



Inquiry into foundational and disability supports available for children and young people in New South Wales

SELECT COMMITTEE ON FOUNDATIONAL AND DISABILITY
SUPPORTS AVAILABLE FOR CHILDREN AND YOUNG PEOPLE IN
NSW

Submission of the Community Restorative Centre (CRC)

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ACKNOWLEDGEMENT OF COUNTRY

CRC acknowledges the Traditional Custodians of the land on which we work and live. We recognise their continuing connection to land, water, and community. The offices of CRC stand on the lands of the Gadigal, Wangal, Bidjigal, Wilyakali, Baarkintji, Darug, Wiradjuri, Dharawal, Awabakal, and Worimi peoples. We recognise their continuing connection to land, water, and community, and pay respects to Elders, past and present.

The overrepresentation of First Nations people in the criminal legal system¹ across this continent is a national shame. We recognise the harm caused by these systems and the tireless advocacy of First Nations people to reduce the criminalisation of their communities. Ultimately, incarceration is not part of First Nations cultures, and First Nations people have had, and continue to have, systems of accountability outside of the colonial carceral system.

ACKNOWLEDGING THE ROLE OF PARLIAMENT IN COLONISATION

The Community Restorative Centre acknowledges that the establishment of Parliament is inseparable from the histories and structures of colonisation, and that the very processes underlying this inquiry reflect those colonial legacies. By engaging with this submission procedure, we remain mindful of how these frameworks can perpetuate inequitable power relations. Consequently, we approach this process with a critical awareness of its colonial origins, striving to foster practices that centre Indigenous rights, experiences, and voices as we pursue meaningful healing.

¹ We use the term 'criminal legal system', as opposed to 'criminal justice system' to reflect that the 'justice system' in Australia has been imposed on First Nations communities without their consent through settler colonialism. The term 'criminal legal system' also highlights the way the system-including police, courts and prisons- frequently fail to deliver justice. This is evident, for instance, in the fact that First Nations people in Australia have the highest imprisonment rate in the world, are racially targeted by police, and experience a lack of accountability from the 'justice system' when First Nations people die in custody.



First Nations communities have championed alternative ways of knowing, being, and doing that often diverge from the structures and protocols underpinning current parliamentary processes. Central to these practices is yarning, a relational and community-embedded method of knowledge sharing that inherently challenges Western frameworks of governance and inquiry.

ABOUT COMMUNITY RESTORATIVE CENTRE

Community Restorative Centre (CRC) is a lead NGO in New South Wales (NSW) providing specialist support to people affected by the criminal legal system, with a particular emphasis on providing support to people exiting prison who have multiple, intersecting needs.

CRC has over 70 years of specialist experience supporting people involved with prison systems. All CRC programs aim to reduce recidivism and build pathways out of the criminal legal system. CRC works holistically to do this, addressing issues such as homelessness, drug and alcohol use, social isolation, physical and mental health, disability, employment, education, family relationships, financial hardship, and histories of trauma. Of particular relevance to this inquiry, CRC has a program called 'Pathways Home', which supports young people aged 10-24 who are exiting prison, reside in the Greater Sydney Metropolitan area, and have a history of alcohol and/or drug use.

SUMMARY OF RECOMMENDATIONS

Recommendation 1: Improve access to culturally safe diagnosis and related supports for young people within and outside the prison system.

Recommendation 2: Schools should collect and publicly report on the demographic data of young people who are expelled or suspended, to monitor the impact of school exclusion on minoritised and disadvantaged children. Data should include the reasons for student expulsion or suspension (Thomas & Hand, 2025, p. 22).



Recommendation 3: Shifting investment away from behaviour models which focus on exclusion and punishment, to support systems in schools that ensure teaching staff and students are better supported (Thomas & Hand, 2025, p. 19). This includes shifting funds from youth prisons to evidence-based prevention and post-incarceration programs for students in schools, increasing the number of culturally sensitive and inclusive counsellors available in schools, and funding independent research to examine the impact of this work (Thomas & Hand, 2025, p. 19).

