

10/03/2023

NSW Sentencing Council
Locked Bag 5000
Parramatta NSW 2124

Via email: sentencingcouncil@justice.nsw.gov.au

Dear NSW Sentencing Council,

RE: Review of sentencing for firearms, knives, and other weapons offences

ACYP welcomes the opportunity to provide brief comments in relation to the NSW Sentencing Council's review of sentencing for firearms, knives, and other weapons offences.

Established under the *Advocate for Children and Young People Act 2014*, the Advocate for Children and Young People (**ACYP**) is an independent statutory appointment overseen by the Parliamentary Joint Committee on Children and Young People. ACYP advocates for and promotes the safety, welfare and well-being of children and young people aged 0-24 years and promotes their participation in decisions that affect their lives. The Act requires ACYP to 'give priority to the interests and needs of vulnerable and disadvantaged children and young people' and to 'focus on systemic issues affecting children and young people'. Further information about ACYP's work can be found at: www.acyp.nsw.gov.au.

Despite significant increased media attention and community concern in regard to violent offences, such as knife crime, NSW recorded crime statistics show no increase in violent offences involving firearms or knives in the year to September 2022.¹ Instead, the data indicates that we are seeing an overall reduction in offending behaviour, particularly amongst young people, with crime rates in NSW at historic lows.² As a result, ACYP urges caution in regard to any review of sentencing for firearms, knives and other weapons offences.

Alongside appropriate supports for victims, it is important that any reform places an emphasis on supporting early intervention initiatives and approaches which have been shown to prevent violence and increase safety. One example of a recent early intervention and prevention initiative is the NSW Police and NRL 'Anti-Violence Campaign' that was introduced in 2022 and developed in partnership with PCYC, the NSW Department of Education and ACYP. The education and awareness campaign

¹ BOCSAR (2022). "Media Release: Property crime 28% lower than before the pandemic", *NSW Recorded Crime Statistics September 2022*. NSW Bureau of Crime Statistics and Research (BOCSAR). Accessed via: https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2022/mr-NSW-Recorded-Crime-Statistics-Quarterly-Update-Sept-2022.aspx

² *Ibid.*

involved the development of a short video featuring sporting ambassadors and public influencers who detail their personal experiences and call for change. The aim was for the video to be shown in all public secondary schools for students in grades seven to 10. The program was to be delivered by around 170 youth engagement officers from NSW police, helping to build on existing partnerships between local schools and police.

ACYP recommends an ongoing focus on evidence-based early intervention, prevention and diversion approaches, rather than more punitive responses, such as increased minimum sentences, which have been shown to be ineffective in preventing crime and risk criminalising young people at an early point.

In addition, ACYP notes the importance of ensuring that both the current Review and any future inquiries place an emphasis on understanding young people's perspectives in relation to key issues related to violence, such as knife crime, and ideas for potential solutions and interventions. This should include a consideration of what needs to happen to prevent violence and to help young people feel safe – including the types of supports, services or programs that can best support young people, as well as the most effective interventions to effect behaviour change.

Throughout 2022, ACYP spoke with a number of young people in youth justice centres who had previously been charged with weapons offences or being a victim of such an offence. Many of these young people spoke about the positive impact of youth justice and post-exit support programs on their lives, with a particular focus on mentoring and culturally responsive programs.

Outlined below are a number of programs that young people in youth justice centres have spoken positively about, in relation to supporting their rehabilitation and behaviour change.

Confit Pathways

Confit Pathways is a not-for-profit organisation that delivers bespoke programs in Youth Justice centres. Confit's programmes are based around developing close bonds with young people through fitness and mentorship by individuals with prison lived experience. Confit Pathways has also created a network of continuous support for young people post-release that allows them not just to adapt, but to thrive in society by linking them to education and employment partners and most importantly providing an environment of support and a community which the young people can be proud to be a part of.

PASIFIKA initiative (Cobham Youth Justice Centre)

The PASIFIKA initiative at Cobham Youth Justice Centre utilises "The Village Approach". It provides a wrap-around culturally responsive service to Pacific Islander young people in custody via the following approaches:

- *The Voyage Group Program* - this program brings awareness to young people in custody by acknowledging and addressing their psychosocial issues through a cultural lens. Professional cultural facilitators and trained supporting staff work together to develop participating young people with skills in meeting their physical, mental, and emotional needs that have been neglected by circumstance.
- *Leadership through service of humility* - young people in custody are initiated through ceremony into the last stage of the program where they are empowered in finding their leadership style through a cultural perspective, developing their confidence further to overcome barriers and obstacles that will inevitably arise in life.
- *Mentoring, Counselling and Clinical Support* – young people are mentored by internal and external mentors from the Pasifika community to link and introduce young people and possibly their families in accessing counsellors and psychologist, whether in custody or in community. This helps to bridge the gap in accessing the necessary support and services which is often not sought out by young people and their families due lack of trust, ability to recognise the need or neglect to understand relevance of these services in supporting them with their individual circumstances.
- *Transitional Support* - young people in custody will be supported upon release in the community by mentors who have already developed a rapport with the young people and their families. They will be part of community re-integration planning and support to young people as they transition back into the community.

In addition to in-custody and post-exit programs, the young people that ACYP spoke with emphasised the importance of early intervention services and programs, to prevent violence occurring in the first place.

Thank-you once again for the opportunity to provide feedback as part of the NSW Sentencing Council's Review. Should you wish to discuss these matters further, please do not hesitate to contact my office via: acyp@acyp.nsw.gov.au or ph: (02) 9248 0970.

Yours Sincerely,

Zoë Robinson

Advocate for Children and Young People

Office of the Advocate for Children and Young People