

Yfoundations and Shelter NSW Joint Submission to the Select Committee on Youth Justice

March 2026



Executive Summary

Yfoundations and Shelter NSW welcome the opportunity to make a joint submission to the NSW Legislative Council Select Committee on Youth Justice. Yfoundations is the NSW peak body for youth homelessness, representing over 50 member organisations providing front-line accommodation and support services to young people across New South Wales. Shelter NSW is an independent, non-profit peak body established in 1975 that advocates for a fairer housing system in New South Wales.

Our submission focuses on the intersection of housing instability and youth justice involvement – a relationship that is bi-directional, deeply entrenched, and largely unaddressed by current policy settings.

Our primary recommendation is straightforward: the NSW Government must significantly expand the Bail and Accommodation Support Service (BASS), including the number of contracted providers and beds, with explicit geographic equity requirements to ensure coverage across regional and rural NSW. This single reform has the potential to prevent hundreds of young people from being unnecessarily detained each year solely because they lack a suitable address.

This primary recommendation cannot succeed in isolation. Our submission identifies five further reforms that must be addressed alongside it – including, critically, raising the age of criminal responsibility to ensure children are not exposed to detention as a consequence of poverty and housing insecurity.

1. Police must be mandated to use the BASS, with the process redesigned to remove administrative barriers that currently discourage its use in practice.
2. Structured face-to-face coordination between Youth Justice workers and specialist homelessness service (SHS) providers must be reinstated.
3. All BASS expansion and associated services must embed culturally safe, First Nations-led responses, given the severe overrepresentation of Aboriginal and Torres Strait Islander young people in the youth justice system.
4. Investment in supported housing models for young people must be expanded, with adequate supply and wraparound support across the spectrum of crisis, transitional, and longer-term accommodation.
5. The age of criminal responsibility in NSW must be raised to at least 14 years old, ensuring children are not exposed to detention as a consequence of poverty and housing insecurity.

These issues are not separate complaints – they are conditions that determine whether an expanded BASS works successfully in practice, and whether the reforms address both the immediate crisis of detention and the structural housing failure that creates it.

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About Yfoundations and Shelter NSW

Yfoundations is the NSW peak body for youth homelessness, representing over 50 member organisations that provide accommodation and specialist support services for young people aged 12 to 25 who are experiencing or at risk of homelessness. Our members include some specialist homelessness services (SHS) contracted to deliver BASS placements, as well as a broad range of crisis, transitional and supported accommodation providers across metropolitan, regional, and rural NSW.

This submission draws on Yfoundations' own research - including our 2021 Youth Justice Report *Young, in Trouble and With Nowhere to Go* - as well as Shelter NSW's housing affordability research, and direct feedback received from member organisations in preparation for this inquiry. Member responses represent services operating across metropolitan Sydney, regional centres, and outer suburban areas, and reflect current on-the-ground conditions.

Shelter NSW is an independent, non-profit peak body established in 1975 that advocates for a fairer housing system in New South Wales. Their expertise on the structural drivers of homelessness - including the scarcity of crisis and transitional housing, social housing waitlists, and private rental market inaccessibility for young people - complements our front-line focus.

The Housing-Justice Pipeline: Structural Context

Private market failure

Poverty and a lack of access to affordable housing are structural drivers of homelessness. Public housing as a proportion of total housing stock has declined for decades, while in the five years to early 2026, rental prices increased by 43.9 per cent against wage growth of 17.5 per cent.¹ With the average rental vacancy rate below 1.5 per cent across metropolitan, regional, and rural NSW, affordability will continue to deteriorate.²

For young people, this manifests in a largely inaccessible private rental market. The maximum fortnightly amount a Youth Allowance recipient can receive - including Commonwealth Rent Assistance - is \$892.60, against a median fortnightly rent of \$1,500 for a Sydney unit.³ Shelter NSW's *Rental Affordability Index* finds only one postcode in NSW that is affordable for a single person on benefits; Greater Sydney