Recommendation 4: Developing a discipline policy in NSW that makes children staying in school a priority, and which ceases, 'zero tolerance-style policies that assume exclusion changes behaviour' (Thomas & Hand, 2025, p. 20).

Recommendation 5: Ensuring the curriculum and environment in NSW schools is culturally appropriate, accessible and engaging for First Nations children. This entails including more First Nations cultural education, improved cultural safety training for staff, and more information on financial support and how to access it (Mounty Yarns, 2025, pp. 48–49).

Recommendation 6: Amending the *Anti-Discrimination Act NSW (1977)* to remove exemptions that currently allow religious and private schools to expel and fire LGBTQ+ teachers and students in NSW. Such exemptions precipitate school exclusion for LGBTQ+ students with disabilities.

Recommendation 7: Diverting funds away from the expansion of police powers to community-based alternative first responders to the police.

Recommendation 8: The government supported expansion of alternative first responders to the police, such as drop-in centres, community patrols and outreach programs for children and young people.

Recommendation 9: That alternative first responders to the police are appropriately



trained, such as in cultural safety, de-escalation and trauma-informed care (National Justice Project, 2025).

Recommendation 10: The diversion of funds away from the prison system to culturally safe and inclusive community initiatives that address the root causes of youth crime.

Recommendation 11: Raising the minimum age of criminal responsibility to at least 14 in NSW.

INTRODUCTION

We thank the Committee for the opportunity to provide input into this inquiry. In this submission, we focus on the disability- related experiences of young people with prison system involvement, and those who are at risk of it. We highlight how proper access to disability and related supports is crucial to keeping young people out of the prison system. We also stress the need to divert young people from the prison system at the earliest possible opportunity. In this submission, we use pseudonyms for the young people that our service has supported. We do so to protect their privacy.

Notably, First Nations people are more likely to have disabilities (AIHW, n.d.), and First Nations children are at greater risk of criminalisation when disability related needs are not met. Thus, disability supports for First Nations young people should receive particular attention in policymaking.

Context

The hyperincarceration of people with disabilities

People with disabilities are disproportionately represented at every stage in the criminal legal system, including in prisons (McCausland & Baldry, 2023; Sotiri & Schetzer, 2025, p. 6). Young people with disabilities are nearly six times more likely to be incarcerated in youth detention than those who do not have disabilities (Boiteux & Poynton, 2023, p. 10). Hyperincarceration is more pronounced for First Nations young people with disabilities



(Sotiri & Schetzer, 2025, p. 8), including due to the intersection of multiple forms of discrimination and disadvantage, and the ongoing impacts of colonisation.

The social drivers of incarceration

The social drivers (or determinants) of incarceration for people with disabilities are more impactful on whether a person will be incarcerated than a specific choice the person makes. Social drivers of imprisonment for people with disabilities include unmet disability related needs, structural discrimination (like ableism and its intersection with other forms of discrimination, such as racism), unequal access to resources, school exclusion and the operation of the criminal legal system itself (for instance, through the hyper-surveillance of people with disabilities by police) (McCausland & Baldry, 2023, p. 45). People with disabilities may be hyper-surveilled by police due to exhibiting unpredictable and impulsive behaviours (Baldry et al., 2018, pp. 397–398), and because behaviour related to their disability is incorrectly read as defiant (Sotiri & Schetzer, 2025, p. 10). Social determinants of incarceration for people with disability are ultimately more impactful on whether a young person will be incarcerated than an individual decision they make.

Prisons can worsen the root causes of imprisonment

We highlight that incarceration can worsen rather than address the social drivers of imprisonment. For instance, Taylor Budin, a First Nations woman with autism and an acquired brain injury who was incarcerated in NSW as a young person, shared:

‘I think the criminal justice system makes things worse for people with disabilities because people who work in criminal justice are not qualified and don't know how to properly support people with disability’ (Budin, 2021b, p. 11).

