

TRANSCRIPT

CLOSED PROCEEDINGS

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 19 April 2017

Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Daniel Mulino

Mr Edward O'Donohue

Ms Fiona Patten

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Mr Adem Somyurek

Ms Jaelyn Symes

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Mr Greg Barber

Ms Georgie Crozier

Mr Nazih Elasmar

Ms Colleen Hartland

Mr Gordon Rich-Phillips

Witnesses

Ms Georgie Ferrari, Chief Executive Officer,

Dr Jessie Mitchell, Policy Manager, Youth Affairs Council Victoria; and

Akolda.

The CHAIR — If everyone is ready, I propose to open this closed session. The committee is hearing evidence today in relation to the inquiry into youth justice centres in Victoria, and the evidence is being recorded. All evidence taken at this hearing is protected by parliamentary privilege; therefore you are protected against any action for what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege. All evidence being given today is being recorded by Hansard. Although this hearing is closed to the public, a transcript of today's hearing will be made public and published on the committee's website.

What many people have done is that they have made an opening statement of 5 to 10 minutes, so you are very welcome to do that today. Then committee members may have some questions. We are in your hands.

Ms FERRARI — Great. Thank you very much. My name is Georgie Ferrari, I am the CEO of the Youth Affairs Council of Victoria. Thank you for the invitation to speak today. YACVic is the state peak body for young people aged 12 to 25 and for the services that support them. Our vision is that young Victorians have their rights upheld and are valued as active participants in their community.

Right now the youth justice system is presenting us with great challenges and great opportunities. We believe we can make our community safer and better for everyone if we take effective steps to address the causes of young people's involvement in crime and help them take responsibility for their actions, build nurturing relationships with responsible adults and find a safe home, and reconnect with study and work. It is vital to remember that young people in youth justice centres are still at a very early and formative stage of their lives. Some may be as young as 10 years old, and many have come out of circumstances that were highly disadvantaged or dangerous. They have enormous potential to change their lives for the better and make positive contributions in their communities.

At YACVic we are committed to providing young people with meaningful opportunities to have their voices heard on topics that are important to them. We believe young people are experts in their own lives, with unique insights to offer. We have been dismayed that so much of the public conversation about youth justice has marginalised young people and ignored their ideas — in fact demonised them in many instances. Our submission to this inquiry referred to a number of consultations with young people in the justice system where they put forward their own thoughts about what drives crime, what helps young people turn away from offending and what makes youth justice centres safe or unsafe.

These young people identified that if we want to prevent crime, we have to address other issues too, such as school engagement, mental health, drug use and connections to family and culture. They articulated beautifully how important it is for young people to connect with adults who care for them and support them to achieve their dreams. They saw safety in youth justice centres not just in terms of cameras and restraints but in terms of relationships. Young people need stable and trusting relationships with staff, stronger connections to family and positive friendships. We urge further engagement with young people in the justice system, and we are very grateful to Akolda for coming with us today to offer his thoughts as an individual young person with a lived experience on this issue. Before we hear from Akolda, I will hand over to Dr Jessie Mitchell.

Dr MITCHELL — While there is a deep and very understandable concern about the impact of crime in our community, it is important to recognise that the picture is not always as bad as people often assume. Our young offender rate is lower than the national average. Fewer than 2 per cent of young Victorians aged 10 to 17 are alleged by police to have committed a crime, and over the past six years or so we have seen a really significant drop in the number of young people sentenced in the Children's Court. So our youth justice system does have some successful elements, and it is vital we do not lose these.

We recognise, for example, the good work that is done by Parkville College and the Education Justice Initiative to help young people to reconnect with school and training, sometimes after years of disengagement. We support retaining the dual-track system, which enables courts to sentence young people aged between 18 and 20 to serve their custodial sentence in youth detention instead of adult prison if this is deemed to be the most appropriate and beneficial course. We welcome the expansion of the after-hours bail and assessment service, the expansion of bail supervision for young people and the Victorian government's new funding for crime prevention projects, and we strongly support the Victorian government investment in quality diversion programs, some of which of course were initiated by the previous government. These programs show some great results. For example, young people's rates of desistance from crime two years after their initial offence are

as high as 80 per cent in the group conferencing program run by Jesuit Social Services and 88 per cent in the Ropes diversion program, which is for first-time young offenders.

