

MEDIA RELEASE – AUGUST 17, 2020

Harsher bail laws are counter-productive: Jesuit Social Services

The Northern Territory Opposition’s plan to reintroduce the offence of breach of bail for young people and legislate a presumption against bail will ultimately harm, not help, vulnerable young people, says Jesuit Social Services.

“We are extremely concerned about the Northern Territory Opposition’s proposals. This regressive policy will only see more vulnerable children and young people enter the youth detention system when we know that, wherever possible, they should be supported in the community, connected to family, culture and country,” says Jesuit Social Services CEO Julie Edwards.

“These so-called tough-on-crime policies will do nothing to actually reduce crime, and are at complete odds with the blueprint provided by the Royal Commission into the Protection and Detention of Children in the Northern Territory for a more effective and humane youth justice system.”

“The Royal Commission found no evidence that making breach of bail a crime deters young people from offending. Evidence from NT Police to the Royal Commission was that the introduction of the offence of breach of bail in 2011 had not reduced offending.

“Harsh bail laws are failed policy. If we want a safer community we need to focus on what works – that is supporting young people and families to address the issues underlying their behaviour, which are more often than not, directly related to circumstances of poverty and disadvantage.”

In its submission to the *Youth Justice and Related Legislation Amendment Bill 2019*, Jesuit Social Services highlighted that the offence of breach of bail is often counterproductive. It criminalises behaviour that is not itself criminal, such as residing at the wrong address. A more effective response is to engage support services to actually address the circumstances surrounding a breach, for example, addressing a young person’s housing or transportation needs.

“Locking up young people for technical breaches of bail has previously been a major factor in the escalating rates of remand in the Territory – exposing more children unnecessarily to the harms of detention.

“The Royal Commission reforms are working. We are seeing a significant drop in the number of young people in detention and more young people supported in the community. The data suggests that investment in community-based support is paying off: we are now seeing the highest successful Bail completion rates for young people in more than seven years.

“One of the fundamental goals of any effective youth justice system is to ensure detention is only ever used as a last resort. Sadly, these proposals by the Territory Opposition will only see more young people funnelled into detention: damaging children, families and ultimately our community.”

Ms Edwards wants to see all parties committed to raising the age of legal responsibility from 10 to 14 years, and increasing investment in Aboriginal-led, placed-based prevention, early intervention and diversion programs to keep children connected to family, school, culture and country.



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“The evidence is clear: supporting, not further punishing, vulnerable children and young people is the best way we can create the type of society we all want to live in. We urge the incoming Territory Government to follow what works and give our children and young people the chance to flourish.”

Media enquiries – Kathryn Kernohan, 0409 901 248 or kathryn.kernohan@jss.org.au