For instance, Taylor described being called an ‘autistic dog’ by a guard while incarcerated, not having access to her medication for the first 12 days of incarceration, and not having access to any therapeutic programs or education in prison (Budin, 2021a, p. 203).

Investing in community supports is needed

Ultimately, many children in detention have unmet disability, mental health and support



needs that were not adequately addressed earlier (Commonwealth of Australia, 2025). Greater investment in early intervention, family supports, education, health and disability services will reduce reliance on detention as the primary response (Commonwealth of Australia, 2025).

Relying on carceral responses is a financial liability

While prisons end up ‘managing’ unmet disability related needs (Dodd et al., 2024, p. 398), it is more financially responsible for government to support people through community programs rather than the prison system. It costs \$2,573 per day to lock up a young person in NSW (Productivity Commission, 2026), which equates to almost \$1 million per year. Prevention and diversion programs are notably more cost-effective for government and the community. For instance, a KPMG evaluation of the Maranguka Justice Reinvestment Project in Bourke, NSW, showed the initiative led to \$2.5 million in savings to government and society over 1 year in 2017 (KPMG, 2018). The initiative was place-based and Aboriginal-led, and has since ended. It adopted a ‘life course’ approach and targeted concerns that were likely to put Aboriginal people at risk of criminal legal system involvement from early years into adulthood (Just Reinvest NSW, n.d.). Additionally, an early intervention program in Queensland for 10- 15-year-olds, called the Community Youth Response and Diversion (CYRD) initiative, showed notable cost savings too. Specifically, it led to \$4.5 million in savings over 1 year from a reduction in offending and time young people spent in prison (Nous Group, 2023, p. 6). As can be seen, supporting young people at risk of criminal legal system involvement through community initiatives rather than imprisonment is better financially for NSW.

RESPONSES TO THE TERMS OF REFERENCE (TOR)

- (1) **That a select committee be established to inquire into and report on child development, early childhood intervention services and other foundational and disability supports available for children and young people with developmental concerns, delays, differences or disabilities in New South Wales, and in particular:**



(a) **the role of such services and supports on a child's overall development, health and wellbeing**

Disability supports, as early as possible, are a protective factor to prevent young people from engaging with the criminal legal system. Notably, people not having access to such disability supports in the community can entrench them in criminal legal system involvement (Baldry et al., 2012; Sotiri & Russell, 2020). Some children with disabilities can use violence as a means of communication, with violence being a manifestation of unmet need rather than pure aggression. Disability supports can be crucial to prevent violent behaviour through supporting children with skills like emotional regulation. Such support is needed to prevent violent behaviours that can entrench children and young people in contact with police and the prison system.

Preventing children from entering the prison system is crucial for their wellbeing. Boys who are incarcerated are 6 times more likely to die prematurely than their peers, and girls are twelve times more likely (Martinez et al., 2026, p. 4).² People who are incarcerated as children are at a heightened risk of being incarcerated as adults (Akpanekpo et al., 2024). We also know that incarceration can have fatal consequences for First Nations people, and that 2025 marked the highest rate of First Nations deaths in custody since recording this information commenced (Brennan, 2025). Finally, children who are incarcerated in youth prisons are at a heightened risk of exposure to violence, exploitation and neglect than children who do not have disabilities (Commonwealth of Australia, 2023, p. 123). The dangers of incarceration make diverting young people from this system through appropriate disability and other supports particularly important.

The importance of disability supports for young people's health and wellbeing was evident in the case of a young person who drew on CRC and NDIS support to appear in person before an inquiry into the youth justice system in NSW this year. The young person was supported by an NDIS worker, a Community Restorative Centre caseworker and others to provide evidence in

² The referenced research does not provide data on young people who are not exclusively boys or girls, such as non-binary people, which is why we haven't included such data in this submission.



person at the inquiry. Here, the young person explained the social drivers behind his involvement in the prison system, and shared lived expertise with legislators regarding ways to help keep young people out of the criminal legal system to promote their health and wellbeing.