¹ Lawless, T. (2026, February 10). Rents outpace wages more than two and a half times over five years: Cotality. *The Real Estate Conversation*. <https://www.therealestateconversation.com.au/news/2026/02/10/rents-outpace-wages-more-than-two-and-half-times-over-five-years-cotality/1770688787>

² SQM Research. (2026, February). *Vacancy rates: Sydney, NSW*. <https://sqmresearch.com.au/property/vacancy-rates?region=nsw-Sydney&type=c>

³ Author calculations based on Services Australia. (2025, October 28). *How much Rent Assistance you can get and How much Youth Allowance for students and apprentices you can get*. Services Australia. <https://www.servicesaustralia.gov.au/how-much-rent-assistance-you-can-get>

is categorised as either extremely or critically unaffordable, requiring more than 60 per cent of income spent on rent.⁴ In a tight rental market, those without a rental history are also at a systematic disadvantage, pushing young people into informal share and subletting arrangements with limited security of tenure.

Safety nets unable to meet need

Specialist homelessness services (SHS) are not resourced to meet increasing demand. In the 2023–24 reporting period, there were on average 31.8 unassisted requests for short-term or emergency accommodation each day in NSW, and 16.8 unassisted requests per day for other housing and accommodation.⁵ Two-fifths of young people aged 15–24 presenting alone had unassisted requests for short-term or emergency accommodation.⁶

Longer-term pathways are equally constrained. The Audit Office of NSW's 2025 report on social housing found that 44 per cent of applications had been waiting more than 90 days for an initial assessment, with expected wait times often exceeding 10 years for those ultimately eligible.⁷

Children under pressure

Given the inability of SHS and social housing to meet demand, it is no surprise that providers are often unable to accommodate BASS requests, or that children at risk of homelessness are not receiving the support required to find stable accommodation. Young people experiencing acute homelessness are far more likely to be targeted by police and thus face a much greater risk of negative interactions with the justice system.⁸

What should be minimal, incidental contact with the criminal justice system via bail becomes ongoing detention under section 28 of the Bail Act 2013 (NSW). Even where a magistrate is satisfied that a defendant has adequate accommodation, a child facing housing instability may quickly find themselves in breach of their bail conditions should their living situation collapse – facing additional charges as a consequence of poverty, not of any new act. At present, children and young people who come into contact with the justice system are punished for facing housing insecurity.

⁴ SGS Economics and Planning. (2025). *Rental affordability index*. <https://sgsep.com.au/projects/rental-affordability-index>

⁵ Australian Institute of Health and Welfare. (2025). *Specialist homelessness services annual report 2023–24: Unassisted requests for services*. <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-annual-report/contents/unassisted-requests-for-services>

⁶ Australian Institute of Health and Welfare. (2025). *Children and young clients*. <https://www.aihw.gov.au/reports-data/health-welfare-services/homelessness-services/shs-client-groups/young-clients>

⁷ Audit Office of New South Wales. (2025). *Social housing*. <https://www.audit.nsw.gov.au/our-work/reports/social-housing>

⁸ Homelessness NSW & Public Interest Advocacy Centre. (2021). *Policing public space: The impact on people experiencing homelessness*. https://homelessnessnsw.org.au/wp-content/uploads/2021/05/HNSW-Report-Policing-Public-Space-Report-PIAC_Web.pdf

The Housing-Justice Pipeline: What our Members Are Seeing

The relationship between the young people experiencing homelessness and incarceration is bi-directional. Homelessness increases the risk of justice involvement, and justice involvement increases the probability of homelessness. This is not a peripheral issue – it is a driver of youth detention in NSW⁹.

Under section 28 of the Bail Act 2013 (NSW), a young person's release on bail is contingent on suitable accommodation arrangements.¹⁰ In 2019-20, 236 young people under 18 were detained solely because they did not have an appropriate bail address.⁹ These were unsentenced children, presumed innocent, held in detention not for what they had done but for where they lived.

Member feedback gathered for this submission confirms this pipeline remains active. The following themes were consistent across responses from members.