However, there are major challenges ahead. In particular it has become clear that conditions in Victoria's youth justice centres can be unsafe for young people and for staff and that being in a youth justice centre can make it less likely for some young people to turn away from crime. The biggest problems in youth justice centres include serious shortages of permanent, long-term and appropriately qualified and supported staff and a failure to adequately support and train staff in areas such as conflict de-escalation, trauma-informed practice, cultural competence and disability competence, keeping in mind they are working in many cases with young people with very high and complex needs. There has been a damaging cycle of frequent lockdowns, which often appear to be in response to staff shortages. There are high rates of trauma, drug use, poor mental health and intellectual disability amongst the young people in the centres, and often the centres do not have the ability to deal adequately with these issues. And there are disproportionately high rates of young people being held on remand who do not know how long they are going to be there and who cannot always access the supports that they need.

All of these problems make it hard for staff and young people to form respectful and stable relationships, and yet we know good relationships with adults are really critical to young people's ability to make better life choices. We have also been concerned by the placement of underage young people in Barwon Prison, in the Grevillea unit. We absolutely appreciate the pressurised circumstances that led to that move and the efforts that have been made to improve conditions there, but we do maintain that an adult prison is not an ideal place for impressionable teenagers and we urge that the closure of this unit be expedited.

We need to transform Victoria's youth justice centres so they have the capacity and the expertise to work effectively with young people with a wide range of needs, including the very small number of high-volume young offenders. Our objective should be that when young people leave youth justice centres they are properly prepared to return to the community with an appropriate place to live, ongoing support for any issues they might have, like mental health, and a meaningful pathway back into education and work. Reforms to our youth justice centres should be informed by approaches that have been adopted in other jurisdictions, such as Missouri and Spain, which have shown higher rates of success in supporting young people to desist from crime. We think these changes need to be backed up by evidence-based planning for all of Victoria's vulnerable or disadvantaged young people, informed by the previous vulnerable youth framework.

I think we also need to see the strain on youth justice centres as an end result of some much wider problems in our community, including youth unemployment, family violence, exclusion of students from school and the lack of a comprehensive youth services system. While YACVic welcomed the government's announcement of Empower Youth grants, the need for youth workers still outstrips supply. As Georgie signalled, we also believe any reforms to youth justice must engage young people who have a lived experience of that issue. We note, for example, the strong work that is being done by our colleagues in the Koorie Youth Council to consult with Aboriginal young people who have had contact with the justice system, and recently we also saw the importance of powerful personal testimony from young people in the report by the Commission for Children and Young People into the use of isolation in youth justice centres.

We are grateful to Akolda for coming with us today. He is not here to speak on behalf of all young people — that would be completely impossible — but he is here to share his own individual insights into the justice system, how it works and how it could work better. We at YACVic believe every individual young person has ideas of value that they can contribute.

AKOLDA — When I went to Malmsbury youth justice — well, at the start, at the court, I did not really understand what was going on at all, and even when the judge was talking to me the words were too hard for me to comprehend it. When I got sentenced I found it a bit difficult because most of the workers at Malmsbury did not understand my cultural background. They did not understand what my situation was. They kind of just looked at me as a full-time criminal, even though I had never been in trouble before. This was my first time, and it just ended up with me getting incarcerated for it. Even just the age difference between workers and the change of staff, like Jessie mentioned before, mean the clients at the youth centres do not really engage much with the workers because they are always constantly changing staff shifts and they are not full-time workers there.