- (b) **the types of services and supports available and measures to improve effectiveness, availability and access of such services and supports in metropolitan, regional, rural and remote New South Wales, including medical, community-nursing, allied health services, NDIS services and other service delivery models**
- (c) **the role of diagnostic services, existing gaps and barriers, and measures to improve effectiveness, availability and access of such services**

We encourage improved access to diagnostic support as early as possible to prevent criminal legal system involvement. For instance, young First Nations people involved with the youth storytelling project Mounty Yarns in Mt Druitt, NSW, recommended improving the availability of diagnosis and related supports for young people in the education system who have disabilities (Mounty Yarns, 2025, p. 49). Additionally, a research report commissioned for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability showed how often young people get diagnosed with FASD, cognitive disability for the first time in prison because of structural and circumstantial disadvantages (Baidawi et al., 2023). This highlights how diagnosis and related supported opportunities are being systematically missed to help prevent prison system involvement for young people.

We recommend improved identification of young people with disabilities in prison too (Dodd et al., 2024, p. 401). This includes through culturally safe screening for disability for young people upon entry (Mounty Yarns, 2025, p. 46). People with ‘invisible’ and non-physical disabilities are particularly at risk of not having their disabilities and associated support needs recognised (Dodd et al., 2024, p. 405). The effect of a lack of diagnosis means that disability related support needs for young people are not met, and that prisons



continue to operate in accordance with ableist norms, without expectation for disability-related adjustments to occur (Dodd et al., 2024, p. 406).

Clancy's story

The story of a young person that Pathways Home supported, Clancy, highlights the effects of barriers to diagnosis. Clancy, a First Nations young person, experienced difficulties throughout his schooling. He struggled at school, was often suspended, and disengaged from mainstream schooling in year 6. During periods of suspension, he was rarely provided with suspension support, which led to early contact with police. His family faced disadvantage on varying levels, and school reports noted that he would often come to school unkempt and unfed.

Clancy's school disengagement was also contextualised by disability. Clancy was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD) and treated with medication. However, he was diagnosed with further conditions whilst in youth custody. This only occurred after advocacy for assessment came from a Pathways Home worker. Such assessments led to a diagnosis of Foetal Alcohol Spectrum Disorder (FASD), severe language impairment and cognitive disability. The delayed identification of these disabilities meant that, for many years, Clancy's disability-related behaviours were responded to through criminal legal system pathways, rather than therapeutic and disability-informed supports.

Recommendation 1: improved access to culturally safe diagnosis and related supports for young people within and outside the prison system.

- (d) **gaps and barriers to accessing early childhood intervention and their impact on a child's overall development, health and wellbeing, as well as on their family or carers and other government services and systems**

Staff who support young people with disabilities at CRC spoke about the gaps in NDIS support for young people exiting prison. For instance:

- Some CRC workers had to educate NDIS workers about how to support prison-system-involved young people, including through educating them about how to set



up online prison visits (known as AVLs) with the young person, what a VIN is (a Visitor Identification Number, which is required to authorise contact with a young person in prison), and providing education and context about charges to some risk-averse NDIS providers, to develop their confidence to support the young person. This education was required despite some of these NDIS providers advertising that justice system-involved young people were one of the cohorts they could support.

- Children might not have been diagnosed with a disability, or did not meet the threshold for NDIS support (for instance, a child might have a mild intellectual disability but not qualify for the NDIS), but needed NDIS supports.
- Young people's access to their NDIS supports would fall apart when they were incarcerated, and CRC needed to engage in advocacy to enable this support to recommence.
- Applying for the NDIS whilst the young person was in prison could mean the package took a lot longer to access than if a client was already on the NDIS.

