

Response to question on notice

Questions on Notice Paper No 15

06 February 2026

Question No. 833

Mr Shane Rattenbury MLA: To ask the Minister for Police, Fire and Emergency Services –

1. What are the reasons for the record low percentage, according to the 2026 Report on Government Services, of young people being diverted from the criminal justice system for First Nations and also non-First Nations people.
2. What can happen to young people who are not diverted from the criminal justice system.
3. What is ACT Policing doing to increase the amount of young people being diverted from the criminal justice system.
4. What approach is taken for young people who are First Nations and what approach is taken for young people who are not First Nations in diverting young people from the criminal justice system.
5. What number of youth diversions from the criminal justice system is acceptable by the Minister.

DR MARISA PATERSON MLA - The answer to the Member's question is as follows:

1. ACT Policing acknowledges that the 2026 Report on Government Services (RoGs) data released 3 February 2026 shows a year-on-year decrease in the proportion of youth offenders diverted for both Indigenous and non-Indigenous young people.

It should be noted that the diversion data in the RoGS is calculated using a different methodology to ACT Policing and includes all non-court outcomes, diversion types and formal cautions.

ACT Policing's policy is to refer all eligible offenders including all eligible First Nations to Restorative Justice and to work with Government and non-government partners to identify options for increased diversion and community-based referrals. During the reference period (2024-25) there were 38 Young Persons eligible for diversionary conferences. Of those eligible, 35 were referred to the ACT Government's Restorative Justice Unit (RJU).

- The three young people outstanding were not referred due to the case officer not considering referral to the Restorative Justice Unit at the time of apprehension or based on their discretion due to either the number and or nature of the offences committed.

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Further, ACT Policing note that referral rates can be affected by offence seriousness and willingness of offenders and victims to engage in restorative justice.

ACT Policing remains committed to the diversion of children and young people through relevant processes such as Restorative Justice, where appropriate and where the child or young person meet the eligibility criteria.

To support the Minimum Age of Criminal Responsibility (MACR) legislative reforms, the ACT Government established the following additional referral pathways for children under the MACR, alongside existing Restorative Justice:

- Therapeutic Support Panel (TSP)
- Safer Youth Response Service Pilot (SYRS)

The ACT's MACR reforms aimed to divert children and young people away from harmful behaviours to themselves or to others, and to support children and young people to be part of a safer community. Without taking away from the significance of the reforms in the national context, it is important to note that ACT Policing's management of young offenders prior to MACR already focused upon diversionary practices and therapeutic interventions.

In the Chief Police Officer's 2025 Statement of Intent, it was reaffirmed that ACT Policing would maintain ongoing engagement with the ACT Government and relevant support services to promote therapeutic responses for young people in crisis and limit engagement with the criminal justice system where possible.

To support the MACR reforms, ACT Policing developed a comprehensive training package that was mandatory for all sworn members, up to and including Superintendents. ACT Policing members spent a combined total of around 2,500 hours attending MACR training and supporting the operationalisation of the reforms, with an estimated cost of more than \$160,000. A key message of the training was for members to support the therapeutic goals of the reforms and to engage with the therapeutic support systems where appropriate.

ACT Policing's commitment to therapeutic responses is evidenced by its strong engagement and support of the Safer Youth Response Service and Therapeutic Support Panel. ACT Policing continues to be the highest referring source to the Therapeutic Support Panel, with approximately 76% of all referrals being made by ACT Policing for the period 1 July 2025 to 31 December 2025.

ACT Policing acknowledges that the Restorative Justice Unit is committed to providing a culturally safe environment for First Nations clients and seeks to be responsive to their needs. The Restorative Justice Unit has a dedicated First Nations convenor and a First Nations Guidance Partner. The Unit has a First Nations practice framework and regularly engages with stakeholders Galambany Court.

Further information can be found on the [Restorative Justice ACT website](#).

ACT Policing continues to work alongside the ACT Government and key community partners to ensure that these processes and practices remain fit for purpose and are working to support the children and young people they involve.

2. Since legislative amendments to the minimum age of criminal responsibility in the ACT, with some very limited exceptions, only young people over 14 can commit criminal offences. When young people between 14 and 18 commit an offence, they may become a part of the ACT youth justice system. The youth justice system is distinct from the criminal justice system.

There are several opportunities in the ACT to divert young people from the youth justice system, from first point of contact with ACT Policing, through to the Office of Director of Public

Prosecutions decision to prosecute and the courts. These and other ACT agencies work together to address underlying factors that contribute to offending as early as possible, to reduce the potential for lifelong offending.

If a young person enters the youth justice system, they are treated consistently with the youth justice principles as set out in the *Children and Young People Act 2008* and the United Nations Convention on the Rights of the Child (UNCROC). These principles apply to considerations of bail and other justice orders, and if a young person is detained, they are held separately in a youth justice centre (Bimberi). There are several regulatory safeguards to ensure that young people are treated appropriately, including the official visitor program, the Commissioner for Children and Young People, the Commissioner for Aboriginal and Torres Strait Islander children and young people, the Inspector of Correctional Services, as well as the ACT's National Preventative Mechanism.

Whether the young person is in custody or subject to a community order, Children, Youth and Families (CYF) within the Health and Community Services Directorate is responsible for their assessment, supervision and support. Services provided include case management and an After-Hours Crisis Service.

3. ACT Policing has dedicated teams and targeted strategies in place to support the diversion of young people from the criminal justice system.

