

Contemporary Comment

The transfer of Juvenile Justice out of the New South Wales Department of Family and Community Services and into Corrective Services has raised serious and widespread concern. We reprint below an Open Letter from the New South Wales Youth Justice Coalition.

OPEN LETTER TO THE PREMIER, ATTORNEY GENERAL, AND THE MINISTER FOR JUSTICE

Re: Transfer of young offenders to the Minister for Justice

One year ago today, the KIDS IN JUSTICE Report was launched — a major and critical review of the New South Wales juvenile justice system — recommending against such a transfer. It is unacceptable for the following reasons:

- The integrity of juvenile offender services is at risk of further domination and contamination by the ethos, problems and sheer size of adult corrections.
- The decision pre-empts the review of juvenile justice policy by the Cabinet Sub Committee and the Legislative Council's Social Issues Committee inquiry, and rejects a key recommendation (number 15) of the KIDS IN JUSTICE Report.
- There is a disturbing and continuing absence of adequate safeguards to monitor the juvenile justice system.
- The transfer puts New South Wales out of step with other jurisdictions in Australia, and flies in the face of international wisdom and rules.
- The transfer signals a philosophical commitment to punishment, containment and control in juvenile justice — rather than prevention, development, rehabilitation and reintegration.

We are pleased that the Minister for Justice has already met with a delegation organised by the Youth Justice Coalition, but our concerns remain. Given these:

1. We call on the Premier, Attorney General and the Minister for Justice to meet with our representatives as a matter of urgency to discuss the issues raised in this letter.
2. We call on the Premier to immediately place a moratorium of three months on the transfer of young offender services from Community Services to Corrective Services to allow the Cabinet Sub-Committee on Justice review of juvenile justice policy and the Parliamentary inquiry into juvenile justice to be completed.
3. We recommend that the Attorney General, as a matter of urgency, establish a New South Wales Juvenile Justice Council, to advise the Attorney, in conjunction with other members of the Cabinet Sub-Committee on Justice. It should be a Council of experts, academics, practitioners, community representatives and offi-

cials (along the lines of the Child Protection Council), have resources to engage in research, community consultation and public education, and be linked to committees providing specialist advice to the areas of policing, courts and corrections.

4. We recommend to the Government that it establish a separate and specialist Office of Juvenile Services, entirely distinct from Adult Corrections.
5. We recommend that the Premier and relevant Ministers, as a matter of priority, remedy the lack of adequate safeguards in the juvenile justice system such as the absence of a Children's Commissioner or Youth Ombudsman, a Detainees Legal Service, and a Young Offender's Review Board (to make or review classification, placement, transfer and leave decisions).
6. We recommend that the Attorney General expedite a full and proper consideration of the KIDS IN JUSTICE Report, the juvenile justice parts of the Report of the Royal Commission into Aboriginal Deaths in Custody, and the New Zealand reforms, by the Cabinet Sub-Committee on Justice.
7. We recommend that the juvenile justice inquiry of the Legislative Council's Standing Committee on Social Issues be re-activated and dealt with as a priority.
8. We recommend that the brief of the Cabinet Sub-Committee on Justice and the proposed New South Wales Juvenile Justice Council include a full and proper consideration and ongoing monitoring of the UN CONVENTION ON THE RIGHTS OF THE CHILD (1990), the UN STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE (1985), the recent UN GUIDELINES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY (1991).
9. We recommend the immediate development of Protocols between the Office of Juvenile Services and other Departments and non-government agencies to ensure resources and access, and specific liaison and service co-ordination, for young offenders to appropriate welfare, health, educational, employment, training, legal, life skills and recreational and other programs.
10. We welcome the initiative to form a Community Advisory Committee on Juvenile Corrections. We recommend that the Committee comprise representatives from bodies such as: Civil Chaplains Advisory Committee, Youth Justice Coalition, Association of Children's Welfare Agencies, New South Wales Council of Social Service, Aboriginal Legal Service, Youth Action and Policy Association, New South Wales Association for Mental Health, New South Wales Council for Intellectual Disability, Aboriginal Educational Consultative Group, and the Women and Girls in Custody Group, as well as young people's and young offenders, and other welfare and community representatives.

NEW SOUTH WALES YOUTH JUSTICE COALITION