We are concerned the mentioned unmet need in disability supports will be worsened through planned cuts to the NDIS, wherein almost a quarter of a million people will be removed from NDIS packages. We are concerned this was done without legislators who approved of these cuts genuinely taking on board objections made by many in disability communities to the cuts. While there are various ways NDIS supports could be improved for the young people with disabilities we support (for instance, by addressing some of the issues we outlined with respect to unmet needs and the NDIS), the NDIS provides individualised funding that speaks to children's specific needs in a way that state-based foundational supports generally do not. For instance, 'Thriving Kids' is the first phase of Australia's new Foundational Supports system, developed in response to the Independent Review of the NDIS and endorsed by National Cabinet in January 2026. It represents a structural shift away from individualised NDIS plans for many young children toward state-delivered, population-based, 'one size fits all' support. The program will support children aged 0–8 with developmental delay and/or autism who have low to moderate support needs. Support under Thriving Kids includes:

- Low-intensity supports, like parenting programs, group interventions, peer support



and digital resources.

- Moderate supports, like time-limited allied health (speech, occupational therapy, psychology), early childhood interventions and care coordination.

The move to foundational supports like Thriving Kids for children who are removed from the NDIS, or who do not qualify it, may increase gaps in early childhood intervention. Notably, supports under Thriving Kids will not immediately support many of the young people our service supports, which assists young people from 10 years of age and up. There is also no individual plan, review or appeal right equivalent to the NDIS under Thriving Kids; the initiative is not legislated as per the NDIS; and families relocating between states may face service discontinuity. While no formal diagnosis is needed to access Thriving Kids, theoretically reducing existing threshold issues under the NDIS, accessing Thriving Kids still relies on parents, carers, and service systems to be able to first identify the need, then navigate resources, tools, and directories to address the need and have the resources to implement changes at home. This not only increases the burden on parents and carers to absorb gaps in service systems, but also assumes they have the resources and capacity to identify the need, navigate the system and implement the strategies at home.

From CRC's experience, children with criminal legal system involvement are already not being identified and having their disability related needs adequately met; we anticipate the move to foundational supports like Thriving Kids may increase that gap. Such gaps will disproportionately affect single-parent households, families experiencing disabilities, mental illness, poverty, lower levels of literacy or criminal legal system involvement, and Aboriginal/ Torres Strait Islander and culturally and linguistically diverse families.

It is particularly important that disability communities are consulted in relation to the implementation of the federal government's legislated NDIS cuts. This includes consulting with children with prison system involvement, or who are at risk of it, with respect to foundational support needs. It also involves consulting with families who have children with disabilities who are at risk of prison system involvement, as families will have important insights about the needs of their children.



In light of the NDIS cuts, a clear pathway into equivalent foundational supports needs to be developed to ensure young people's needs are met. We know people with disabilities are tired of having their needs assessed, and this will probably occur again for people to access foundational supports. Ensuring people's needs are assessed in the least intrusive and most culturally safe and trauma-informed way possible is crucial.

While disability supports (like those provided by the NDIS or foundational supports) might not necessarily be framed as 'anti-criminogenic', when children's disability related needs are met, this is the effect that they have. It is thus crucial that NDIS and foundational supports are accessible to, and meet the needs of, children with criminal legal system involvement and their families. If children's needs are not adequately met through disability supports, children's needs will be addressed through vastly more expensive and harmful means- like police and prison involvement, the child protection system, and school exclusion.

- (e) **opportunities to increase engagement across sectors and improved collaboration across both government and non-government services, including Aboriginal Community Controlled Organisations, early learning services, educational settings and health services**

We support better coordination between systems. This includes NDIS workers better coordinating with educators and NGOs like CRC to ensure young people's needs are addressed.

With the move from the NDIS to foundational supports for some young people, there will be more potential gaps between service systems that people may be negatively impacted by. To address such gaps, appropriate information sharing is needed, including between state and federal governments. Policymakers should be trained to ensure they do not work in silos, and to understand that young people with criminal legal system involvement will be moving between multiple systems, which may include Youth Justice, out-of-home care, the foundational supports system, the NDIS and NGO supports, like support by Community Restorative Centre and Aboriginal community-controlled organisations.



We encourage careful and considered information sharing across sectors to support young people with criminal legal system involvement. While it may be important for police to know that young people have disabilities, such information sharing should not replicate systems of surveillance for young people. For instance, police should not be provided with so much information that it amounts to criminal intelligence for a young person's matter. Effort should be made to ensure the right balance is struck regarding the privacy of young people with disabilities, and the necessary information sharing between sectors to ensure their needs are met.

