in need.¹²⁵

Olabud Doogethu (WA)

¹¹⁷ Harry Blagg and Thalia Anthony, *Decolonising Criminology: Imagining justice in a Postcolonial world* (UK:Palgrave Macmillan, 2019).

¹¹⁸ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548.

¹¹⁹ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548.

¹²⁰ Harry Blagg and Thalia Anthony, *Decolonising Criminology: Imagining justice in a Postcolonial world* (UK:Palgrave Macmillan, 2019).

¹²¹ Harry Blagg and Thalia Anthony, *Decolonising Criminology: Imagining justice in a Postcolonial world* (UK:Palgrave Macmillan, 2019).

¹²² Harry Blagg and Thalia Anthony, *Decolonising Criminology: Imagining justice in a Postcolonial world* (UK:Palgrave Macmillan, 2019).

¹²³ A. Porter, 'Decolonising policing: Indigenous patrols, counter-policing and safety', (2016) 20(4) *Theoretical Criminology* 548, 549.

¹²⁴ KPMG, *Just Reinvest NSW Maranguka Justice Reinvestment Project Impact Assessment* (Report, November 2018) <<https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>>

¹²⁵ F. Allison and C. Cunneen, 'Justice Reinvestment in Australia: A review of progress and key issues', *Justice Reinvestment Network Australia* (Review, 2020) <https://jrna228913579.files.wordpress.com/2022/07/national-report_jr.pdf>.

The Kimberley-based Olabud Doogethu project is Western Australia's first justice reinvestment site. Olabud Doogethu aims to create stronger communities, more resilient families and young people, and reduce youth involvement in the criminal justice system in the Halls Creek Shire. The project's focus is community-driven and Aboriginal-led initiatives that build local community cohesion, capacity, leadership and infrastructure; tackle disadvantage; and create local justice support opportunities. 90% local Aboriginal employment has been achieved for all Olabud Doogethu service programs.¹²⁶ Data provided by Western Australia Police for the period 2017-20 showed significant reductions in youth crime at the site, including a 63% reduction in burglaries; a 43% reduction in oral cautions, a 69% reduction in arrests; a 64% reduction in Aboriginal persons admitted to police custody (aged 10-plus) and a 59% reduction in stealing of motor vehicles.¹²⁷

The Yiriman Project (WA)

The Yiriman Project – which is run by the elders of four Kimberley language groups to reconnect their young people to culture while also reducing contact with the criminal justice system, harmful substance use and suicide – has received numerous awards and positive evaluations.¹²⁸ Yet it has struggled over the past two decades to secure the funding it needs to continue its services. Children and young people aged 15 to 25 years are taken out on country to visit Elders where they are involved in deep learning and transmission of culture and language, workshops, making of artefacts and taking care of the land. A three-year evaluation found it reduced participants' subsequent contact with the criminal justice system, with some concluding it was better than most other sentencing and diversionary options in this regard.¹²⁹

Yuwaya Ngarra-li (NSW)

Yuwaya Ngarra-Li is a community-led partnership between the Dharriwaa Elders Group in Walgett and University of New South Wales (UNSW). The purpose of the partnership is to work together to improve the wellbeing, social, built and physical environment and life pathways for Aboriginal people in Walgett through collaborating on evidence-based initiatives, research and capacity building. The partnership is enabled through community, university, government and philanthropic support. The partnership is focused on responding to local priorities; community-led knowledge, solutions and services; and advocating for long-term change.

The partnership is focused on the following six key priorities for Walgett:

- Youth Justice and wellbeing
- Dealing with fines
- Housing

¹²⁶ Olabud Doogethu Aboriginal Corporation, *The impact* (Webpage) <https://oladoogethu.org.au/about-us/the-impact/>

¹²⁷ F. Allison and C. Cunneen, 'Justice Reinvestment in Australia: A review of progress and key issues', *Justice Reinvestment Network Australia* (Review, 2020) <https://jrna228913579.files.wordpress.com/2022/07/national-report_jr.pdf>.

¹²⁸ K. Thorburn and M. Marshall, 'The Yiriman Project in West Kimberley: An example of justice reinvestment?' *Current Initiatives Paper, Indigenous Justice Clearinghouse* (Online resource, 2017) <<https://apo.org.au/sites/default/files/resource-files/2017-07/apo-nid116631.pdf>>; D. Palmer, 'Yiriman youth justice diversion program business plan 2016' (Business plan, 2016) <<http://kalacc.org/wp-content/uploads/2018/06/yiriman-youth-justice-diversion-business-plan-2016.pdf>>; 'Best practice – Prevention – Yiriman Project – Evaluation', *The Centre of Best Practice in Aboriginal & Torres Strait Islander Suicide Prevention* (Website) <<https://cbpatsisp.com.au/clearing-house/best-practice-programs-and-services/programs-for-preventing-youth-suicide/>>

¹²⁹ D. Palmer, 'We know they healthy cos they on country with old people: Demonstrating the value of the Yiriman Project 2010-2013', *Kimberley Aboriginal Law and Culture Centre* (Online paper) <<https://researchrepository.murdoch.edu.au/id/eprint/42383/1/Yiriman%20Project.pdf>>

- Aboriginal community capabilities and control
- Food and water security
- Caring for Country.

A key focus for Yuwaya Ngarra-li has been to build and embed a holistic, community-led model to divert young people from the criminal justice system in Walgett. The Youth Diversion Demonstration model named *Baulaarr Bagay Warruwi Burranba-li-gu* 'Two River Pathway to Change'. The [Two River Pathway to Change](#) model includes three interlinked strategies:

1. Influencing practices and services to support better outcomes for Aboriginal children and young people.
2. Supporting engagement and leadership by Aboriginal Community Controlled Organisations (ACCOs), parents and carers.
3. Working intensively with Aboriginal children and young people in Walgett to improve their wellbeing and reduce contact with the criminal justice system.¹³⁰

Key findings from developing, implementing and refining the Two River Pathway to Change model from 2018 to 2023 include:

- Children and young people in Walgett are over-policed and under serviced.
- The cohort experiences complex mental health issues, stemming from intergenerational trauma, overcrowded housing and lack of access to appropriate support services.
- Urgent and critical mental health and wellbeing supported are needed for young people, including long-term counselling and assistance in accessing existing services.
- Many young people are excluded from education through long and successive suspensions and flawed return-to-school processes.
- Wellbeing checks conducted by Dharriwaa Elders Group were effective in early intervention and building trust but are no longer happening due to staffing changes.
- The model emphasises the need to address broader conditions for children and young people's wellbeing, beyond changes in the justice system.
- Areas requiring significant shifts to support children and young people include trauma-informed education, access to mental health care and youth services that build trusting relationships.¹³¹

In 2021, it was reported that as a result of Yuwaya Ngarra-li's progress implementing the Two River Pathway to Change model, one of the partnerships early indicators of less than 10% Aboriginal children and young people appearing in the Children's Court was exceeded, with data indicating the level to be 7.8%.¹³²

¹³⁰ P. MacGillivray, et al, 'Lessons from the Two River Pathway to Change Diversion Model 2018-2023' (2024) (Briefing Paper, February 2024) <https://www.unsw.edu.au/content/dam/pdfs/edi/2023-10-yssy-burton-clark/2024-02-yn_tworiversbriefingpaper.pdf>

¹³¹ P. MacGillivray, et al, 'Lessons from the Two River Pathway to Change Diversion Model 2018-2023' (2024) (Briefing Paper, February 2024) <https://www.unsw.edu.au/content/dam/pdfs/edi/2023-10-yssy-burton-clark/2024-02-yn_tworiversbriefingpaper.pdf>

¹³² P. MacGillivray, et al, 'Lessons from the Two River Pathway to Change Diversion Model 2018-2023' (2024) (Briefing Paper, February 2024) <https://www.unsw.edu.au/content/dam/pdfs/edi/2023-10-yssy-burton-clark/2024-02-yn_tworiversbriefingpaper.pdf>

In July 2025, Galuma-li opened. Galuma-li is a holistic, community-led hub that serves as a central point for community connection, support and cultural enrichment in Walgett. Galumi-Li houses five key programs:

- Dealing with Fines Team: Assisting community members in managing and clearing outstanding fines.
- Walgett Youth Wellbeing Service: Nurturing the wellbeing of young people through various programs and support.
- Community Troubleshooting Program: Initiatives which provide systemic and individual advocacy on issues such as electricity bills, housing and community-led emergency responses.
- Food and Water for Life: Providing food and water security responses tailored to the Walgett Aboriginal Community.
- Dharriwaa Elders Group River Rangers: Engaging young people in environmental stewardship and cultural learning on Country.