Housing instability creates the conditions for failure

Housing instability does not simply increase the likelihood of bail being refused – it actively engineers the conditions for young people to fail once bail is granted. When a young person is released to an informal arrangement with a friend or extended family member, that arrangement carries none of the stability that bail conditions assume. There is no lease, no formal tenancy, no adult with legal responsibility. When it collapses – within days, or sometimes hours – the young person has nowhere to go and no mechanism to notify the court. What the system records as a breach is frequently the experience of housing crisis.

Bail conditions compound this further. Curfews and place restrictions are built on assumptions of stable address, reliable transport, and consistent adult supervision. For many young people our members support, none of these conditions exist. Housing vulnerability becomes indistinguishable from non-compliance in the system record, and each apparent breach narrows the options available at the next court appearance.

When survival becomes offending

The criminal justice system was not designed to manage homelessness, yet for many young people it has become the primary institution that does so by default. When there is no safe place to sleep, low-level offending can become a means of meeting basic needs – not as a lifestyle choice, but as a rational response to impossible circumstances. Members observe this pattern consistently: young people using public transport as overnight shelter, unable to pay fares; food taken

⁹ Yfoundations. (2021). *Young, in trouble and with nowhere to go: Homeless adolescents' pathways into and out of detention in NSW*. <https://www.yfoundations.org.au/resources/Reports/young-in-trouble-and-with-nowhere-to-go-homeless-adolescents-pathways-into-and-out-of-detention-in-nsw/>

¹⁰ Judicial Commission of NSW. (n.d.). *Children's Court of NSW Resource Handbook: Practice and procedure*. https://www.judcom.nsw.gov.au/publications/benchbks/children/cm_practice_and_procedure.html#p11-1000

out of hunger; minor property offences linked to having nowhere safe to sleep or spend time. The cumulative effect of charges arising from survival behaviour is an escalating justice record that forecloses future options, including housing itself.

'Brief' detention, lasting harm

The damage inflicted by even a short period of detention is frequently disproportionate to its duration. School enrolments lapse, employment is lost, and accommodation placements that took months to secure are reallocated. Family relationships, already under strain, fracture further. The period immediately following release from remand is one of acute vulnerability, yet it is precisely when the system is least equipped to respond. Many specialist homelessness services cannot accept young people exiting remand due to risk assessment requirements, leaving them to navigate that vulnerability without support. The absence of stable housing in that moment does not merely increase hardship – it actively increases the probability of further justice contact.

Primary Recommendation: Expand the Bail and Accommodation Support Service

The Bail and Accommodation Support Service (BASS) was established in 2010 to address exactly the problem described above – young people being detained due to lack of suitable bail accommodation. It operates 365 days a year from 4pm to 3am, coordinating between police, bail coordinators, and specialist providers. When it works, it diverts young people from detention so they can await their court date in the community.

The problem is scale. Our 2021 research identified 15 contracted beds across seven DCJ districts – six in Sydney and Northern Sydney, five on the Central Coast, and one each in Illawarra Shoalhaven, the Nepean Blue Mountains, Western NSW, and Northern NSW. In preparing this submission we identified 13 contracts currently awarded under the BASS procurement on BuyNSW.

What is clear is that the structural reality has not changed: a small number of providers, operating without guaranteed bed availability. Even after 2019 reforms requiring police to use the BASS, 90.6 per cent of young people referred to the service were still remanded in custody.¹¹ That is not a service that is working at scale – it is a service that is overwhelmed.

In practice, not all providers are contracted to hold dedicated beds for BASS referrals. Yfoundations has spoken directly with a BASS-contracted provider who confirmed that their beds are not ring-fenced but on a fee for service model – if a

¹¹ Klauzner, I. (2021). *An evaluation of the youth Bail Assistance Line* (Crime and Justice Bulletin No. 237). NSW Bureau of Crime Statistics and Research. <https://bocsar.nsw.gov.au/research-evaluations/2021/cjb237-evaluation-of-bail-assistance-line.html>

provider receives two simultaneous referrals, one being a young person held in detention awaiting a bail placement and another being a young person presenting as homeless, the provider is required to prioritise the young person presenting directly to the service. This is not a failure of individual providers – it is a structural design in which BASS placements compete with general crisis demand rather than being guaranteed at the moment of need.

