



Australian Human Rights Commission Submission- Noetic

Background

Noetic Solutions Pty Limited (Noetic) is a strategic management consultancy founded in 2001. The company has provided extensive advice to governments in Australia and internationally. We have assisted both the federal and state and territory governments since 2010 on a wide range of youth justice, Aboriginal and Torres Strait Islander, and community safety projects¹. A key element of this work is understanding the impact on children and young people. While failures in youth justice and child wellbeing represent classic wicked problems, the causes are well understood and, to a great extent, what works is also known.

Having worked at both the strategic and operational level of youth justice issues, we believe Noetic can contribute meaningfully to AHRC's *Question: Are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?* Of the questions posed by the AHRC, we believe it is this question that has the potential to make the most impact in improving Australia's youth justice system, should the reform be implemented.

Benefits of Australian Federal Government involvement in youth justice and child wellbeing reform

Based on our experience Noetic believes there is a strong case to having the federal government become more involved in youth justice and child wellbeing reform. The issues prevalent in youth justice and child wellbeing do not stop at state and territory boundaries. The consequences of failures in the field are not just local but national. The benefits of federal government involvement are twofold.

First, the whole should be greater than the sum of the parts. Currently, each jurisdiction addresses its issues using local solutions and tools. Many draw on effective practice from elsewhere or develop innovative programs locally. However, in some cases jurisdictions appear to revert to ineffective practice based on decisions by government (often in response to outcries by over perceived community safety issues). While there are sources of effective practice (through the AIC and AIHS), there is no nationally authoritative source of effective practice that can guide jurisdictions. This consequently leads to uneven outcomes for those caught up in the youth justice system depending on their location.

Second, the consequences of failing children and young people are not just borne by the individuals/families and the state/territory, but more widely across the Australian community.

¹ Attached at Annex A is the list of jurisdictions and a sample of projects that we have worked on. This is included by way of establishing our credentials.

As we noted in our *Strategic Review of Juvenile Justice in NSW 2010*², the impacts of contact with the justice system are wide ranging and costly to governments through direct costs (e.g., healthcare) and foregone revenue (e.g., income tax):

Consequently, failures of socialisation, healthcare and education in the development of young people will have long term implications for the NSW community. Such failure manifests itself in anti-social behaviour, crime, family dysfunction, drug and alcohol addiction, and long term, chronic unemployment; and

As the Intergenerational Report 2007 clearly lays out, Australia's ageing population will see fewer people of working age supporting a greater number of retired and elderly Australians³. As the median age increases there are going to be proportionally fewer children contributing to the NSW and Australian economies through labour force participation. Meeting this challenge will require the community to ensure that all children become effective and contributing members of society.

Youth justice is an **issue of national significant and therefore requires a national response**. Such a response will have a range of benefits which are described below.

A National Approach to youth justice is needed to:

- **Increase Efficiency and Effectiveness:** A national approach would lead to improved efficiency and effectiveness in addressing youth offending. It would enable better understanding of effective practice via the sharing of knowledge, resources and expertise across jurisdictions. This collaboration would help identify and implement evidence-based interventions, resulting in better outcomes for young offenders and reduced rates of recidivism.
- **Promote Knowledge Sharing and Collaboration:** a collaborative approach among the states and territories will facilitate an environment of knowledge sharing and cooperation among experts, practitioners, and policymakers. A national approach would enable the capability to further share data and research amongst jurisdictions which in turn would create an understanding of what works and what doesn't and foster innovation and improvement in youth justice interventions.
- **Improve Consistency:** A national approach will create a consistent yet adjustable framework for dealing with common youth justice issues across the country. Currently, because different states and territories have their own policies and practices, there is significant variations on a young person's level of access to justice, of which Australia ranks 38th internationally⁴. A national approach would help ensure fairness and equity in the system by establishing common principles, standards, and ensure an evidence-driven approach to

² P Murphy, A McGuiness, *Strategic Review of Juvenile Justice in NSW 2010*, Minister for Juvenile Justice, Canberra, January 2010, pg. 3.

³ *Intergenerational Report 2007*, Treasurer of the Commonwealth of Australia, Canberra, April 2007

⁴ Child Rights International Network, *Access to Justice for Children: Global Ranking*, accessed 23 June 2023, <https://archive.crin.org/en/access-justice-children-global-ranking.html>

justice. It would enable better mobility of youth justice workforce to move between jurisdictions through common approaches and the like.

- **Reduce the overrepresentation of Aboriginal and Torres Strait Islander young people on the youth justice system:** Aboriginal and Torres Strait Islander children and young people currently represent over 56% of those in custody⁵. There needs to be dedicated, appropriate and specific responses to Close the Gap for Aboriginal and Torres Strait Islanders. A national approach that emphasises the importance of community and centres on early intervention and prevention programs for Aboriginal and Torres Strait Islander communities is essential to identify and rectify any systemic biases or inequalities that exist, ensuring that young people are treated fairly and consistently, regardless of their background and/or geographic location.
- **Efficiently Prioritise Resource Allocation:** By adopting a national approach, resources could be allocated more strategically and effectively. A national approach would facilitate a coordinated effort to allocate resources based on evidence, needs, and priorities, ensuring that resources are utilised in the most impactful way.
- **Safeguard Australia's economic future:** As noted earlier, in 2010, the Noetic *Strategic Review of Juvenile Justice in New South Wales* identified economically we need children to contribute to the future economy. It is vital that Australia's youth justice system prioritises justice reinvestment by using detention as a last approach. If young people become trapped in a cycle of offending, they aren't actively participating positively community, completing schooling and getting jobs.