Also before I got into trouble I did not really know any youth organisations or anywhere where I could go and get help until I got into trouble. I guess I did not fit the criteria before that until something happened. Also, it

was difficult for my mum to come visit me at Malmsbury because I live in the city and for her to travel that far was pretty difficult for her. I do not see the point of having youth organisations in the middle of nowhere, where parents cannot even reach us. It makes it hard. I told my mum sometimes not to come visit me every week because I knew how difficult it was for her to travel back and forth. She came and visited me monthly, so that was a bit difficult as well only seeing her once a month and seeing the rest of my family as well once a month.

The CHAIR — How old are you, Akolda?

AKOLDA — I am 23.

The CHAIR — How old were you when you went to Malmsbury?

AKOLDA — I was 19.

The CHAIR — How would you feel about telling us a little bit about how you came to be there?

AKOLDA — Sorry?

The CHAIR — Would you like to tell us how you came to be at Malmsbury? What happened?

AKOLDA — I dropped out of school and just hung around with the wrong peer group, I guess.

Mrs PEULICH — What was the role of your family when you were dropping out of school? How many brothers and sisters do you have?

AKOLDA — I have got one brother and two sisters, and nieces and nephews. Sorry, what was your question before this?

Mrs PEULICH — What role did your family play when you were losing your way?

AKOLDA — My mum did not really understand. She pretty much told me to go back to school. At that time — when I was 17, 18 — I did not really even like going to school, I guess. I just felt like I would rather get a job kind of thing.

Mrs PEULICH — Is your father in Australia?

AKOLDA — No, my father is in Sudan. There is only Mum.

Mrs PEULICH — Do you have a relationship with your father?

AKOLDA — I have not spoken to him for probably a good four years. He always asks what is going on and talks to my mum a lot, but I have not really heard much from him in the last few years.

Dr MITCHELL — Akolda, did you have other things you were going to say?

AKOLDA — I am just trying to think what it was.

The CHAIR — We might have distracted you there; I am sorry.

Dr MITCHELL — Do you want to talk about the study that you have done?

AKOLDA — It was not positive that I went into Malmsbury, but when I was in there it gave me a lot of time to think about what I wanted to do for my own future and whatnot. I started engaging back at school. I completed my year 11 VCAL in there, and then when I got out I did my year 12 VCAL with Parkville College as well — continued it. Then I just continued studying and did my cert IV last year in community services, and this year I am currently doing my diploma. Because I have got a record it is hard for me to even get into community services. They ask for a working with children check and whatnot, even though it was a few years ago that this incident happened. It does not really help much when a young person is trying to change their life or trying to change their future and the government knocks them back down straightaway or really does not give them a chance. That is what I feel like anyway.

Dr MITCHELL — Akolda was referred to us by one of his teachers, who was highly impressed by him as a student, and who also came to understand, from talking to him, how important it is to get the lived experience of young people who had been in the youth justice system. They said, ‘You really need to be talking directly to these young people’.

Mrs PEULICH — Akolda, with the school that you were attending before Malmsbury, was it a very multicultural school? Were there lots of kids from migrant backgrounds there?

AKOLDA — I had recently moved from New South Wales in 2011. Just moving from Newcastle to Melbourne was already a big multicultural movement difference. Newcastle especially was pretty much a country city. I did not really engage much with my culture then. But when I came to Melbourne I went to ██████████, which was very multicultural, but it was a very small school as well, so it was easy to lose track.

Mrs PEULICH — Do you see a role for schools to actually be bringing some of these services into the school —

AKOLDA — Definitely.

Mrs PEULICH — to also explain to kids who have never been in trouble with the law the consequences of actually having a conviction, having a record? A lot of young people just do not know. They do not know the dangers that they are actually exposed to on a daily basis by doing silly things like perhaps sexting — sending naughty text messages — or what bullying may mean or what unhelpful, unwanted sexual advances may lead to. Do you think that schools need to be more — —

AKOLDA — Yes. They need to educate more young people about that, especially with the laws always changing. If I did not do further study and I did not go into community service, I would not have a clue about law and all that sort of stuff.

