

Comments on the Green Paper: Future Directions for Juvenile Justice in New South Wales*

I suppose that most of you are thinking, "How is it that with these wonderfully good people here with such good intent, and such understanding and such commitment and the history of their commitment, (Rod Blackmore I also remember the Green Paper exercise in the 1970s as well) why are things still as bad in juvenile justice as they are?" The problem is that the people who make the decisions resulting from these papers and committee documents are not in this room, and they have not been through the learning process that we've all been through. I don't know how you can achieve that sort of broad education and understanding at the Cabinet level, but the closest that we have come to it to date, as far as I am concerned, was last year when I was in this very room with the then Minister for Justice, the Hon Terry Griffiths. The Standing Committee on Social Issues was completing its report on juvenile justice and as the Deputy Chair of that committee I publicly gave him my commitment to a bipartisan approach to the problems of juvenile justice. Our committee produced a report, ten people from every kind of political persuasion that you could possibly imagine produced a major report with comprehensive recommendations. And, as far as I am concerned, *the major issues that we addressed in that Report have been disregarded by the Government's Green Paper in some substantial ways.*

I know that I haven't the time for a complete evaluation of our proposals; however, I am heartily in support of the beneficial chapters on health and crime prevention and I support the general direction of the Green Paper. However, it is astonishing that the Green Paper has ignored the Committee's key, unanimous recommendation, which is to dispense with Community Aid Panels and to proceed with children's panels, after a pilot scheme. We have to find some way of explaining this rejection of that pivotal recommendation. I can only think that the way in which the Green Paper comes down on the side of Community Aid Panels must arise from the fact that at the time the Hon Ted Pickering was the Minister for Police and a great supporter of Community Aid Panels. I can only reach this conclusion because nobody else who presented us with information and evidence at the Committee was so wholeheartedly in support of Community Aid Panels and I can find no other reason why this position has been adopted by the Green Paper. For me, this means the bipartisanship, unfortunately, has gone, as a tool to achieve change because the Children's Panels were the fundamentally important aspect of achieving change.

The other important aspect of achieving change was the *Summary Offences Act*. The ten of us have virtually said in our report that "No child should go anywhere near custody because of the use of offensive language and or behaviour", but still in the Green Paper it's a disappointing, "Let's look at 'improved guidelines for the operation of the Act'. Let's 'monitor those guidelines' after they've been in operation for a while and 'conduct a comprehensive evaluation of the new guidelines'." We had all agreed that we really need an amendment to the *Summary Offences Act* so that it can no longer be used to incarcerate kids. The simple charge of offensive language has to go. It is anachronistic and the fact

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that reform of the *Summary Offences Act* hasn't been supported as strongly as it should have been is a serious issue as far as I am concerned.

The overall, principal question, to my mind, is really doing something about this small group of "kids in justice". Since the separation of the juvenile justice system from kids in the categories of "moral danger" or neglect, they really are a small group of kids. Now, however, we do need a proper integration of services. We need a very powerful, resourced, properly functioning Department of Community Services which works cooperatively with the Office of Juvenile Justice.

During the Committee's Inquiry we were allowed to look at some of the files of the young women that went through the system. Those kids all came to notice because of welfare issues, abuse, homelessness, or the failure of the educational system. If the needs of those kids had been met at the time they came to attention they might not have progressed through to the criminal justice system, and to death, as those girls did. That integration of programs is vital to meet the complex needs of young people at risk.

I am particularly fearful of the fact that the Green Paper begins with a reference to "scarce resources": scarce resources for whom? People must demand that governments spend money on kids and families. I am sick and tired of the rhetoric about families and the verbiage about care and compassion. Care and compassion actually has to have funding attached to it and the State should be in partnership with the community sector. We've just seen the Hon Jim Longley advertise the fact that State wards (2,000 of them) are going to be placed in the community sector. They are going to be "deinstitutionalised". Where is the partnership with the government in the true care of those kids? I am afraid that what will happen in that sector is what is happening in the gaol system with the establishment of a private gaol at Junee. This Government has allocated \$53 million to build Junee, but where are the Community alternatives to imprisonment? How is Junee going to operate effectively out in the mulga? It might be nice for Junee's employment prospects but how is it going to impact on the Corrective Services system? We are going to save \$4 million with the privatisation of this gaol? For what? Retiring State debt? What is the chief aim for privatising state wards? Where is the money going to come from to go into the non-government sector? The fact is that in the Department of Community Services over the last four years its recurrent budget has been underspent by \$120.65 million in 11 areas for recurrent services and as well there has been \$28.77 million capital underspending in four years. Another priority is to get cautions operating effectively for first and minor offences. We have to get children's panels operating effectively, not in the control of police, no matter how good they are. I plead with the Government, please don't allow them to be controlled by police. Upgrade the Office of Juvenile Justice. Give the panels to a range of people. Let the police participate in the constructive way that they can. Let's use the courts more effectively. Let's provide more alternatives to detention.

I oppose Community Aid Panels for the reasons set out in the minority report. Let's really look at funding outcomes for kids. It's alright to assess them but what are we going to do having assessed them? If you don't have an effective integration with a well resourced Department of Community Services addressing the issues of abuse and homelessness, looking at societal malfunctioning of some kids, with all the good will in the world about legislative bases for some things and comprehensive evaluations of others, we will not get anywhere. I'll continue to support the goals of the Social Issues Committee and I commend the guidelines that are set out in the Green Paper.

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