- (f) **other government or best practice child development and early childhood intervention service models and programs operating outside of New South Wales**
- (g) **workforce issues in the child development and early childhood intervention sectors, including workforce demand and the availability, quality and capacity of existing workers, and**
- (h) **measures to implement recommendations of the NDIS Review Final Report and the Disability Royal Commission Final Report in relation to foundational supports, and**
- (i) **any other related matter.**

The school-to-prison pipeline for young people with disabilities

There are known issues with schools not adequately supporting young people with disabilities (Mounty Yarns, 2025; Thomas & Hand, 2025), which has a flow-on effect to student exclusion, and ultimately the hyperincarceration of people with disabilities. Young people with disabilities (those known to receive reasonable adjustments) are two and a half times more likely than other students to be suspended (Thomas & Hand, 2025, p. 7). This is particularly concerning in light of the phenomenon of the 'school to prison nexus' in NSW,



wherein students who face school exclusion are disproportionately more likely to be incarcerated than those who do not (Thomas & Hand, 2025, p. 9). This nexus is evident in the fact that 93.8% of young people incarcerated in NSW have been suspended from school (Thomas & Hand, 2025, p. 9).

School exclusion practices continue to be relied upon in the NSW school system despite there being no evidence that they properly address children's behaviour (NSW Ombudsman, 2017; Thomas & Hand, 2025). We note that such exclusion is more likely to lead to further school exclusion (Thomas & Hand, 2025, p. 5). A 2017 NSW Ombudsman review also found that, 'suspension may exacerbate challenging behaviour for students with disability' (NSW Ombudsman, 2017, p. X). International evidence additionally suggests that zero-tolerance style behaviour approaches in schools do not positively change young people's behaviour (Thomas & Hand, 2025, p. 8). As can be seen, school exclusion practices do not support young people, including young people with disabilities, to stay in school or assist with behaviour change when it is needed.

Young people with criminal legal system involvement have shared how schools either did not meet their needs or left them feeling alienated and disengaged. For instance, a young person who accessed Community Restorative Centre's Pathways Home program shared the need for, 'better support in schools to help us and our families'. Additionally, a First Nations student involved with the youth First Nations storytelling project Mounty Yarns in NSW stated:

'The teachers I've had are racist and called me "stupid", "ADHD", "ODD", "shit". They said I was a "bad kid". It made me feel dumb as hell. Teachers also targeted me and my friends and jumped to conclusions about us because of our last names. I wish instead of just suspending me all the time, they could have helped me, because the more they suspended me the more I didn't care' (Mounty Yarns, 2025, p. 22).

The young person's quote highlights how racism and disability stigma left him feeling alienated and excluded. It also highlights how repetitive suspensions made him particularly disengaged from education.



Addressing the school-to-prison nexus for young people with disabilities is an urgent issue, as school suspensions are rising in NSW (Thomas & Hand, 2025, p. 5), and so too is the incarceration of children (BOCSAR, 2025). This status quo is concerning, as it costs just \$10.70 per day to educate a child in the government school system (Thomas & Hand, 2025, p. 13), compared to \$2,573 per day on average to incarcerate them (Productivity Commission, 2026). The savings associated with keeping children out of prisons and in schools are stark. Intervening in the school-to-prison nexus for children with disabilities is both crucial to their wellbeing and financially beneficial to government.

There are a range of ways the school-to-prison nexus can be addressed in NSW to support the wellbeing of children with disabilities, which we have included as recommendations below.

Recommendation 2: Schools should collect and publicly report on demographic data of young people who are expelled or suspended, to monitor its impact on minoritised and disadvantaged children. Data should also include the reasons for student expulsion or suspension (Thomas & Hand, 2025, p. 22).