Mrs PEULICH — So not only is it changing, but for people from different cultural backgrounds they may not be aware.

AKOLDA — Definitely.

Mrs PEULICH — That is an additional layer of complexity.

AKOLDA — Even teachers should already know if their students are disengaging at school and should definitely get different organisations in.

The CHAIR — Akolda, I have a question at this stage: how long did you spend in Malmsbury?

AKOLDA — Eleven and a half months.

The CHAIR — What were you charged with?

AKOLDA — I really would rather not say.

The CHAIR — Okay.

Dr MITCHELL — When we engage with young people in YACVic around how an institution or a service could be improved — and sometimes it is a school or a university or a mental health clinic or a hospital — usually our biggest question for them is not necessarily how they entered into that setting. So if we talk to a school student about how their school could work better, we would not tend to say, ‘Why did your parents send you here?’. Instead what we are saying is, ‘You’ve gone into this setting. You’ve been in there. You understand it in a way that an adult like me who is out of it doesn’t understand it, and you have some unique insights as a result of that’. We always get great insights from young people as to how those institutions could work.

Ms SPRINGLE — Thank you for coming today. It is actually very valuable for us to hear from as many young people as possible, so I thank you for being brave enough to come and sit in front of this big panel.

AKOLDA — No worries.

Ms SPRINGLE — My question is around when you ended up in Malmsbury what made the difference for you, because there a lot of kids, as we know, that go in and out of Parkville, Malmsbury, these institutions, and they are on a bit of a cycle of misbehaviour, I suppose. What made the difference for you to come out and stay out and get back on track?

AKOLDA — I was just shocked that I actually ended up being in there. It gave me a lot of time to think about my future, about my family and about just what I was putting them through. It was something that I definitely did not want my mum to go through ever again. It just gave me a lot of time to think about what I want to do, because even before I went in there, like I was saying, I was not even thinking about going back to school. I did not really care if I completed my year 11 or 12 or even go to further study. I had never thought about going to TAFE or uni; it never crossed my mind. I guess when I went in there it made me feel like I needed to change my ways.

Ms SPRINGLE — There were not factors within the detention centre that prompted you to reflect like that? What do you think is the difference between you and someone who does not come out and say, ‘I want to change what I’ve done. I want to do things differently so I don’t end up in that position again’?

AKOLDA — I do not know; I am guessing it is just the individual themselves, I guess. I cannot really speak for anybody else, so I am not sure. Maybe when I was in there I told people, ‘I never want to come back into this place’, and all this sort of stuff, and other people say the same thing, but I guess it is up to them when they get out if they want to continue to do crime or not, you know?

Ms SPRINGLE — And did you find when you came out that you had supports not just from your family but from social services and what have you?

AKOLDA — I had a lot of support, yes.

Ms SPRINGLE — And do you think most young people, in your observation — obviously, as you said, you cannot speak for everyone — who do come out of detention have access to those supports?

AKOLDA — Definitely. Yes, definitely. They definitely do, yes, because when they get out of detention they cannot just get out and roam the streets. They have to have a day program to get on parole or whatever; they cannot just get out. They have to have stable housing as well and all that sort of stuff sorted. They would not just let a young person out into the community if they are not going to do anything to engage them.

Dr MITCHELL — Something that comes across to me from that and what your comments remind me of is when our colleagues at the Koorie Youth Council spoke to a bunch of Aboriginal young people in Parkville about a year or two years ago. Some of them commented on the fact that they wished they had anywhere near that level of support before they had come in there. One of the young people rather sadly said, ‘They only want to know us when we get locked up’. So there was that level of support at that point and in some ways almost a place where they felt more comfortable, but they were wishing that they had something much earlier.

