

## **Bail Policy Position Paper Launch**

### ***Section 28: Criminalising the Young and Homeless***

Yfoundations is excited to, this evening, launch our Policy Position Paper on section 28 of the Bail Act 2013 (NSW), a part of the legislation that has unintended consequences for children and young people experiencing, or at risk-of, homelessness.

Section 28 of the Act is a bail condition that stipulates that a child or young person granted bail by the Children's Court but who does not have safe accommodation lined up, cannot be released from custody until they do.

In 2018, according to data provided by Juvenile Justice NSW, 260 children and young people experiencing homelessness were impacted by section 28, spending up to 45 days remanded in custody. That's six and a half weeks spent in detention by a child – potentially as young as 12 years old – who has not been convicted of any crime.

This is worrying. Detention has a significant impact on the wellbeing of children and young people. It disengages them from education and employment opportunities, results in social exclusion, increases their likelihood of reoffending, and increases the possibility that they will need to rely on the State for support throughout the rest of their life.

Yfoundations spent several months speaking with legal professionals across NSW, including the President of the NSW Children's Court, Specialist Children's Magistrates, and solicitors from Legal Aid and Aboriginal Legal Service. We sought to understand what might be causing this unnecessary remand time and what work needs to be done to solve this problem. *Section 28: Criminalising the Young and Homeless* is a culmination of their insights. We have recommended a number of practical changes that can be made to the legislation and the wider framework that supports it, to ensure that no child or young person is kept in detention simply because they are homeless.

This is an important piece of work that, we hope, will help to ensure that homeless children and young people are not just treated more fairly in the juvenile justice system but also, that they emerge from the experience with their life chances undiminished.