Support services targeted at at-risk children and families, particularly in regional and remote areas

Youth justice in NSW is an increasingly politicised space and media coverage has amplified public concerns about ‘youth crime’, particularly in regional and outer-metropolitan areas, and often focusing on repeat break and enter or car theft incidents in specific towns. This framing fuels perceptions of a ‘crime wave’ and creates pressure for punitive measures. These narratives play out most heavily in regional NSW, where BOCSAR data shows that 68% of Aboriginal young people are from – reflecting deep structural inequities, chronic under-investment in prevention and diversion, and the ongoing failures of systems to meet the needs of these communities¹³³.

The Federal Senate *Inquiry into Australia’s Youth Justice and Incarceration System* heard that diversionary and bail-support options in regional and remote areas are chronically underfunded, inaccessible and unable to meet the needs of children living in these areas, especially First Nations children. This echoes similar findings made in the 2018 Legislative Assembly *Inquiry into the Adequacy of Youth Diversionary Programs* in NSW, which found children from regional and remote areas are less likely to be diverted.

The Justice Reform Initiative noted in our 2024 submission as well as our verbal evidence into the NSW Government Inquiry into Community Safety in Regional and Rural Communities, Currently in regional and rural NSW that there are extremely limited community led alternatives for children that are available to courts to use as diversionary, bail support and sentencing options. There is also very limited access to specialist support for children who are at risk. There are many effective services on the ground doing excellent work in NSW and around Australia, but these are chronically under-resourced, are often unable to meet demand, and they are often inaccessible to children living in remote and regional areas. As a consequence, these services do not have the capacity to make a significant impact on rates of crime and rates of incarceration. These projects are also often operating in a policy context where the investment in punitive

¹³³ NSW Bureau of Crime Statistics and Research, 2025.

policing and incarceration models effectively nullifies the impact of those programs designed to interrupt cycles of incarceration and disadvantage. Several of the evidence based projects described in the earlier part of this submission are based in regional areas, but

TOR 1(c) - Disproportionate impacts for First Nations children and young people

(b) the specific and disproportionate impact of the youth justice system on Aboriginal children, and the adequacy of current strategies to Close the Gap on Aboriginal youth incarceration

JRI encourages the inquiry to elevate and prioritise the submissions made by First Nations' agencies, whose expertise, lived experience and community-led solutions are essential to any credible justice reform agenda.

In addition, the JRI refers the inquiry to the Audit Office of NSW report, 'Support for First Nations peoples in custody and post-release to reduce offending', tabled on 12 March 2026. This audit examined whether Corrective Services NSW and Youth Justice NSW provide effective and efficient support and programs for First Nations peoples, and found that while agencies have invested in support for First Nations peoples:

- The agencies have not operationalised systemic and structural transformation
- The agencies do not monitor, evaluate or report on expenditure and outcomes for First Nations peoples
- The agencies have not established governance and accountability arrangements to support their targets
- The agencies assessment tools (such as high risk classifications in custodial settings) disproportionately impact first Nations peoples, limiting their access to programs and increasing the institutional barriers that can contribute to reoffending
- The agencies do not have a referral framework to systematically support First Nations peoples exiting custody, including an endorsed list of culturally appropriate services in community
- The agencies have not sufficiently addressed the needs of First Nations peoples on remand, or highlighted the practices contributing to significant growth in remand population.

The report makes formal recommendations that the agencies establish governance and accountability in line with Closing the Gap and OCHRE; co-design a First Nations Healing Framework; establish formal partnerships; and review their assessment tools.¹³⁴

¹³⁴ Audit Office of NSW, 'Support for First Nations peoples in custody and post-release to reduce reoffending' (Performance Audit, 12 March 2026) <<https://www.audit.nsw.gov.au/our-work/reports/support-for-first-nations-peoples-in-custody-and-post-release-to-reduce-reoffending>

63% of children imprisoned by state and territory governments in Australia are First Nations children¹³⁵. State and territory governments consistently imprison First Nations children (and adults) at higher rates than the non-Indigenous population. Productivity Commission data notes that state and territory governments are 27 times more likely to imprison First Nations children compared to non-Indigenous children¹³⁶. This is higher in some jurisdictions. Incarceration for all children, including First Nations children, is trauma reinforcing. Children are removed from their carers, kin and communities, and often unable to participate in meaningful activities, or further education, employment, or vocational training. For First Nations children who are disproportionately represented in prison, trauma is amplified by the removal from Country and community, and disconnection from culture. The disproportionate incarceration of First Nations children both reflects and reproduces many forms of structural disadvantage, systemic racism, and continued institutionalisation and dispossession. Colonialisation and the “eroding of First Nations peoples’ ways of knowing, being and doing” has contributed to current levels of over-incarceration¹³⁷.

The Uluru Statement from the Heart noted: ‘Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.’¹³⁸

First Nations communities have the solutions. Respect for self-determination and the handing back of decision-making authority to First Nations communities is key to reducing the overincarceration of First Nations children in Australia.

First Nations place-based and community-controlled approaches seek to address structural and systemic social and justice problems at the local level rather than through top-down policies. They draw on the unique capabilities and strengths, as well as the challenges, that First Nations communities face and challenge governments to develop genuine partnerships with communities to alleviate structural disadvantage. Place-based initiatives prioritise networks, collaboration, community engagement and flexibility.¹³⁹

First Nations community control over the design, delivery and evaluation of services is essential, with self-determination recognised as critical to creating culturally safe mechanisms to prevent and reduce the criminalisation and imprisonment of First Nations children and young people.¹⁴⁰ Research by First Nations scholars and those working in decolonising justice research highlight that First Nations leaders must be at the forefront of decision-making, system design and service delivery.¹⁴¹

¹³⁵ Productivity Commission. 2024. Report of Government Services (ROGS) 2024: Youth justice services, table 17A.2

¹³⁶ Productivity Commission. 2024. Report of Government Services (ROGS) 2024: Youth justice services, table 17A.2

¹³⁷ Helen Milroy, Marshall Watson, Shraddha Kashyap and Pat Dudgeon, ‘First Nations Peoples and the Law’ (2022) 50(3) Australian Bar Review.

¹³⁸ ‘Uluru Statement from the Heart’. National Constitutional Convention, 26 May 2017.

¹³⁹ R. Gilbert, ‘Place-based initiatives and Indigenous justice’ (Research Brief, June 2012) <<https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/brief013.v1.pdf>>

¹⁴⁰ K. Crowe, ‘Community-Based Alternatives to Secure Care for Seriously At-Risk Children and Young People: Learning from Scotland, The Netherlands, Canada and Hawaii’ (2024) 4(3) *Youth* 1168.

¹⁴¹ B. Agozino, ‘Humanifesto of the decolonization of criminology and justice’, (2019) 1(1) *Decolonization of Criminology and Justice* 5; T. Anthony, et al, ‘Decolonizing criminology theories by centring First Nations praxis and knowledges’ in C. Cunneen, et al, (Eds.), *The Routledge International Handbook on Decolonizing Justice* (Routledge, 2016) 504; J. Krakouer, et

In the previous section of this submission, we note just some of the many First Nations place-based approaches across Australia that are improving outcomes for First Nations children, families and communities.

TOR 1(d) Alternative Youth Justice Models and Frameworks

- (i) **Examples from other Australian Jurisdictions such as Tasmania**
- (ii) **International best-practice models, including those in Scotland, England and Wales, and Scandinavian countries**

Australian Examples

Victoria's Violence Reduction Unit (VRU)

The recently established Victorian Violence Reduction Unit (VRU) reflects a growing shift toward public-health approaches to preventing young people engaging in violent behaviours, drawing on the well-established models pioneered in Glasgow and London, which have demonstrated reductions in violent crime through early intervention and coordinated community engagement. The VRU framework emphasises using police intelligence and data to understand the underlying drivers of violence, aligning prevention programs across agencies, and working directly with young people, families and local communities to design responses that address root causes rather than symptoms.

The model focuses on multi-agency collaboration, targeted support for at-risk young people, and the integration of community-led initiatives to build safety and resilience. This approach offers a valuable example of how Australian jurisdictions can strengthen community safety by investing in prevention, addressing social determinants of harm, and supporting young people before they become entrenched in the justice system.

JRI tentatively welcomes this initiative and looks forward to examining the evaluation evidence, as it emerges.

Tasmanian Youth Justice Blueprint

The Tasmanian Government has adopted a youth justice blueprint that is ambitious in its scope to transform Tasmania's youth justice system, with a particular focus on child rights, safety and decarceration. This blueprint arose out of the recommendations of the Commission of Inquiry into Ashley Youth Detention. The blueprint has a focus on closing Ashley Youth Detention Centre, increasing funding in the areas of diversion and prevention, and raising the age of criminal responsibility and the age of detention. Although there are significant concerns about the implementation of the strategy, it is an ambitious blueprint for reform that may be of interest to the NSW Government.