Ms FERRARI — I also wonder if a little clue to what made Akolda’s experience a wee bit different is the fact that he really reflected on what he had done to his family and how his mum was feeling and that he did not want to put her through that again. We know that connection to family is a huge protective factor in young people’s lives. A lot of those young people have come straight from the out-of-home care system into the youth justice system, or they rotate between the two. Kids who have a really disrupted connection to family are probably more likely to reoffend or to find it harder to reconnect back into society’s expectation of who they should be and what they should be. That Akolda sat there for 11½ months thinking of his family is quite telling.

AKOLDA — Definitely, yes.

Mr MULINO — I was just interested in one aspect of life at Malmsbury. I think you talked a bit about having time to think, and that sounds like it was very important. When we visited there, it seemed as though there were some training programs trying to give people a vision of what life might be like when they got out. I am just wondering whether part of your experience there was part of the positive experience of people trying to help you think about what you might do in the future. Was that something that helped you change direction?

AKOLDA — Yes, definitely. They have all different sorts. They even have hospitality, they try to put people into ground maintenance — there are all sorts of different things you can do at Malmsbury. It is not like

you are all isolated and all that sort of thing, so that was a positive part about it. They were working with Bendigo TAFE. They tried to give us qualifications while we were in there as well so that when we got out we would have something to show that we have done something inside as well, but I just wanted to do my VCAL, so I just stuck with that.

Mr MULINO — So I imagine part of it is a negative framing of not wanting —

AKOLDA — To be in there.

Mr MULINO — to go back in, but you also need to balance that, I suppose, with alternatives, and it sounds like that was part of what affected you.

AKOLDA — Exactly, yes, and even just to get you away from the peer group. I live in the high-rises in ██████████. I do not have a backyard, really; it is not my backyard, it is the park downstairs, so most of the time I am just hanging around the park or on the streets. It does not make it easier if you do not have good accommodation as well.

Mr MULINO — So I guess if you come out of somewhere like Malmsbury and into new educational or training opportunities, that can also help in creating new peer groups.

AKOLDA — Yes, it definitely does, yes. Even if the same peer group is there, they will notice that you have got a bit of change in you because of the way you are acting or what you are doing differently. So people can even back off a bit, or you can have more to say. Instead of you being the follower, you can become the leader as well to your peer group, so that is another positive thing. When I came out of Malmsbury I just told people that I am doing what I want to do, not what they want me to do or following them.

Mr MULINO — Thank you.

AKOLDA — No worries.

Ms SYMES — I have a really broad question. I liked what you said about young people being the experts in their own lives. I increasingly feel more distant from young people, unfortunately — it comes with age — but I am interested. You guys represent all young people and have been involved in the youth summits and youth policy development things. What do young people think about what is happening right now in our state in terms of the youth justice debate? It is very good to hear Akolda's view as somebody who has been through it, so I am interested. I know he does not represent everyone, but what is the general feeling among young people about what is impacting them, their peers? Not necessarily those directly connected, but they would have a view.

Ms FERRARI — I think a lot of nuance in the debate will probably just go over their heads or it would just be seen as a political bunfight, but I think more broadly when we talk to young people they identify that the way they are portrayed in the media is either as highly successful — 99.9 on your VCE — or as really bad thugs, and there is nothing in between. So they say they are either the heroes or the villains, and there are these two really polar opposite portrayals of young people, and if you sit somewhere in the middle, there is very little reflection of you and your life in everyday media or in everyday debate. So young people do not really feel very connected to how they are portrayed because of those two polar opposites that are sports hero or academic hero or thug that is doing damage somewhere in the community. That is how they, I think, more broadly would see this debate — that it is a young people as thugs kind of portrayal of us in the media.

Dr MITCHELL — Can I just add to that as well that some of my colleagues have recently been working with the Victorian government's Office for Youth to run a series of regional youth forums around Victoria. They went to I think it was 12 locations — —

Ms FERRARI — Yes, 12 summits.

Dr MITCHELL — And I forget the number; it was many hundreds of young people who took part.

Ms FERRARI — It was 472.