What expansion must include

Yfoundations and Shelter NSW recommends the NSW Government undertake a significant expansion of BASS contracts and funded beds, designed around the following principles:

- Sufficient scale to meet actual demand, with contracted capacity benchmarked against remand data rather than historical bed numbers.
- Geographic equity, with minimum bed requirements established per DCJ district and genuine access for young people in regional, rural, and remote NSW.
- Guaranteed availability, with ring-fenced beds established across all BASS-contracted providers to ensure placements are available at the moment of need and cannot be displaced by general crisis demand, regardless of the underlying contract type.
- Regular operational reporting, with BASS referral volumes, diversion rates, and reasons for failed placements reported to the sector to enable meaningful assessment of whether capacity is meeting demand.

Victoria offers a model worth examining. The Victorian Youth Justice system operates the Transitional Housing Management – Youth Justice Housing Pathways Initiative (THM-YJHPI)¹², which provides dedicated transitional housing properties with housing outreach support integrated into the Youth Justice Community Support Service. Alongside this, the Link Youth Justice Housing Program¹³ (delivered by Jesuit Social Services and VincentCare) provides head-leased housing with intensive case management for up to two years for young people with justice and homelessness histories. This represents an integrated system with dedicated supply, embedded support, and clear transition pathways and warrants examination.

¹² Department of Justice and Community Safety Victoria. (n.d.). *Youth Justice Community Support Service*. <https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-community-support-service>

¹³ Jesuit Social Services. (n.d.). *Link Youth Justice Housing Program*. <https://jss.org.au/programs/link-youth-justice-housing-program/>

Supporting Reform 1: Mandated BASS Use and Simplified Process

Expanding BASS capacity will have limited impact if police do not consistently use it. Member feedback for this submission has surfaced a concern that is not well documented: the BASS process is, in practice, too administratively complex to use consistently, particularly in regional areas.

One member organisation operating in a regional area reported that local police stations do not reliably utilise the BASS referral pathway. The feedback was direct: the additional paperwork and coordination required makes sending a young person to detention a simpler option than activating BASS. This is a design failure. A service that exists to divert young people from detention is being bypassed because the alternative – detention – is administratively easier.

Regulation alone, without process simplification and active compliance monitoring, is insufficient. Yfoundations and Shelter NSW recommends:

- Mandated BASS engagement by police be reinforced with clear protocols, accountability mechanisms, and regular reporting on compliance rates.
- The BASS referral process be reviewed and redesigned – with input from frontline police, bail coordinators, and SHS providers – to reduce administrative burden without compromising safeguards.
- Training and awareness for police, particularly in regional and rural areas, on BASS availability, process, and obligations under section 28 of the Bail Act.

Supporting Reform 2: Reinstating Youth Justice-SHS Coordination

Multiple members independently identified a deterioration in the working relationship between Youth Justice workers and specialist homelessness service providers. The feedback was consistent: what was once a collaborative model involving regular face-to-face contact has given way to siloed operation, with Youth Justice and SHS providers working in parallel rather than together.

One BASS provider in a regional area reported that Youth Justice workers no longer visit their service. Another noted that young people placed through BASS received no follow-up contact from Youth Justice during their placement. A third observed that the local Youth Justice team and the BASS coordination team appear to operate independently, without shared planning or regular communication.

Young people placed in BASS accommodation are typically managing complex intersecting needs – housing instability, justice involvement, family breakdown, mental health challenges, and in many cases a history of family violence or child

abuse. Meeting these needs requires coordinated, wraparound support that no single service can provide alone. When Youth Justice and SHS providers are not working together, the burden falls on already-stretched homelessness services and the risk of reoffending or breach increases.