International Examples

The literature is clear that children and the community are best served through models that support children and families to access targeted and evidence-based supports while staying

al, 'Community-based models of alcohol and other drug support for First Nations peoples in Australia: A systematic review' (2022) 41(6) *Drug and Alcohol Review* 1418.

connected to their community and living in their home environment.¹⁴² That is, non-residential support options are far more effective than residential options.¹⁴³ If residential options are required where there is not a suitable home environment, it is critical to consider what does work. Incarceration does not work to make the community safer, deter offending, or reduce crime. Alternative models that seek to support children to stop offending take a child-centred approach to 'do no harm'.

In jurisdictions where therapeutic and rehabilitative facilities have worked (such as Hawai'i, Missouri and Spain), there has been a whole-of-system change process that genuinely centres a trauma-informed, transformational and restorative approach. This is more than simply implementing 'therapeutic' or 'rehabilitative' programs or centres. It is a significant paradigm shift in the way that systems work, and in the knowledge, attitudes, perspectives, and skills of people who work within those systems.¹⁴⁴ Effective residential models have emerged alongside major systemic reforms that move jurisdictions away from the traditional punitive and carceral aspects of the criminal justice system. The responses in these jurisdictions are very different to those in Australia (which centre 'tough on crime' policies, 'stronger laws' and tougher penalties).

While therapeutic residential models differ across jurisdictions, there are similarities. These facilities are much smaller in scale, local and community-based. They are delivered as part of a whole-of-community response and in most cases are designed and run by community-based services. Facilities are home-like, prioritise trust and relationships (above security and compliance), and create stable, safe, and trauma-informed environments for children to thrive (rather than survive). There is a particular focus on wrapping community-led supports and services around children and their families to address the root causes of their offending. Staff are highly-skilled and guide children (and their families) down a different path through positive connections and relationships.

Unlike Australia where the majority of children are held in prison for very short periods on remand, children in jurisdictions with alternative residential models that work are typically sentenced and receive support over a longer period. Importantly, alternative residential models that work also provide the avenue for children to stay connected and involved in their community – whether through social media or giving them flexibility (and trusting them) to leave the residential facility to participate in employment, workforce development and training opportunities, recreational activities and/or community/cultural engagements.

In considering evidence-based residential models for children and young people and what might work in Australia, it is fundamental to consider the historical context of our country. The disproportionate representation of Aboriginal and Torres Strait Islander children (and adults) in prison in Australia both reflects and reproduces systemic disadvantage. It is impossible to disconnect this disproportionate representation and the continued institutionalisation of First Nations peoples with the social drivers of incarceration identified so clearly in the thirty-year-old Royal Commission into Aboriginal Deaths in Custody report, including the impact of colonisation, structural racism, and dispossession.

¹⁴² The Annie E. Casey Foundation. (2010). The Missouri model: Reinventing the practice of rehabilitating youthful offenders. <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/missouri-model-reinventing-practice-rehabilitating-youthful>>

¹⁴³ F.A. Sovereign, 'Nothing works' in secure residential youth care?' (2013) 35(12) *Children and Youth Services Review* 1941

¹⁴⁴ 'Moving to trauma-responsive care', *Butler Center for Research* (Website, April 2021) <<https://www.hazeldenbettyford.org/research-studies/addiction-research/trauma-responsive-care>>

Colonialisation and the “eroding of First Nations peoples’ ways of knowing, being and doing” has led to current levels of First Nations incarceration. Drawing on the strengths of First Nations communities is infinitely more difficult when governments “are imprisoning traumatised, developmentally compromised, and disadvantaged young people, where imprisonment itself adds to the re-traumatisation and complexity of supporting rehabilitation and recovery.”¹⁴⁵ Aboriginal and Torres Strait Islander organisations and communities have for decades been providing leadership and advocacy in this space, as well as clearly stating what is needed to prevent this disproportionate representation continuing. Some of the reforms required are legislative. Other reform areas are about handing back cultural authority and community control to First Nations communities and increasing accessibility to services and supports that are First Nations-led and culturally modelled. First Nations-led remote healing centres – proposals that have been put together by respected First Nations leaders alongside subject matter experts – have the potential to be an extraordinarily helpful tool in the development of alternative residential responses for children and young people’s justice.¹⁴⁶ There is an opportunity for governments in Australia to look across the borders and learn lessons from the major systems reform that has occurred in other places, and in particular Hawai’i. As outlined below, Hawai’i has replaced its punitive colonial youth justice system with an Indigenous-led and culturally modelled restorative alternative. Governments here must follow in the footsteps of jurisdictions like Hawai’i and build genuine partnerships with First Nations people to ensure First Nations children have access to culturally modelled and community-led supports.

Diagrama in Spain (International)

Diagrama is an international not-for-profit organisation that operates over 35 custodial centres across Spain for young people aged 14 to 23 who are remanded or sentenced to custody, typically for serious and persistent violence-related charges. The Diagrama model has demonstrated a reduction in recidivism rates, with operational costs comparable to – or lower than – those of other providers. It has also been implemented in France and the United Kingdom.

A study of 757 young people who attended a Diagrama centre in 2011 found that by December 2017 (six years later), only 13.6% had returned to custody.¹⁴⁷

Diagrama’s centres offer home-like, stable, safe and supportive environments for young people, wrapping tailored supports around them to prepare them for life post-intervention. The staffing model prioritises highly qualified professionals trained in trauma-informed and therapeutic approaches. This includes:

- Degree-qualified social educators, who engage with young people daily through warm, parent-like relationships; and
- A multi-disciplinary professional team – including psychologists, psychiatrists, speech therapists, occupational therapists, social workers, reintegration workers, and

¹⁴⁵ H. Milroy, et al, *First Nations Peoples and the Law*, published in the *Australian Bar Review*, Volume 50, Part B (Report) <https://www.lexisnexis.com.au/data/assets/pdf_file/0008/420974/Australian_Bar_Review_ABR-Volume50_Part3.pdf>

¹⁴⁶ A. O’Flaherty, ‘Renewed calls for juvenile offenders to be sent to assessment centres rather than detention’ (ABC News Article, November 19 2022) <<https://www.abc.net.au/news/2022-11-19/calls-for-healing-assessment-centres-for-juvenile-offenders/101660826>>

¹⁴⁷ Centre for Innovative Justice, RMIT University, *A European alternative approach to juvenile detention* (Online resource, December 2018) <<https://cij.org.au/news-and-views/a-european-alternative-approach-to-juvenile-detention>>; Diagrama Foundation, ‘A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory’ (Report, October 2019) <<https://humanrights.gov.au/?a=56667>>

healthcare staff – who undertake assessments, case planning, interventions, and reintegration programs.

Security staff are few and take a passive role, intervening only as a last resort in managing incidents. The culture and infrastructure of these centres are fundamentally different from Australian youth detention centres and prisons. In Spain, young people are supported by professional role models who help them build the skills and behaviours needed to engage positively with their communities. Accountability is encouraged through support and guidance, enabling young people to gradually earn more autonomy and responsibility within and outside the centre. They participate in work, education, recreation, and social activities in the broader community.¹⁴⁸

As highlighted in Kate Bjur's Winston Churchill Fellowship Report, leave of absence is standard practice:

In Spain, approximately 30 to 50 percent of young people go off centre daily, and in the lower-risk open centres, every young person is in the community every day, with or without a staff member. In one centre in the Murcia region, 4,000 instances of young people leaving the centre occurred in 2022. Of those, four returned after curfew and non-reoffended while on leave.¹⁴⁹

Young people are supported to fail and learn while residing at these centres. The model of care acknowledges that growth requires time, practice and support from trusted adults. Unlike other custodial settings where mistakes are punished or lead to further charges, Diagrama centres provide learning-focused guidance that fosters improvement.¹⁵⁰ This genuinely therapeutic and trauma-informed approach leads to high levels of trust and safety, resulting in very low incident and restraint rates¹⁵¹. In 2022, the Diagrama centre in Ciudad Real, Spain recorded no staff restraints of young people.¹⁵² In Spain, around 80% of young people in custody are sentenced. Diagrama centres typically work with young people for an average of nine months, with a minimum of 6 months.¹⁵³