Dr MITCHELL — When they were asking them about the big issues that they were worried about in their communities, as far as I can see crime did not feature very strongly. But what is interesting is that some of the

big issues that did come up — and they came up in many different communities — were mental health, education and employment and in some particular communities issues of racism and a feeling of being locked out of opportunities.

So I think when we are talking about young people as a whole — and as we have said, most young people do not have contact with the justice system — the things they are worrying about are often issues that actually do overlap quite strongly, and we see them in their pointiest form by the time a person ends up in court. Those issues around underemployment and unemployment, feeling like educational opportunities are not there or not relevant to you and that really high level of concern about mental health do seem to be a very strong theme amongst young people in many Victorian communities.

Ms CROZIER — Thank you so much for being before the committee this morning. Akolda, can I congratulate you on what you have done and achieved and on providing your evidence to us. It is very helpful. Can I just get some clarification before I ask a question of Georgie. You are now 23?

AKOLDA — Yes.

Ms CROZIER — You were in Malmsbury four years ago?

AKOLDA — When I was 19, so yes, three years or two years ago.

Ms CROZIER — Okay, I just might need to come back to you in a little bit. You spoke of the success and effectiveness of the diversion programs. If I can go to the data that suggests that in June 2014 around 80 per cent of offenders coming out of youth justice were being reintegrated into those programs. In June 2016 it was less than 60 per cent, so I am just wanting to understand probably first from Georgie but also from your perspective in terms of what you are hearing in your current position talking to your peers about why they are not getting access to those diversion or reintegration programs. Firstly, can I ask you, Georgie, if you have a view on that, and then, Akolda, if you have got some perspective from the young people that you are coming into contact with.

Ms FERRARI — I wonder if it is a supply and demand issue. We know the numbers have gone up, so there are more young people probably exiting. Are there the program spaces? I do not know.

Ms CROZIER — That is possibly a question we need to ask, because the figures are coming back that there is a significant drop in the number of young people that are involved in those division programs. Akolda's evidence suggests that it has been very successful for him and others around that stage, which coincides with the figures I have just quoted.

Ms FERRARI — It would be worth investigating further.

Ms CROZIER — Thank you. Could I just get your perspective, Akolda, about the diversion or the reintegration programs and how they helped and assisted you?

AKOLDA — Can you be more specific? I did not really get that, sorry.

Ms CROZIER — Sorry, I am speaking probably a bit too quickly. The programs that assisted you when you came out of Malmsbury that I think you referred to — you said they assisted you in your rehabilitation and in going on to the further education that you commenced within Malmsbury — those programs that you had access to back in the community. Did I misunderstand you?

AKOLDA — No, those programs, I did not choose to go into them. It was part of my parole conditions. I kind of just felt like I had to go and do them to get them off my back. They told me to go to a psychologist. I was like, 'What do I need to go and see a psychologist for?', but it was part of my parole conditions, so I just went and did it.

Ms CROZIER — Did the programs help you?

AKOLDA — They did help at the end, yes, but I did not really want to go to a psychologist, because it made me feel like there was something wrong with me or like I was crazy or something. Why did I need to go and see a psychologist? Maybe I had a few drug and alcohol problems when I was a bit younger. It is understandable

that I have to go and see a parole officer, but then they just added all these extra organisations or different places I had to go. I do not know if that is answering your question.

Ms CROZIER — Just on that, because that is actually a really interesting point, you are saying that you had a drug and alcohol problem yet you were sent to a psychologist. Do you think you would have been better off having some further drug and alcohol rehabilitation instead of the psychology?

AKOLDA — I have already had both of them. I had them both at the same time, so it was kind of overwhelming. I was trying to concentrate on going to study as well, plus I had to go and see all these other extra workers on top of it. It kind of felt like, can I just have one worker that I can just work with? Just sending me from one organisation to another and another puts a lot of pressure on me.