Youth Foundations and Shelter NSW recommends:

- The NSW Government reinstate structured, regular face-to-face coordination between Youth Justice workers and specialist homelessness service providers, including BASS-contracted services.
- Formal protocols be established and resourced for joint case planning for young people placed through BASS, including shared responsibility for monitoring bail compliance and coordinating exits into stable housing.
- Youth Justice community offices be adequately staffed to enable meaningful coordination, noting the Terms of Reference's focus on staffing and service model adequacy under (g)(ii).

Supporting Reform 3: Culturally Safe Responses for First Nations Young People

Any expansion of BASS and associated reforms must be designed with the specific needs of Aboriginal and Torres Strait Islander young people at its centre. First Nations young people are severely overrepresented in the youth justice system, and this is mirrored in the data from our members. As of December 2024, Aboriginal young people represented 57.3 per cent of the NSW youth detention population – despite making up approximately 8 per cent of the state's young people – and this figure has increased 21.7 per cent since December 2023, driven entirely by a rise in Aboriginal young people on remand.¹⁴ Critically, 68.2 per cent of Aboriginal young people in custody are from Regional NSW – a figure that speaks directly to the geographic inequity of current BASS provision.

Member feedback from services in metropolitan and outer-suburban Sydney reported that 14 per cent of young people supported through prevention and diversion programs identified as Aboriginal or Torres Strait Islander – consistent with state-level patterns of overrepresentation and reflecting the compounding effects of intergenerational trauma, family violence, poverty, and systemic disadvantage.

The current geographic distribution of BASS beds compounds this inequity. Members report young people being placed in services four to six hours from their family, community, and cultural networks. While geographic dislocation can reduce immediate reoffending risk, it simultaneously damages cultural connection,

¹⁴ NSW Bureau of Crime Statistics and Research. (2025, February). *NSW custody statistics: Quarterly update December 2024*. <https://bocsar.nsw.gov.au/media/2025/mr-custody-dec2024.html>

family relationships, and mental resilience – the foundations of long-term wellbeing and rehabilitation. This is not a trade-off to be accepted as a feature of the system. It is a design flaw that reflects the failure to invest in culturally appropriate, community-proximate responses.

We note the recent establishment of the Moree Bail Accommodation Program, delivered by Miyay Birray Youth Service Inc, an Aboriginal community-controlled organisation. This is a genuinely welcome development – a culturally safe, regionally-located service co-designed with stakeholders and explicitly intended to evolve in response to community need. We commend this model and urge the Government to consider its expansion across other underserved regions informed by community consultation. The NSW Government announced a total investment of \$8.75 million in the Moree program – a figure that begins to indicate what genuinely resourced, culturally safe, regionally-located provision actually costs, and what replication across other underserved areas would require. The question the committee should put to Government is not whether this program exists, but how many more like it are planned, and on what timeline.

Yfoundations and Shelter NSW recommends:

- BASS expansion prioritise regions with high First Nations populations, including Western NSW and Northern NSW, with beds resourced and staffed to deliver culturally safe support.
- Aboriginal Community Controlled Organisations (ACCOs) be meaningfully engaged in the design, delivery, and governance of expanded BASS services in First Nations communities.
- Trauma-informed, culturally grounded practice frameworks be embedded across all BASS providers, building on Yfoundations' existing Youth Justice SHS Capacity Building project.
- The committee engage directly with Aboriginal communities and young people with lived experience, as specified under Terms of Reference (2)(a), to ensure reforms are designed with, rather than for, First Nations young people.

Supporting Reform 4: Investment in Supported Housing for Young People

An expanded BASS addresses the acute crisis point – the moment of bail. But it does not address the structural housing need that creates that crisis. Breaking the cycle requires sustained investment in housing and support services that enable young people to exit homelessness and maintain long-term stability.