In 2019, the Diagrama Foundation visited Australia and produced a comprehensive report exploring the feasibility of adopting the model in the Northern Territory. The report outlines how Diagrama's evidence-based centres differ from youth detention centres in the NT and elsewhere in Australia, which are largely built on a punitive, carceral model. In its report *A Blueprint for Change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory*, the Diagrama Foundation observed that young people are often 'set up to fail' in systems with high remand rates and repeated use of short sentences. They also noted that while Spanish centres primarily house people convicted of serious violent offences, the NT has

¹⁴⁸Diagrama Foundation, 'A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory' (Report, October 2019) <<https://humanrights.gov.au/?a=56667>>

¹⁴⁹ K. Bjur, 'The Donald Mackay Churchill Fellowship to investigate effective responses to youth gangs for use in youth detention centres' (Report, 2022) <<https://www.churchilltrust.com.au/qld/fellow/kate-bjur-qld-2022/>>

¹⁵⁰ K. Bjur, 'The Donald Mackay Churchill Fellowship to investigate effective responses to youth gangs for use in youth detention centres' (Report, 2022) <<https://www.churchilltrust.com.au/qld/fellow/kate-bjur-qld-2022/>>

¹⁵¹ Diagrama Foundation, 'A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory' (Report, October 2019) Diagrama (n123)

¹⁵² K. Bjur, 'The Donald Mackay Churchill Fellowship to investigate effective responses to youth gangs for use in youth detention centres' (Report, 2022) <<https://www.churchilltrust.com.au/qld/fellow/kate-bjur-qld-2022/>>

¹⁵³ Diagrama Foundation, 'A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory' (Report, October 2019)

more young people in custody for breach of bail and less serious offences¹⁵⁴. A key recommendation of the report was that legislation and policy be reformed to enable not-for-profit NGOs with relevant expertise to operate youth justice facilities. The Diagrama model:

Recognises that preventing offending is achieved through a focus on the child and their best interests, not just on their antisocial behaviour – allowing for individualised justice and the opportunity for change¹⁵⁵.

The Kawaiiloa Youth and Family Wellness Centre in Hawai'i (International)

Hawai'i has reduced the number of children in prison by 82%¹⁵⁶, reduced youth crime overall by 86%¹⁵⁷, and achieved zero girls in prison.¹⁵⁸ This dramatic reduction is a direct result of systems change that replaced the harmful and punitive western carceral criminal legal system with a culturally modelled restorative alternative. Reforms in Hawai'i particularly focused on providing adequate community-led and culturally modelled alternatives at the point of police interaction to divert children away from the system. This included implementing Indigenous Assessment Centres where children can be taken following contact with Police to have comprehensive assessment and screening completed, which informs decision-making around community-based programming that will support children (and their families) to address challenges in their life and the drivers of behaviours deemed problematic.¹⁵⁹ For children who are considered 'high-risk', the focus is on probation not prison. Other alternatives implemented include day and evening reporting centres, shelter care, home confinement, and the Kawaiiloa Youth and Family Centre.

The Kawaiiloa Youth and Family Wellness Centre in Hawai'i is a community-based alternative and transformative Indigenous-led model, which seeks to replace incarceration with therapeutic services that empower youth and strengthen community.¹⁶⁰ 'Kawaiiloa' translates to the long waters, which represents the ecosystem of resources and supports that guide youth to become leaders of social justice systems, racial equity, and healthy lives. The model is a whole of community-partnership response between state departments, community organisations and service providers, universities, and foundations.¹⁶¹ It is a place of healing located on 500 acres of property (formerly correctional land transferred in 2014) where youth have access to holistic services and supports including:

- housing and homelessness support;
- support around commercial sexual exploitation;

¹⁵⁴ Diagrama Foundation, 'A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory' (Report, October 2019)

¹⁵⁵ Diagrama Foundation, 'A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory' (Report, October 2019)

¹⁵⁶ Partners in Development Foundation, 'Kawaiiloa: A transformative Indigenous model to end youth incarceration' (Online resource, 2021) <<https://www.youtube.com/watch?v=gR9P2bWl69c>>

¹⁵⁷ Mark Patterson, *Presentation to the Lowitja Institute Indigenous Health and Wellbeing Conference 2023* (Online video, June 2023) <<https://www.lowitjaconference.org.au/conference-videos/>>

¹⁵⁸ A. Kelsey-Sugg and A. Arnold, 'Girls in Hawaii were once jailed for 'offences' like fleeing unsafe homes. Not they're not locked up at all' (ABC News Article, 28 July 2022) <<https://www.abc.net.au/news/2022-07-28/hawaii-reduced-incarceration-to-zero-girls-imprisoned-here-s-how/101237740>>

¹⁵⁹ Opportunity for Youth Action Hawai'i (Website) <<https://wearekawailoa.org/>>

¹⁶⁰ Opportunity for Youth Action Hawai'i (Website) <<https://wearekawailoa.org/>>

¹⁶¹ Opportunity Youth Action Hawai'i, Kawaiiloa: A transformative Indigenous model to end youth incarceration (Website, 2022) <<https://wearekawailoa.org/wp-content/uploads/2023/06/OYAH-Kawaiiloa-Prospectus-Executive-Summary-2.pdf>>

- workforce training and development opportunities in partnership with local businesses and volunteers who are mentors in trades and community services;
- vocational training, healing and connection, and economic opportunities to transform island food systems;
- the Olomana School;
- a residential facility; and
- connections with the broader community through social media, employment, volunteers, community council, youth and elder councils, youth transition supports, state-wide involvement with service, faith-based and cultural groups.

Programs delivered at the centre are culturally grounded, strengths-based, and delivered in partnership with families and communities.

The Promise (Scotland)

As part of its wider child-centred and strengths-based reforms focused on 'getting it right for every child' and a promise to all children and young people in Scotland "that they would grow up loved, safe and respected so that they can realise their full potential"¹⁶², the Scottish Government has committed to transforming how it approaches money and commissioning that relates to children and young people. As noted below in the background section, Scotland has committed to ensuring that children's care is not monetised and that investment is prioritised around meeting the needs of children, young people, families and care experienced adults.¹⁶³ Scotland has as such committed to moving towards an investment approach that prioritises prevention, and phases out acute and crisis services. This transformational change includes developing a systematic approach to disinvest in services and processes that are no longer meeting need. Furthermore, any surplus funds or profits will be reinvested into the care and support of children and young people. To support this, financial or profit based key performance indicators will be removed.

Scotland has also committed to transforming funding environments so that long-term commissioning, grants, and contracts are the norm, rather than the exception. Funding environments will be based on relational practice, long-term partnerships, breaking down silos, and meeting children and young people's and place-based needs. There is a particular focus on funding through place-based local communities, and ensuring that children and young people remain in their community.

The Scottish Government has also implemented a 'Whole Family Wellbeing Fund' (the Fund) to transform the way child and family support is funded and delivered across Scotland. Similar to the Victorian Early Intervention Investment Framework in Australia, the Fund was created to contribute to the Scottish's Governments priority around shifting investment towards prevention and early intervention to reduce the need for investment in tertiary responses.

The Fund focuses on a holistic whole family approach, which includes ensuring all children and families can access supports around areas such as wellbeing, poverty, alcohol and drug use,

¹⁶²Scotland Government, 'Whole family wellbeing funding programme-year 2: process and impact evaluation- fill report' (Report, 2025) <https://www.gov.scot/policies/girfec/principles-and-values/>; <https://www.gov.scot/publications/whole-family-wellbeing-funding-wfwf-programme-year-2-process-impact-evaluation-full-report/pages/1/>

¹⁶³ Scotland Government, 'The Promise- Route maps', (Website, accessed 2025) <https://www.plan2430.scot/the-five-foundations/scaffolding/money-and-commissioning/>

and education. The Scottish Government has allocated \$500 million to the Fund over the term of the current parliament from 2022 to 2026. The Fund operates differently to the Victorian Early Intervention Investment Framework in Australia in that it involves distributing funding to local Children's Services Planning Partnerships who determine how the funding is used to improve supports for whole families in their communities.

It also differs from the Victorian Framework in that it is part of a statutory response, with Children's Services Planning Partnerships legislated under the *Children and Young People (Scotland) Act 2014*.¹⁶⁴ The Act requires Children's Services Planning Partnerships to develop and publish a Children's Services Plan every three years outlining how the partnership will work together collaboratively to improve outcomes for children and young people in the local community. The Act also requires Children's Services Plans to be reviewed against statutory criteria on behalf of Scottish Ministers. Children's Services Planning Partnerships must provide information about how the local plan is shifting funding towards prevention and early intervention and divesting funding from acute and crisis services.