Next Steps:

The following next steps provide a path for the federal government and jurisdictions to collaboratively develop an approach that would provide national leadership and support for improving Australia's youth justice system and outcomes. Central to this is the creation of an agency (working title **National Youth Justice Agency**) to undertake this important task.

Develop a compelling business case:

Complete a comprehensive business case with cooperation from states and territories supporting a federal government approach to establish a national youth justice agency. It is important to consider that youth justice involves a range of complex factors, including legal, social, cultural, and economic considerations. The adoption of a national approach would require careful deliberation, collaboration with states and territories, and engagement of stakeholders, experts, and the community. This will ensure the development of a compelling, comprehensive and inclusive business case.

⁵ *Youth detention population in Australia 2022*, cat. no. JUV 139, Australian Institute of Health and Welfare, Canberra, 13 December 2022

Propose the establishment of the National Youth Justice Agency (NYJA)

The NYJA would act as an authority to ensure that every state and territory meet the objectives for youth justice services⁶. The NYJA would be responsible for:

- Establishing national standards, and coordinating federal activities related to the treatment of young offenders and those at risk of entering the justice system. This will be achieved through promoting more developmentally appropriate justice policies and practices across states and territories via a National Youth Justice Blueprint. The Blueprint would not take a one size fits all approach, simply guidance and goals for state and territories.
- A national funding scheme run by the NYJA. This would provide the agency with the ability to influence the states and territories as well as ensuring consistency in standards that smaller jurisdictions are currently struggling with (e.g., workforce issues, adequate facilities and programs) so that every young person in Australia ‘gets a fair go’. As in order to receive funding, states and territories must adhere to the mandated performance requirements established in the National Youth Justice Blueprint.
- Developing and disseminating knowledge to assist states and territories in improving their systems. This will be done through the creation of a youth justice database compiled from government agencies, academia, states and territories.
- Holding an Annual Youth Justice Conference made up of states and territories, youth justice experts, academics, Aboriginal and Torres Strait Islander community leaders and young people.

The National Youth Justice Agency would be like the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the US⁷ and the Youth Justice Board (YJB) for England and Wales⁸.

Take to National Cabinet for approval

There is a need for leadership and collaboration across all jurisdictions that only a national approach to youth justice can provide. Australia’s system of government means it will require agreement from all jurisdictions to be effective. National Cabinet provides the appropriate forum for this to be discussed and agreed. Modest funding from the federal government and commitment from the states and territories will result in significant improvements to Australia’s youth justice system and the outcomes for young people and the community.

The primary authors for this response were Peter Murphy and Abby Humphries, supported by Will Goodwin and Sandeep Nair. To enquire further please contact the below:

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⁵ Report on Government Services 2023, *17 Youth Justice Services*, Productivity Commission, Canberra, 24 January 2023

⁷ National Academies of Sciences, Engineering, and Medicine. 2013. *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press.

⁸ C. Taylor, *Review of the Youth Justice System in England and Wales*, Ministry of Justice, UK, December 2016

Annex A – Noetic’s experience

Noetic has a unique range of contemporary expertise in the youth justice system across Australia’s state and territory governments on projects providing advice on youth justice legislation, policies, programs, services and practices. Below is a list of projects Noetic has worked on over the past decade relevant to youth justice:

Federal Government:

- [Effective Practice Guide for Youth Justice for the Department of the Prime Minister and Cabinet in 2017](#)
- Implementation Plan for the Strong Futures Program for the Department of Social Services (DSS)
- Evaluation of the Commonwealth Indigenous Justice Program (Prisoner Through Care Sub-Program) for the Attorney Generals Department (AGD)

Tasmanian Government:

- Functional Brief for detention centres in Tasmania 2023
- [Youth Justice Blueprint for Tasmania 2022](#)
- [Options paper to identify a new Tasmanian Custodial Youth Justice Model 2016](#)

New South Wales Government:

- [Strategic review of the NSW Juvenile Justice System 2010](#)

ACT Government:

- [Blueprint for Youth Justice in the ACT 2012-22](#)
- Bimberi Youth Justice Centre Operational Efficiency Review
- Youth Validation Workshop - Noetic worked with ACT Policing to develop an Action Plan for Engagement with Young People

Northern Territory Government:

- Strategic framework workshop and project team plans for the Northern Territory Youth Justice Unit

Other:

- Evidence to inquiries and standing committees:
 - + Standing Committee on Aboriginal and Torres Strait Islander Affairs - Involvement of Indigenous juveniles and young adults in the criminal justice system
 - + Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings
- Ongoing research into youth justice practice with Macquarie University via the Professional and Community Engagement (PACE) program
- For more information on our work please visit our website: <https://noeticgroup.com/youthjustice/>