The evidence for supported housing models is strong. Young people with justice histories require more than a roof – they need stable accommodation combined

with tailored support to address the intersecting challenges that drove their homelessness and offending in the first place. NSW has a rich ecosystem of supported housing models for young people, from crisis and transitional accommodation through to longer-term supported tenancy and intensive residential programs. The evidence base for these models is consistent: when housing stability and wraparound support are provided together, both homelessness and reoffending reduce.¹⁵ These outcomes reflect the logic underlying the BASS itself: stable housing is not a reward for good behaviour – it is a precondition for it. The question for this inquiry is whether NSW is investing sufficiently in the supported housing infrastructure that makes this possible.

Yfoundations and Shelter NSW recommends:

- The NSW Government increase investment in supported housing models for young people – including crisis, transitional, and longer-term supported accommodation.
- The NSW Government identify geographic gaps in youth homelessness interventions and commit to funding comparable services in identified regions.
- The NSW Government collaborate with Yfoundations members, SHS providers, and ACCOs to ensure existing and future supported housing services provide culturally safe care to young First Nations people.

Critical Supporting Recommendation: Raise the Age of Criminal Responsibility

The reforms proposed above address what happens to young people once they enter the justice system. This recommendation addresses when that contact should begin. At present, children as young as ten can be held in detention on remand – without charge or conviction – solely because they lack suitable accommodation to meet their bail conditions. No child should be exposed to the trauma of detention because of poverty and disadvantage.

The relationship between housing insecurity and justice contact is self-reinforcing: earlier and more sustained exposure to the justice system entrenches the disadvantage that drives it. Raising the age of criminal responsibility is one of the most direct interventions available to government to reduce this exposure for younger children and prevent the trajectories we have described throughout this submission from taking hold.

Yfoundations and Shelter NSW recommends:

¹⁵ The Foyer Foundation. (2022). *Under one roof: The social and economic impact of Youth Foyers*. https://foyer.org.au/wp-content/uploads/2023/04/FoyerFoundation_UnderOneRoof_FULLReport2023.pdf

- The NSW Government raise the age of criminal responsibility to at least 14 years old, ensuring children are not exposed to the justice system - including detention on remand - for the consequences of poverty and housing insecurity.

Conclusion

The housing and justice systems in NSW are, in practice, deeply intertwined for the young people our members support. When housing is unstable, justice involvement increases. When justice involvement increases, housing options narrow. Neither system can address youth homelessness or youth offending in isolation.

The BASS represents one of the clearest opportunities available to the NSW Government to break this cycle. It is an existing mechanism, with an existing legislative foundation, that has demonstrated capacity to divert young people from unnecessary detention. Its failure to do so at scale is a resourcing and design problem, not a conceptual one.

Expanding BASS - with geographic equity, transparent reporting, mandated police use, coordinated service delivery, and culturally safe practice - would represent a meaningful, evidence-based reform directly responsive to the committee's terms of reference. So too would sustained investment in supported housing for young people alongside raising the age of criminal responsibility to ensure children are not detained as a consequence of poverty. We urge the committee to make these recommendations central to its final report.

Yfoundations and Shelter NSW are available to provide further evidence, appear before the committee, or supply additional data from our membership network. We thank the committee for the opportunity to contribute to this inquiry.

Summary of Recommendations

Primary Recommendation

- Significantly expand the Bail and Accommodation Support Service (BASS), including contracted providers and funded beds, with geographic equity requirements, guaranteed availability, and regular operational reporting on capacity and outcomes.

Supporting Reforms

- Mandate BASS engagement by police with reinforced accountability, redesigned referral processes, and targeted training - particularly in regional and rural areas.
- Reinstate structured face-to-face coordination between Youth Justice workers and specialist homelessness service providers, with formal joint case planning protocols and adequate Youth Justice community office staffing.
- Ensure all BASS expansion embeds culturally safe, First Nations-led responses, with ACCOs engaged in design and governance, and geographic coverage prioritising regions with significant First Nations populations.
- Increase investment in supported housing models for young people across the spectrum of crisis, transitional, and longer-term accommodation, co-designed with ACCOs to ensure culturally safe delivery and targeted to regions of highest need.

Critical Supporting Recommendation

- Raise the age of criminal responsibility in NSW to at least 14 years old.