The composition of Children's Services Planning Partnerships differs in each community as it takes a place-based approach.¹⁶⁵ Representation typically involves a range of public departments and third sector organisations such as local councils, NHS Health Boards, police, non-government organisations, the Scottish Children's Reporter Administration, local colleges, youth groups, emergency services, education, housing and other child service's authorities. Children's Services Planning Partnerships also engage with children, young people and families to ensure they are at the centre of program design and implementation. There are other elements of this model that aim to enhance collaboration and coordination including streamlined reporting mechanisms, networking groups to share lessons learnt across partnerships, and workforce training and development. This whole-of-community/whole-of-systems approach centred around local collaboration to implement place-based and evidence-based solutions is similar to other models that have been operating in Australia like Communities that Care and Justice Reinvestment. A 2-year evaluation of the Whole Family Wellbeing Fund found many of the intended outcomes were partially achieved, demonstrating the importance of investment being a long-term approach.

Missouri Model (International)

The Missouri Model in the United States also adopts a trauma-informed and therapeutic approach to youth justice.¹⁶⁶ Missouri has undergone major systems reform over the past 50 years to address youth offending. A key feature of this reform is the implementation of small place-based and home-like facilities (around 10-30 beds) where children can access individual support (delivered in a group-based therapeutic setting and involving family).¹⁶⁷ There are several options available as part of this model depending on the strengths and needs of children and their families such as diversion programs, community-based supervision, day

¹⁶⁴ Scotland Government, 'The Promise' (Website, accessed 2025) <<https://www.gov.scot/publications/improving-outcomes-children-young-people-families-review-scotlands-childrens-services-plans-2023-2026/pages/5>>

¹⁶⁵ Scotland Government, 'Whole family wellbeing funding programme-year 2: process and impact evaluation- fill report' (Report, 2025) <<https://www.gov.scot/publications/whole-family-wellbeing-funding-wfwf-programme-year-2-process-impact-evaluation-full-report/pages/1/>>

¹⁶⁶ S. Kuborn, et al, 'Strengthening the Missouri model of juvenile justice: Missouri division of youth services staff perspectives' (2020) 10 *Missouri Policy Journal* 1 <<https://digitalcommons.lindenwood.edu/cgi/viewcontent.cgi?article=1002&context=mpj>>

¹⁶⁷ The Annie E. Casey Foundation. (2010). The Missouri model: Reinventing the practice of rehabilitating youthful offenders. <https://www.nijj.org/uploads/digital-library/model.pdf>

treatment and family resource centres, group homes (10-12 bed community-based residential homes), open facilities, moderately secure facilities, and secure care facilities.¹⁶⁸ Residential support is provided over a longer period – typically 4-6 months for group homes, 6-9 months for moderately secure facilities and 9-12+ months for secure care.¹⁶⁹

The Missouri model moves away from the traditional punitive and carceral aspects of the criminal justice system. It instead focuses on creating a safe environment where young people are supported through trusted relationships and guidance to address the drivers of their offending behaviours. The model has been shown to be effective at reducing reoffending – of the 640 young people who left these facilities in 2016, 85.4% did not reoffend after one year, 77.6% did not reoffend after two years, and 73.1% did not reoffend after three years.¹⁷⁰ There are; however, some questions around the universal applicability of the Missouri Model¹⁷¹, demonstrating the importance of program fidelity when adapting programs to local contexts.

The Justice Cluster (New Zealand)

In 2022, the New Zealand Minister for Finance established a 'Justice Cluster' to trial a different approach to budgeting that is aimed at increasing collaboration across government departments, strengthening value for money, and improving delivery of the New Zealand Government's wellbeing priorities.¹⁷² The 'Justice Cluster' includes the Ministry of Justice, New Zealand Police, Department of Corrections, Crown Law Office, and Serious Fraud Office. It does not include Oranga Tamariki (the Ministry for children).¹⁷³ It is unclear whether the Oranga Tamariki was moved from the cluster after the recent change of government, or whether they were excluded from establishment. Although, it appears as though there is a Justice Sector Leadership Board that is part of the governance structure responsible for leading this work, which includes the heads of each of the six Justice sector departments including Oranga Tamariki.¹⁷⁴

The Justice Sector Leadership Board reports to Justice Sector Ministers group, who set the direction of the whole justice system. The approach focuses on cluster departments and cluster Ministers working together to develop multi-year funding proposals (three years funding), which includes any requests to reprioritise funds. Justice Sector Ministers provide proposals to the Minister for Finance who has final sign-off. Cluster Ministers and departments under the previous government identified four priorities for the system: 1) better outcomes for victims; 2) Improved access to justice to reduce harm; 3) Addressing issues with remand; and

¹⁶⁸ Bjur, K. (2022) The Donald Mackay Churchill Fellowship to investigate effective responses to youth gangs for use in youth detention centres: Report. <https://www.churchilltrust.com.au/qld/fellow/kate-bjur-qld-2022/>; The Missouri Approach. (n.d). Who we are. <http://missouriapproach.org/>; The Annie E. Casey Foundation. (2010). The Missouri model: Reinventing the practice of rehabilitating youthful offenders. <https://www.nij.gov/uploads/digital-library/model.pdf>

¹⁶⁹ R. Mendel, 'The Missouri model: Reinventing the practice of rehabilitating youthful offenders' (Report, 2010) <<https://assets.aecf.org/m/resourcedoc/aecf-MissouriModelFullreport-2010.pdf>>

¹⁷⁰ Missouri Department of Social Services, "Annual Report Fiscal Year 2019" (Annual report, 2019) <https://dss.mo.gov/re/pdf/cs/2019-missouri-childrens-division-annual-report.pdf>

¹⁷¹ H. M. D. Cleary and S. J. Brubaker, 'Therapeutic transformation of juvenile corrections in Virginia: A mixed method analysis of benefits and challenges' (2019) 105(4) *Children and Youth Services Review*.

¹⁷² New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <<https://www.treasury.govt.nz/sites/default/files/2022-09/b22-guidance-clusters-4517903.pdf>>

¹⁷³ New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <https://www.justice.govt.nz/justice-sector-policy/about-the-justice-sector>; <https://www.treasury.govt.nz/sites/default/files/2024-06/est24-v6-overview.pdf>

¹⁷⁴ New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <https://www.treasury.govt.nz/sites/default/files/2024-06/est24-v6-overview.pdf>

4) Better enabled organisations and workforce.¹⁷⁵ As of 2023, Justice Cluster departments had received \$2.7 billion in operating expenses and \$65 million in capital funding for investment under the fund over three years.

The current government has released a further two targets (that are part of a wider set of nine targets focused on improving the life of New Zealanders) for the Justice Cluster: 1) reducing the total number of children and young people with serious and persistent offending behaviour by 15%; and 2) reducing the number of people who are victims of violent crime (assault, robbery or sexual assault) by 20,000.¹⁷⁶

The budget process is similar to the process developed under the Victorian Government Early Intervention Investment Framework in which Treasury works with the Justice Cluster to develop budget proposals that align with the Cluster budget approach. Budget submissions are required to set out:

- the strategic narrative and collaborative approach
- assessment of how the package will deliver wellbeing impacts, including holistic outcomes and cost benefit analysis that align to other government wellbeing frameworks (Living Standards Framework and He Ara Waiora framework)
- summary of initiatives under the package
- contingency planning for new initiatives
- key risks and mitigations
- the monitoring and reporting approach
- any capital initiatives
- cluster funding that sits outside of cluster envelopes.¹⁷⁷

Alternative care models (Australia and International)

Internationally, multi-dimensional treatment foster care is an effective alternative residential model for children with antisocial behaviour and chronic offending behaviours. As part of this model, children live with specially trained foster parents for 6 to 9 months while their birth family receives family therapy, parent training and support. A treatment team (including a family therapist, individual therapist, child skills trainer, and engagement officer) provide intensive support for the child (through an individualised treatment plan) and to the foster parents and birth family. Evaluations have found multi-dimensional treatment foster care contributed to reduced criminal referral rates, criminal behaviours and days spent in custody for boys, and significant reductions in delinquency for girls.¹⁷⁸

¹⁷⁵ New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <https://www.treasury.govt.nz/sites/default/files/2024-06/est24-v6-overview.pdf>

¹⁷⁶ New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <https://www.treasury.govt.nz/sites/default/files/2024-06/est24-v6-overview.pdf>

¹⁷⁷ New Zealand Government, 'Budget 2022 information release' (Treasury Budget Paper, August 2022) <https://www.treasury.govt.nz/sites/default/files/2024-06/est24-v6-overview.pdf>

¹⁷⁸ P Chamberlain and J. B. Reid 'Comparison of two community alternatives to incarceration for chronic juvenile offenders' (1998) 66(4) *Journal of Consulting and Clinical Psychology* 624; P. Chamberlain, L. D. Leve and D. S. DeGarmo 'Multidimensional treatment foster care for girls in the juvenile justice system: 2-year follow-up of a randomized clinical trial' (2007) 75 *Journal of Consulting and Clinical Psychology* 187.