Community Engagement Team (CET)

The Community Engagement Team (CET), via its Liaison Officers (LO's), provides support and assistance to the most vulnerable groups in our community, namely, the elderly, youth, First Nations, those with disabilities, LGBTQIA+ and multicultural groups.

The CET engages with children, young people and vulnerable persons who require support in and out of the home as well as those who are involved in criminal and anti-social behaviour. The CET aims to strengthen ties between police and the community which is vital to the success of addressing the impacts of youth criminality in the ACT.

The CET LO's routinely provide engagement through programs at ACT schools, youth groups and cultural events. The CET have, through existing partnerships and stakeholder relationships, a range of programs available. The programs are accessible through a referral process, however, there are strict eligibility requirements. ACT Policing note that this can be a significant hurdle for police and partner agencies, especially where youths identified as being at risk choose not to accept help.

Education and Diversion Team (EDT)

The EDT is responsible for the delivery of presentations to schools, community groups and internally to ACT Policing staff. These interactions are structured, and delivered by the EDT, which is comprised of both professional and sworn staff. Presentation topics include:

- Drugs and alcohol
- 'Think U Know' cyber safety
- Personal safety
- Home safety
- Bullying
- Respectful relationships
- The role of police in our community for Culturally and Linguistically Diverse (CALD) community groups.

The EDT is also responsible for the relationship with the Restorative Justice Unit which is within the Justice and Community Safety (JACS) Directorate. The EDT develop training for ACT Policing members regarding Restorative Justice and assists ACT Policing with the management of the Restorative Justice referrals and diversion programs.

Proactive Policing Team

Proactive Policing is responsible for maintaining relationships with external agencies to seek a collaborative approach to youth recidivism through the Recidivist Offender Multi-Agency Round Table (ROMART). ROMART, comprising of representatives from relevant ACT Government agencies and organisations, was established in August 2023 with the primary purpose of reducing recidivist offending in the ACT.

ROMART is a case management body that meets weekly to manage high-risk-high-harm offenders, alternating each week between juvenile and adult forums. It also enhances information sharing between participating agency partners, to manage the earliest possible detection and intervention to minimise harm to the individual as well as the community.

Membership of the ROMART consists of ACT Policing (Proactive Policing Team), Children, Youth and Families (the TSP, Youth Justice, Bimberi Youth Justice Centre), ACT Department of Education and ACT Corrective Services

4. ACT Policing applies a consistent approach to all young people and is actively focused on diverting them away from the criminal justice system, wherever appropriate and eligibility criteria is met. ACT Policing work with and support all partner agencies, both Government and non-government, in developing diversionary programs for our young people.

During business hours, ACT Policing can utilise diversionary referral pathways to Youth Justice and Adolescent Services (YJAS) - Intensive Adolescent Services (IAS). The YJAS IAS Team provides voluntary, practical, and intensive support to young people with complex needs who are at risk of entering the criminal justice system. With a strong focus on diversion, IAS works to prevent youth offending by addressing the root causes of harmful behaviour and promoting positive pathways. The team are uniquely placed to support young people navigate complex statutory systems, such as child protection and youth justice, to ensure they are engaged and connected to the right supports at the right time. IAS supports young people 14 – 18 years.

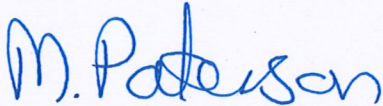
For afterhours support, referrals can also be considered to the Youth Justice and Adolescent Services' Community Residential Service – Narrabundah House. Narrabundah House provides supported accommodation for young people who require a diversionary bed, are subject to community-based youth justice orders, or are transitioning from custody. Working closely with a young person's care team and case practitioner, youth workers provide 24-hour supervision and support to young people in a dedicated home like environment. The service prioritises Aboriginal young men aged 14–18 and offers an after-hours crisis bed available to CYF as a placement option. This service can be reached afterhours through the Children, Youth and Families After Hours Service.

As discussed above, ACT Policing seeks to utilise Restorative Justice for any eligible offences, rather than putting a young person before the court. Restorative Justice continues to be available for children and young people under the MACR who engage in harmful behaviour. A key requirement for eligibility for the Restorative Justice process is consent. Both the victim and offender must be willing to participate. ACT Policing note that this is a significant factor contributing to the low participation rates.

5. The ACT Government is leading the way in Australia through raising the minimum age of criminal responsibility. With lower than the national average for youth offending rates in the ACT, the ACT Government has taken a critical step towards further reducing harmful behaviours and future youth offending by raising the minimum age of criminal responsibility to 14 years and investing in therapeutic alternatives. Through these reforms the ACT is building a system that is trauma informed, developmentally appropriate and grounded in human rights, prevention and support. To support this approach to offending, the ACT Government invested significantly in ACT Policing

to focus on prevention and diversion. Youth diversion is an area of focus for the Government. The RoGS results identify a need for improvement and action, and I have indicated in my Ministerial Direction to the Chief Police Officer (CPO) to the ACT my priority of diverting youth from the criminal justice system, and he has provided assurances through his Statement of Intent to deliver against that direction. The CPO is required to report annually on progress against his Statement of Intent and I will continue to work with him to improve outcomes for our community's young people.

Approved for circulation to the Member and incorporation into Hansard.



Dr Marisa Paterson MLA
Minister for Police, Fire and Emergency Services

23/3/26

Date:

This response required 1hrs 30mins to complete, at an approximate cost of \$249.95