

The Hon. Tony Piccolo
Minister for Communities and Social Inclusion
PO Box 263
ADELAIDE SA 5000

26 September, 2013

Dear Minister,

RE: *Youth Justice Administration Bill*: Discussion Paper

As the peak representative bodies for the non-government health and community services sector in South Australia (SACOSS); young people and the youth sector (YACSA); and not for profit community organisations providing services for children, young people and families (CAFWA) we share the view that the rights of children and young people to safety and to physical and legal protections are paramount in any just community.

We regard the legislation under discussion to be incredibly important. We are therefore very disappointed that the Department has provided such a limited opportunity for community consultation on the discussion paper. With only a two week window it has not been possible for us to gather detailed feedback and thus provide thoughtful comment in response to the paper. The timeline for consultation limits the degree and the depth of consultation on this very important community issue.

The Discussion Paper states that the *Family and Community Services Act, 1972*, which still determines some of the operations in the youth justice system, 'does not reflect the change in philosophy or operational requirements arising from introduction of the *Young Offenders Act, 1993*' (p.4). In so far as this is so, it appears that the purpose of the proposed Bill is to address the underlying philosophy which informs current practice in the youth justice system. Indeed this is stated as one of the things that the Bill is intended to achieve: 'The proposed legislation is intended to clearly enable the Minister for Communities and Social Inclusion, the Chief Executive and Departmental offices to operate and align services and operations with the philosophy and intention underpinning the *Young Offenders Act, 1993*' (p.5).

We believe the question of which philosophy should inform legislation and practices around youth justice is a major issue and one which should be thoroughly addressed through substantive community engagement. It should not be assumed that the historical trajectory of legislation *necessarily* suggests progress and improvement. Indeed, it is our view that *The Young Offenders Act, 1993* actually neglects some of the issues identified in the older *Family and Community Services Act, 1972* as relevant to young people involved in the justice system. Specifically, the lack of community accommodation which directly contributes to the incredibly high rates of young people in remand that we have in South Australia can be identified as arising, at least in part, from a gap in explicit responsibility for the provision of community bail alternatives. This issue, of community accommodation for young people, is, at least by association, in the *Family and Community Services Act 1972* and there is opportunity in the Youth Justice Administration Bill to require the Minister to provide for community based alternatives to custody for young people eligible for bail.

Consolidating the issue of youth justice as proposed in the discussion paper risks narrowing our understanding around the complexity of issues that arise for young people who are involved in the justice system. We are not at all convinced that this is in the best interests of young people and would need additional time to consider the implications of such a move.

What is more, *The Youth Offenders Act*, 1993 is itself twenty years old. To determine whether the philosophy underpinning it is in the best interests of children and young people in our community requires time for proper consultation and reflection. Yet, the timeline for consultation has not allowed this to happen. We regret that we are unable to provide a submission on this important issue which has far-reaching consequences for young people in particular, and indeed for all in our community.

With this in mind we do ask that the Department immediately recalibrate its approach to this issue and embrace the Government's own Better Together Principles of Community Engagement. This is far too serious an issue to be dealt with hastily.

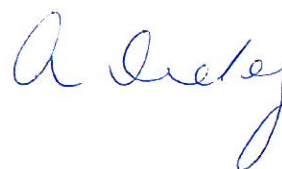
Yours sincerely,



Ross Womersley
Executive Director, SACOSS



Anne Bainbridge
Executive Director, YACSA



Angela Andary
Executive Officer, CAFWA



cc: Joslene Mazel, Chief Executive DCSI