In Australia, kinship care has been practiced by First Nations peoples for many thousands of years.¹⁷⁹ Research suggests children who are placed in kinship care have better health and social and emotional wellbeing outcomes compared to those in foster care.¹⁸⁰ Elders and First Nations communities across Queensland have called for formalised kinship caring models that support children who are at risk of, or already engaged with, the youth justice system. In many cases, kin are already informally supporting children without resourcing or financial support. There is an opportunity for the state government to work with First Nations Elders and communities to formalise a First Nations-led kinship youth justice caring model that provides a similar level of support to that which is provided through multi-dimensional treatment foster care in other jurisdictions.

TOR 1(e) - Data

- (c) **the collection, use, and transparency of data, including:**
 - (i) **youth justice recidivism rates in New South Wales compared with other jurisdictions**
 - (ii) **the cost of incarceration and the broader fiscal impact of the youth justice system**
 - (iii) **the remand population, including data on sentenced versus unsentenced children**
 - (iv) **historical trends in funding for community-based diversion and rehabilitation**

According to the BOSCAR quarterly reception data, in 2025 3,559 children were received into custody in NSW. Of these, 3,542 children were on remand (unsentenced). Only 17 children (about 0.5%) who entered custody over in 2025 in NSW were actually sentenced¹⁸¹. The vast majority of children who enter custody on remand in NSW are there for a short period (the average number of days a child spends in custody each quarter is 9 days).

BOCSAR data (as of December 2025) shows:

- 225 children and young people in custody

Of these:

- 170 (75.6%) are on remand
- 55 (24.4%) are sentenced
- 56.4% are Aboriginal children¹⁸²

According to ROGS data NSW spent over \$217 million on youth detention in 2024/2025. This was to incarcerate on an average night 227 children. This equates to approximately \$955,947

¹⁷⁹ Australian Institute of Family Studies, 'The first Australians: Kinship, family and identity' (Report, August 1993) <<https://aifs.gov.au/research/family-matters/no-35/first-australians-kinship-family-and-identity>>

¹⁸⁰ M. A. Winokur, A. Holtan and K. E. Batchelder 'Systematic review of kinship effects on safety, permanency and wellbeing outcomes' (2018) 28(1) *Research on Social Work Practice* 19.

¹⁸¹ BOSCAR, Youth Custody report 2025, <<https://bocsar.nsw.gov.au/statistics-dashboards/open-datasets/custody-data.html>>

¹⁸² <https://bocsar.nsw.gov.au/statistics-dashboards/custody/custody-dashboard.html> (accessed 12th March 2025)

per annum to incarcerate a child in NSW.¹⁸³ The Australian Institute of Health and Welfare noted in 2025 that 85% of children in Australia who are released from detention return within 2 years.¹⁸⁴

NSW statistics

The NSW Bureau of Crime Statistics and Research's (BOCSAR) commitment to publishing accurate, objective and accessible data provides a level of transparency that is unmatched across Australia. BOCSAR's open datasets and dashboards enable policymakers, community organisations, academics and the public to engage with reliable information free from political influence, strengthening community trust in justice outcomes. Continued and secure funding is critical to protect this essential resource, that is a world-class capability for monitoring crime trends, evaluating reforms and informing effective, community-focused policy decisions.

TOR 1(f) - Children with disability

- (d) **the experience of children with disability in youth detention, including:**
 - (i) **assessment practices and identification of disability**
 - (ii) **access to the National Disability Insurance Scheme (NDIS)**
 - (iii) **availability of coordinated wraparound supports**

The JRI encourages the inquiry to elevate and prioritise submissions on this issue made by disability advocacy groups. Their expertise and lived experience is key to any credible reform impacting children and young people living with disability and their families.

There is no comprehensive national source of data regarding the number of children and young people with disability in youth detention, but the data which is available indicates that a significant majority of children and young people in youth detention have a disability.¹⁸⁵

- The most recent survey of children and young people in custody in NSW found that 24 per cent of First Nations children and young people in custody have an intellectual disability.¹⁸⁶
- In Queensland, the 2022 Youth Justice Census reported that of the children and young people in youth detention centres or police watch-houses, 12 per cent had diagnosed or suspected Foetal Alcohol Spectrum Disorder (FASD) and 26 per cent had diagnosed or suspected cognitive or intellectual disability.¹⁸⁷

¹⁸³ ROGS (2026) Section 17, Youth Justice Data Tables

¹⁸⁴ AIHW (2025) Youth Detention Population in Australia at <https://www.aihw.gov.au/reports-data/health-welfare-services/youth-justice/reports>

¹⁸⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Final Report. Volume 8: Criminal justice and people with disability ('Disability Royal Commission'). 85.

¹⁸⁶ NSW Government, *Young people in custody health survey: key findings*, 2015, 3.

¹⁸⁷ Queensland Government, Department of Children, Youth Justice and Multicultural Affairs, *Youth Justice Census Summary*, 2022, 1.

- In Victoria, a survey of 176 children and young people in youth detention in 2017 found that 24 per cent presented with issues concerning their intellectual functioning.¹⁸⁸
- A 2018 study by the Telethon Kids Institute and the University of Western Australia showed that 9 out of 10 incarcerated children and young people in WA had some form of neuro-disability, ranging from dyslexia or similar learning disability, language disorder, attention deficit hyperactivity disorder (ADHD), intellectual disability, executive function disorder, memory impairment or motor coordination disorder.¹⁸⁹ More than one in three had FASD.¹⁹⁰
- A sample of children and young people in detention in SA found that nine out of 10 children and young people had disability-related needs.¹⁹¹
- In 2017, multidisciplinary assessments of children and young people in youth detention in the NT found that 56 per cent had FASD and 31 per cent had some form of brain injury.¹⁹²

Despite the difficulties in data collection, there is overwhelming evidence that people living with disability are over-represented in the criminal justice system and in custodial settings in Australia.

TOR 1(g) - Governance and oversight of systems

- (e) **governance and oversight mechanisms, including:**
 - (i) **the role and effectiveness of NSW Government agencies in coordinating a whole-of government response**
 - (ii) **the adequacy of youth justice community offices, staffing, service models and public accountability**
 - (iii) **reports by oversight bodies including the Inspector of Custodial Services and relevant Royal Commissions**

Despite the evidence of ‘what works’, there are persistent systemic and resource-related barriers that undermine the effectiveness of youth justice programs and the possibilities of reforms. At the heart of these challenges are insecure funding arrangements for community-based organisations, fragmented governance, workforce instability, and underinvestment in organisational capability¹⁹³.

¹⁸⁸ Commission for Children and Young People, *The same four walls: Inquiry into the use of isolation, separation and lockdowns in the Victorian youth justice system*, Report, March 2017, 35.

¹⁸⁹ Drum, M., & Buchanan, R. (2020). *Western Australia's prison population 2020: Challenges and reforms*. The University of Notre Dame Australia and the Catholic Archdiocese of Perth. http://csswa.perthcatholic.org.au/wp-content/uploads/2022/05/FINAL-WA-Prison-Population-Report-2020_WEB.pdf

¹⁹⁰ Telethon Kids Institute, [‘Nine out of ten young people in detention found to have severe neuro-disability’](#) (13 February 2018).

¹⁹¹ Government of South Australia, Training Centre Visitor, *Great responsibility: Report on the 2019 Pilot Inspection of the Adelaide Youth Training Centre (Kurlana Tapa Youth Justice Centre)* (Report, 2020) p 99.

¹⁹² Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, *Final report*, volume 2A (Final Report, 31 March 2017) ch 15, 354.

¹⁹³ A Alderton, et al, *What Works for Place-Based Approaches in Victoria? Part 1: A review of the literature* (Report Prepared for the Victorian Department of Jobs, Precincts and Regions, 2022). Jesuit Social Services, p. 9.; J Allen, et al, *Family support, enriched preschool and serious youth offending* (No. 700; Trends & Issues in Crime and Criminal Justice) (2024) Australian

Sustainable and flexible long-term funding – ideally of five years or more – is widely recognised as essential¹⁹⁴. The Productivity Commission’s report on Expenditure on Children in the Northern Territory (2020) recommended funding periods of at least seven years¹⁹⁵. Despite this, funding across states and territories is often locked into short cycles and is not responsive to place-based needs. The same report highlighted that decisions by Commonwealth and NT governments are often made in isolation, with inadequate coordination between or within agencies. This leads to duplication, inefficiencies, and poor visibility over what is being delivered. As a result, funding flows are frequently shaped by the capacity of service providers to apply for grants, rather than the priorities of communities themselves¹⁹⁶.

