

From: [REDACTED]
To: [NSW LRC](#)
Cc: [JJCorporateInformation](#)
Subject: Bail: Show cause offences & the unacceptable risk test - Youth Justice NSW Submission
Date: Monday, 26 September 2022 9:17:08 PM
Attachments: [image001.png](#)
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Hello LRC

Apologies for the late submission from Youth Justice NSW – only a few brief points to contribute here:

- Youth Justice NSW does not have a view on what offences are included as ‘show cause’ offences under the Act, noting that these provisions do not apply to young people.
- If further guidance is to be provided as to how “criminal associations” are defined, this guidance should consider the nature of associations specific to young people that are effectively out of their control. For example, unlike adults, young people are dependents that require the support of their family, extended family and community. Young people may also have other associations that are established by the systems they are required to participate in such as education. Youth Justice NSW is of the view that young people should not be disadvantaged by the associations established as a result of circumstances and situations that they are not responsible for.
- Specific consideration should also be given to the impact of any changes to the Act on Aboriginal young people. Aboriginal young people are drastically overrepresented in Youth Justice custody, particularly on remand. Any guidance on defining “criminal associations” should give specific regard to this overrepresentation, the challenges any guidance may cause in Aboriginal communities and networks, and the broad network of supports Aboriginal young people access.

Happy to discuss this or participate further in this process at any time.

[REDACTED]

[REDACTED]
[REDACTED]
Youth Justice NSW

NSW Department of Communities & Justice

[REDACTED]
[REDACTED]
6 Parramatta Square
10 Darcy Street
Parramatta NSW 2150



Communities and Justice



I acknowledge and pay my respects to the traditional custodians of the land on which I walk, work & live.

[DLM=SENSITIVE:NSW-Government]

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