Recommendation 3: Shifting investment away from behaviour models which focus on exclusion and punishment, to support systems in schools that ensure teaching staff and students are better supported (Thomas & Hand, 2025, p. 19). This includes shifting funds from youth prisons to evidence-based prevention and post-incarceration programs for students in schools, increasing the number of culturally sensitive and inclusive counsellors available in schools, and funding independent research to examine the impact of this work (Thomas & Hand, 2025, p. 19).

Recommendation 4: Developing a discipline policy in NSW that makes children staying in school a priority, and which ceases, 'zero tolerance-style policies that assume exclusion changes behaviour' (Thomas & Hand, 2025, p. 20).



Recommendation 5: Ensuring the curriculum and environment in NSW schools is culturally appropriate and engaging for First Nations children. This involves including more First Nations cultural education, improved cultural safety training for staff, and more information on financial support and how to access it (Mounty Yarns, 2025, pp. 48–49).

Recommendation 6: Amending the *Anti-Discrimination Act NSW (1977)* to remove exemptions that currently allow religious and private schools to expel and fire LGBTQ+ teachers and students in NSW. Such exemptions precipitate school exclusion for LGBTQ+ students with disabilities.

A broader range of important recommendations for addressing school exclusion for young people can be found in the following documents:

- *Disrupting the school-prison nexus in NSW: Inclusive and evidence-based alternatives*, by Dr Archie Thomas and Worimi/Biripi researcher Dr Samara Hand (Thomas & Hand, 2025).
- *Mounty Yarns: Lived Experiences of Aboriginal young people in Mt Druitt* (Mounty Yarns, 2025, pp. 48–49). This document, which includes the experiences and recommendations of criminal legal system-involved First Nations young people in Mt Druitt, NSW, provides recommendations about how education and learning could be made more accessible for them.

The necessity of alternative first responders to the police

Government support for alternative first responders to the police is also crucial to support the wellbeing of children with disabilities. We welcome the NSW government’s announcement of a \$270 million investment to deploy specialist health workers to mental health emergencies instead of police in appropriate circumstances (Catley & Jackson, 2026). This will occur through people being diverted to virtual mental health hubs when calling 000 in ‘in areas of high need’ (Catley & Jackson, 2026). However, we support the call by stakeholders for more detail on what the rollout will look like (Alternative First Responders Team, 2026). We recognise that there are gaps for government to address- for instance, the service will only be accessible



12 hours per day, there should be an assurance of culturally safe care, and the government should work with key stakeholders on the rollout of the approach, including Aboriginal community-controlled organisations, peer workers and people with lived experience (Alternative First Responders Team, 2026).

We encourage the expansion of alternative first responder models to help reduce criminal legal system contact for young people with disabilities. In addition to the triple zero call diversion mentioned, other models of alternative first responders to the police include First Nations community patrols and outreach programs (National Justice Project, 2025, p. 11). Such initiatives can involve a transportation service for people experiencing mental health concerns, homelessness and intoxication. Other alternative first responder models include drop-in centres for children, which, as the National Justice Project explains, can support, ‘individuals in crisis through trauma-informed, person-centred and culturally safe approaches, without involving law enforcement’ (National Justice Project, 2025, p. 13). Through our work, we know young people can end up out on the street to avoid crowded homes and/or domestic and family violence. This can increase young people’s chances of police contact, making safe spaces and drop-in centres particularly useful to help children avoid police contact.

We highlight community consensus in support for alternative first responders to the police (National Justice Project, 2025). Alternative first responder models are particularly crucial as people with disabilities, young people and First Nations communities disproportionately face police contact and surveillance. This is a concern for a range of reasons, including because police are the primary entry point to the prison system. Workers in CRC have reported that police can treat children as adults in their interactions with them (which is not age-appropriate), and that people with disabilities can face needless interventions from police, who can harass and exhibit violence towards people with disabilities (Potaka, 2026; Rowe et al., 2022; Waller, 2026). We support the expansion of alternative first responders to the police, which would mean that parties like parents of children with disabilities are able to call alternatives to the police to support their children where needed.