Efforts to support the implementation of ‘what works’ need to be backed by structural change. This includes aligning funding with power-sharing rather than undermining it and trusting local organisations and communities to lead. Funders and governments need to shift away from rigid KPIs and towards more flexible and responsive approaches.

Fragmentation across government service systems is also a significant barrier to implementing ‘what works’. Reports from reviews and inquiries into government, youth and criminal justice system policy and reform frequently cite poor coordination between services, agencies and departments¹⁹⁷. Cross-sector coordination – across areas such as health, housing, education and justice – is critical for addressing complex social issues such as youth justice system reform. It is also critical in effective implementation of programs, services and whole-of-community strategies which are place-based.

The importance of strong relationships within and across systems was emphasised, but these are often undermined by rigid funding models that fail to support collaboration. The Productivity Commission’s report on Expenditure on Children in the Northern Territory (2020) noted:

“During this study, we heard from many highly dedicated people trying to make a difference to the lives of children and families in the Northern Territory. But they are often working with limited information, and within a fragmented and largely supply-driven system of children and family services in the Northern Territory. There is evidence of duplicated effort in funding services and cases of multiple providers delivering similar types of services in the same areas. At the same time, there was concern from stakeholders about gaps in services (unmet needs) in many areas. Investment from both the Commonwealth and the NT Governments is inadequately targeted – made without a comprehensive assessment of the needs or priorities of communities and decided without full knowledge of the other services already being provided in the community¹⁹⁸.”

Institute of Criminology; Productivity Commission, *Expenditure on Children in the Northern Territory: Study Report*. (Report, 2020, Australian Government)

¹⁹⁴ T Hewitt, et al *What works for place-based approaches in Victoria. Part 2: A review of practice*. Report prepared for the Victorian Department of Jobs, Precincts and Regions. (no date) p7

¹⁹⁵ Productivity Commission, *Expenditure on Children in the Northern Territory: Study Report*. (Report, 2020, Australian Government)

¹⁹⁶ Productivity Commission, *Expenditure on Children in the Northern Territory: Study Report*. (Report, 2020, Australian Government)

¹⁹⁷ L Lavarch, et al, *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review (2025)* Jumbunna Institute for Indigenous Education & Research; Productivity Commission, *Expenditure on Children in the Northern Territory: Study Report*. (Report, 2020, Australian Government)

¹⁹⁸ Productivity Commission, *Expenditure on Children in the Northern Territory: Study Report*. (Report, 2020, Australian Government) p6

A First-Nations led review of the Closing the Gap National Agreement was published in 2025, conducted by Jumbunna Institute and the Coalition of Peaks. The aim of the review was to report on the experiences of Aboriginal and Torres Strait Islander people and communities who have been engaged in the implementation of the National Agreement. In total, experiences and insights were gathered from over 500 people across every state and territory in urban, regional and remote areas¹⁹⁹. The review highlighted that genuine shared power and decision-making is often absent and tokenistic in nature: 'several partners described being engaged late in the policy cycle, with constrained timeframes and language that excludes meaningful participation. This approach necessarily erodes trust and leads people to conclude that a form of tokenistic engagement is at play'²⁰⁰.

Governance and Oversight of First Nations Programs

As noted above in response to TOR 1(c), the Audit Office of NSW report, '*Support for First Nations peoples in custody and post-release to reduce offending*', tabled on 12 March 2026, was highly critical of the lack of governance and accountability arrangements in place for Corrective Services NSW and Youth Justice NSW support programs for First Nations peoples in custody and to reduce reoffending.

These criticisms include a failure of the agencies to embed formal partnerships and shared decision making, or establish healing frameworks and therapeutic models of care as required by Closing the Gap and the NSW Government's Aboriginal Affairs Plan, OCHRE. The report notes both agencies identify over-representation of First Nations peoples as a strategic risk yet failed to establish effective governance and accountability mechanisms to address this risk. The report also finds while there have been 5 strategies since 2019 to reduce First Nations over-representation in custody, there was no tracking of spending or outcomes, and publicly available data shows they failed to meet their targets.

The Audit Office report concludes that neither agency has established a coordinated, evidence-based framework to operationalise a systemic and structural transformation as required under Close the Gap, and have little to no impact on the rates of incarceration and reoffending by First nations peoples.

The report recommends that by July 2027, the agencies establish governance and accountability in line with Closing the Gap and OCHRE; co-design a First Nations Healing Framework; establish formal partnerships; and review their assessment tools.²⁰¹

¹⁹⁹ L Lavarch, et al, *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review* (2025) Jumbunna Institute for Indigenous Education & Research

²⁰⁰ L Lavarch, et al, *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review* (2025) Jumbunna Institute for Indigenous Education & Research

²⁰¹ Audit Office of NSW, '*Support for First Nations peoples in custody and post-release to reduce reoffending*' (Performance Audit, 12 March 2026) <<https://www.audit.nsw.gov.au/our-work/reports/support-for-first-nations-peoples-in-custody-and-post-release-to-reduce-reoffending>>

TOR 1(h) - Long term social and intergenerational impacts

The long-term social and intergenerational impacts of youth justice involvement, including: pathways between youth detention and adult incarceration + impacts on families and communities

As outlined above in response to TOR(1)(a), the notion of intergeneration and familial links in offending is substantiated by research indicating that a small proportion of families account for a large number of arrests²⁰². The UK's longitudinal *Cambridge Study in Delinquent Development*, which tracked the development of children in South London from the age of eight until 48, found that 'offending' and criminalisation were concentrated within certain family units²⁰³. Similarly, the US *Pittsburgh Youth Study* began in 1987, following 1,517 boys from late childhood into their 20s, finding that 'family risk factors' have long-term effects for young men's trajectories into the criminal legal system²⁰⁴. Beaver's study analysed national longitudinal data to conclude that '5% of families accounted for more than 50% of all criminal arrests' in the US²⁰⁵.

In Australia, one study drawing on data from two statewide surveys in 2015 highlighted the racialised character of intergenerational imprisonment in NSW, finding that one in six adults and over half of all young people in youth prisons in NSW have had a parent incarcerated²⁰⁶. For children and young people in youth prisons, First Nations young people were almost twice as likely as non-Indigenous participants to have a previously imprisoned parent (66% vs 35%)²⁰⁷. The study also found women were more than twice as likely as men to report that their mother had been in prison. Intergenerational incarceration is also more common amongst younger participants and those who have experienced out-of-home-care and completed fewer years of schooling²⁰⁸.

TOR 2 - Reforms

(2) That, in undertaking its inquiry, the committee will:

(a) engage with Aboriginal communities, children and young people with lived experience, service providers, law enforcement, the judiciary, and other stakeholders, and

²⁰² D P Farrington, J W Coid, and J Murray, 'Family factors in the intergenerational transmission of offending' (2009) 19(2) *Criminal Behaviour and Mental Health*, 109.

²⁰³ D P Farrington, J W Coid, and J Murray, 'Family factors in the intergenerational transmission of offending' (2009) 19(2) *Criminal Behaviour and Mental Health*, 109.

²⁰⁴ M Hoeve, et al, 'Long-Term Effects of Parenting and Family Characteristics on Delinquency of Male Young Adults' (2007) 4(2) *European Journal of Criminology*, 161.

²⁰⁵ K M Beaver, 'The Familial Concentration and Transmission of Crime' (2013) 40(2) *Criminal Justice and Behavior*, 139

²⁰⁶ Remond, M., Zeki, R., Austin, K., Bowman, J., Galouzis, J., Stewart, K.-A., & Sullivan, E. (2023). *Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment* (No. 663; Trends & Issues in Crime and Criminal Justice). Australian Institute of Criminology.

²⁰⁷ Remond, M., Zeki, R., Austin, K., Bowman, J., Galouzis, J., Stewart, K.-A., & Sullivan, E. (2023). *Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment* (No. 663; Trends & Issues in Crime and Criminal Justice). Australian Institute of Criminology.

²⁰⁸ Remond, M., Zeki, R., Austin, K., Bowman, J., Galouzis, J., Stewart, K.-A., & Sullivan, E. (2023). *Intergenerational incarceration in New South Wales: Characteristics of people in prison experiencing parental imprisonment* (No. 663; Trends & Issues in Crime and Criminal Justice). Australian Institute of Criminology.

- (b) **identify legislative, policy and practice reforms required to reduce the number of children in contact with the youth justice system and to build safer, more resilient communities.**

Sector, legislative and system reform

In 2024, the Justice Reform Initiative conducted an analysis of the harms of the current system of justice for children and young people and identified four key reform areas that require attention: community sector reform, justice sector reform, legislative reform and systems change reform. These are outlined in more detail in our [Youth Justice Paper](#) and noted briefly below.

- **Community sector reform** – the important need to invest in a broad range of community led programs and supports outside of the justice system including First Nations led initiatives.
- **Justice sector reform** – the need to fundamentally change our approach to policing, courts, and prisons for children and young people.
- **Legislative reform** refers to the need to reform a range of legislative frameworks (including for instance Raising the Age of Criminal Responsibility), restoring the presumption in favour of bail, as well as embracing a human rights framework consistent with Australia's international obligations under a range of UN Conventions.
- **Systems Change Reform** refers to recognising and responding to youth justice as a whole-of-government and whole-of-community responsibility.

In terms of how these reforms relate to specific government policy and resourcing, it is useful to think about them in terms of the following four policy areas:

1. Policies and resourcing that aims to prevent contact with the justice system for children
2. Policy and resourcing that aims to build pathways out of the justice system for children
3. Policy and resourcing that aims to prevent the harms of the justice system for children
4. Policy and resourcing that aims to change the systems that result in the over-use of the justice system for children

The 12 principles for change outlined in the JRI Position Paper, and also reiterated directly below, offer a framework for thinking about the multiple pieces of reform that are required to transform youth justice and uphold the human rights of Australia's most vulnerable children.

1. **The answers to the problems of the over-incarceration of children are located outside of the justice system.** Significant additional government investment is required, to build the capacity of community-led alternative responses (including responses led by First Nations communities). This investment needs to be long-term, flexible and coordinated.
2. **All police interactions with children should be focused on moving children away from the justice system.** Police should develop appropriate key performance measures, to ensure discretion is exercised to divert children from the criminal justice system.

3. **Alternative first responder models** (including those led by First Nations people, youth workers, and health practitioners) and **co-first responder models** (where police work alongside other key community workers) are required to ensure that, wherever possible the option of pre-charge diversion is prioritised, and to elevate the importance of addressing the social drivers of incarceration if children do come into contact with police.
4. There should be a **presumption in favour of bail** for all offences for all children charged with a criminal offence.
5. **Community-led bail support programs**, including supported housing, should be resourced in every jurisdiction, in recognition of the extraordinarily high levels of children imprisoned on remand and the current absence of supports in the community available to support this group. This should include First Nations-led and culturally modelled options.
6. **Evidence-based alternative court and other options**, including restorative, therapeutic, transformative and First Nations-led justice models should be made available in all jurisdictions.
7. Every jurisdiction should establish and adequately resource **separate specialist courts for children**, in recognition of the specific developmental needs of children, when they come into contact with the justice system. All children who attend these specialist children's courts should be provided with access to developmentally appropriate court support services.
8. **First Nations children should have access to First Nations led support.** The most effective responses for First Nations children are those that are culturally modelled, designed and delivered by local First Nations communities and organisations, and which foster a genuine sense of community ownership and accountability. Many First Nations people have intergenerational and/or personal experience of mainstream services working against them. Ensuring First Nations communities have community control and cultural authority (as well as long-term and sustainable funding sources) will ensure programs are modelled on local systems and circumstances, and more effectively meet local priorities and needs.
9. Children should never be excluded from support, on the basis of age, perceived complexity of need, past offending behaviour, or geographic location. Services and supports should be resourced to work with children with multiple support needs, including children who are living in regional and remote areas. **Support should be holistic, child-centred, long-term (when needed) and wrapped around the individual needs of the child and their family (when needed).** Support services

should be appropriately resourced, so they are able to provide support services 24 hours per day, 7 days per week.

10. The Federal Government and all state and territory governments should commit to **raising the age of criminal responsibility to at least 14** (based on all available medical evidence). There is clear evidence that 14 is the **minimum** age, developmentally and neurologically, that children could or should be held criminally responsible.

11. **Youth detention should only be considered as a sentencing option of absolute last resort** and reserved only for those who present a specific and immediate risk to someone's physical safety. Children should never be held in police watch-houses or adult prisons. The use of solitary confinement, either as punishment, a management tool or because of staffing issues, should never be used for children.

12. For children who are currently detained by the state because they have broken the law, the environment, in which they are detained (and the responsibility for their detention) must be urgently reformed. Secure facilities should be **therapeutic and trauma informed**. If any child is to be detained, the environment in which they are held should be –

- Home-like (rather than prison-like);
- Therapeutic (rather than punitive);
- Trauma-informed (supporting children to build and maintain relationships and connectedness at the individual, family and community levels, including through leave of absences);
- Small in scale;
- Run by highly skilled staff, who specialise in the health, well-being and support of children; and
- Place-based, culturally-modelled, and run by community-led and -based services.

There is an opportunity for the NSW Government to expand its investment in evidence-based programs and services run by the community sector (especially First Nations-led organisations) to keep the community safe, address the social drivers of contact with the criminal justice system and provide 'off-ramps' out of the justice system. The collective findings of multiple evaluations demonstrate the efficacy of community-led approaches that address the social drivers of contact with the justice system and overincarceration.

Similarly, the evaluations of models outlined in this submission demonstrate how interactions with the justice system – when they are non-punitive and focus on addressing the drivers of criminal justice system contact – can move people away from the justice system. There is a growing recognition by governments around Australia of the importance of both investing in evaluation, and the importance of building programs and policies that build on this evidence.

Despite this evidence base, we have only seen a piecemeal approach to resourcing, expanding and evaluating alternative approaches to incarceration in New South Wales. Community-led programs are already doing considerable work in breaking cycles of disadvantage for people impacted by the justice system. First Nations communities and First Nations community-led organisations are leading this work, often achieving remarkable outcomes with very limited support and resourcing. While excellent programs exist, the policy and legislative environment in New South Wales still drives too many children and young people into prison – children who would be more likely to stop offending if they received support in the community to address the drivers of criminal justice system involvement.

The often-limited scope and capacity of existing programs means that many children and young people who are at risk of imprisonment, or at risk of recidivism, do not receive the support they require to get out of the justice system. A significant funding shift is needed to ensure all children in NSW can receive effective support, care, connection, and opportunity in the community rather than being ‘managed’ in the justice system. This support needs to be available for both children and adults across their life course and at different stages of contact with the justice system.

In New South Wales there is a need to invest in programs that have a strong evidence base in terms of breaking cycles of criminal justice system involvement. This will enable an increase in the availability, scope and capacity of these programs. Examples of these kinds of programs are outlined in this submission. There is an opportunity in NSW to move away from the current approach, which prioritises incarceration and policing, in terms of both policy settings and resourcing. There is enormous stakeholder expertise and goodwill in New South Wales. A growing coalition of First Nations leaders and communities, researchers, community sector practitioners, people with lived experience of incarceration, young people and diverse advocates are all committed to sharing this expertise and supporting decision-makers in NSW to develop and properly resource evidence-based approaches to youth justice. It is important that leaders in parliament and government first acknowledge the policy failure of responses to youth justice and incarceration in NSW and second, to work alongside stakeholders – who are standing by and ready to assist – to move towards a justice system that genuinely builds a safer community. Alongside investing in evidence-based alternatives to incarceration, it is also necessary to continue to build and improve the evidence base in New South Wales, particularly for community-led programs.

The community sector has not historically had the resources or opportunity to evaluate the efficacy of its work in a manner that can easily contribute to the growing body of research in this area. Community-led organisations need to be funded adequately to both deliver services and have access to independent and transparent evaluation that generates high-quality data. There is an opportunity for the NSW Government to build genuine partnerships with researchers, service providers, First Nations communities and other experts in the sector to continue to build the evidence base of what works in NSW. There are multiple points of intervention that can make a difference, and that there are many examples of programs that work. However, it is necessary to scale up the resourcing, capacity and geographical scope of these programs to fully realise their potential to reduce recidivism and criminal justice system contact.

In addition to creating substantial cost savings to government, this approach will have enormous benefits for children who have too often been ‘managed’ in justice systems rather than being supported in the community. ‘Tough on crime’ rhetoric does not make the community safer, nor does our current over-use of imprisonment. If we genuinely want to build a safer, more cohesive community, we need to invest in community-led programs that address

the drivers of crime and incarceration. We need programs that provide opportunities for children who are trapped in the cycle of incarceration to rebuild their lives in the community. We need to embrace a criminal justice model that genuinely relegates prisons to a position of last resort, and instead centres community-led interventions that really work to break cycles of disadvantage, reduce reoffending, and build safer communities

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