We particularly encourage the uptake of policy recommendations for alternative first



responders to the police by the National Justice Project in their *Alternative First Responders Position Paper* (National Justice Project, 2025), to support the health and well-being of young people with disabilities. We support the Project's recommendation of justice reinvestment with respect to policing, which involves diverting funds from the expansion of police capacities to community initiatives that focus on health, economic and social supports. Such supports can facilitate crisis response, in addition to strengthening long-term community safety and resilience (National Justice Project, 2025, p. 15). We also encourage government support for expanding existing models of alternative first responders to the police, and providing funding for best practice alternatives (National Justice Project, 2025, p. 15). Such funding should ensure the initiatives can be staffed, appropriately trained, and acquire other needed resources (such as funding for evaluation) to ensure they are effective and sustainable. Staff should have access to necessary training like de-escalation, person-centred approaches, culturally safe practice and trauma-informed care (National Justice Project, 2025, p. 16). We believe that community initiatives, rather than policing, are best suited to keeping communities safe and supporting children with disabilities.

Recommendation 7: Diverting funds away from the expansion of police powers to community-based alternative first responders to the police.

Recommendation 8: The government supported expansion of alternative first responders to the police, such as drop-in centres, community patrols and outreach programs for children and young people.

Recommendation 9: That alternative first responders to the police are appropriately trained, such as in cultural safety, de-escalation and trauma-informed care (National Justice Project, 2025).

Diverting children with disabilities from the prison system

Resourcing diversion work

Expanding and improving disability supports can be in part funded through the diversion of money from the prison system to community initiatives that address the social drivers of



people's offending. We know that the Disability Royal Commission report (amongst others) stressed the need for disability informed diversion and prevention to keep children out of prison (Commonwealth of Australia, 2023). The growth of prevention and diversion initiatives is particularly needed in regional areas, where such programs can be less accessible to young people, and where youth crime is higher (BOCSAR, 2026).

Justice reinvestment initiatives in NSW are one way the government is attempting to do this work. Justice reinvestment involves redirecting funds away from the prison system to community initiatives that address the reasons why people are incarcerated. An example of this work is the Mounty Yarns youth storytelling project, which we mentioned earlier in this submission. While the NSW Department of Communities and Justice (DCJ) pledges commitment to justice reinvestment on their website (DCJ, 2024), which is positive, we stress that justice reinvestment in the true sense would involve the substantive, large-scale reinvestment of funds spent on the criminal legal system into prevention and diversionary programs. This would involve mobilising a much larger pool of funds than what is currently being mobilised in NSW.

Raising the minimum age of criminal responsibility

The current minimum age of criminal responsibility in NSW is 10, which is out of alignment with international expectations, and the recommendation from the Royal Commission into Disability, which recommended raising it to 14 (Commonwealth of Australia, 2023, p. 123). Given children with disabilities are hyperincarcerated, raising the minimum age of criminal responsibility is an important means of diverting them from the prison system.

Recommendation 10: The diversion of funds away from the prison system to culturally safe and inclusive community initiatives that address the root causes of youth crime.

Recommendation 11: raising the minimum age of criminal responsibility to at least 14 in NSW.



CONCLUSION

Thank you for considering our submission, where we discussed the gaps in disability supports for young people involved with the criminal legal system. Appropriate disability supports are a crucial way to prevent youth incarceration, which is expensive for government and can cause immense harm to young people with disabilities. Measures to keep young people out of the prison system- like the growth of appropriate prevention and diversion programs, and addressing the school-to-prison nexus- are crucial for the wellbeing of young people with disabilities and their families.

We close with the words of a First Nations young person we supported, Clarence, who shares how accessing diagnosis and support for his F.A.S.D. (which was supported by advocacy from Community Restorative Centre) helped him build the social skills he needs for his future:

‘Since finding out I have F.A.S.D I have been given heaps of support. I’ve had many F.A.S.D. specialists come and see me...they have been supportive and given me strategies to work towards making my life easier and explaining step-by-step instructions to help my social skills. I’m learning to move on with my life with F.A.S.D and how to set goals for the future’.



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