Ms CROZIER — If I could ask just one more question — I have got lots of questions, but I will not take up any more time — when did you realise that you perhaps had got into a bad group, that you had ended up in Malmsbury and that you had done the wrong thing? Was it when you were in Malmsbury, or was it when you were out on parole and back in the community?

AKOLDA — That I what, sorry?

Ms CROZIER — When did you realise that perhaps you had done the wrong thing? Was that when you were in Malmsbury? When did you acknowledge why you were in Malmsbury?

AKOLDA — It was probably after going to court for, I do not know, eight months in a row. Just going in and out of court I realised how serious it was. I did not really even know how much trouble I was in until it just went further.

Ms CROZIER — How many times were you in court?

AKOLDA — I cannot even remember how many times, but I remember it was almost over half a year of going in and out of court.

Ms CROZIER — Because you had breached bail or conditions?

AKOLDA — No, just because it kept getting adjourned. I breached bail once as well, but that did not change what I was already charged for. It just felt like it was too much court. I felt like I did not ever want to go through that again.

Dr MITCHELL — Something that stands out for me there, and I know we have spoken about it before, is that the processes involved in the justice system can be pretty opaque even for adults to deal with. For young people, particularly if there is a barrier along the lines of intellectual disability, trauma or language and communication, it can be quite hard to even understand the processes that you are going through.

I am reminded of a couple of things recently. There was a study conducted through Monash University of kids who had been both through child protection and through the justice system, and the researchers were quite concerned to note what a high percentage of them said they did not really understand why they had been through that justice system and why they got the sentence they got or did not get. That lack of coherence about even the relationship between their actions and what happened later is quite concerning, and I was — —

Ms CROZIER — Was your mum with you during that process?

AKOLDA — No, because even if I had told her to come, she would not have even understood what she was there for anyway, so I just told her I was in trouble full stop. That was pretty much it.

Ms CROZIER — Would you have liked her to have been with you?

AKOLDA — Definitely, yes, but I did not really see the point of her being there, because I knew she would not understand, and I did not really understand myself.

Ms CROZIER — But if she had had the support to understand why you were there, do you think that would have helped you and her?

AKOLDA — Probably not, not in my situation, no.

Ms CROZIER — Okay. Thank you, that is really helpful.

Ms PATTEN — Thank you very much for coming today. Also, it is a really comprehensive submission. You have raised lots of great issues and did some really interesting work there. Were there any positive things at Malmsbury? Certainly Parkville College got you back on track with your education, but were there any other positive experiences that you had in your time at Malmsbury?

AKOLDA — I do not know. Free membership, I guess, for the gym. I do not know. Not really much, I guess. I just did not really like being in there at all. When I first went in there they just told me, ‘Just do your time, stick to yourself and you’ll be out of here’. So I guess I just kind of went with it.

Ms PATTEN — You stuck to that rule?

AKOLDA — Exactly, yes.

Ms PATTEN — In your submission, one of the points is strengthening some of the aspects of our justice system that work. Could you expand on that or give some examples of what is working and where we should be expanding? Obviously it is diversion, and your information about Ropes et cetera was good, but are there any other areas that you think we could really improve on?

Ms FERRARI — I would like to start with Parkville College and the EJI — the Education Justice Initiative. When that was first established it was confounding to find that there was no education interface at the Children’s Court at that point. Nobody was asking young people when they came in, ‘What’s your situation with education?’. So that initiative — just a really small, little initiative of a couple of DET workers down at the court working with the magistrates, working in that environment and trying to connect up or get some history — I think has been a really useful little program. I cannot remember the stat off the top of my head, but it was an extremely high number of young people who had disrupted education that presented at the courts, so obviously there is a huge correlation. Then of course Parkville College as an initiative is just fantastic to re-engage these young people, and when Akolda told me that after he was released from Malmsbury he actually continued to go to Parkville College and get his 12 — —

AKOLDA — I got my year 12.

Ms FERRARI — It is just fantastic. I did not know that Parkville College operated in that way. I thought once you left custody that was it, but to actually be able to come back and continue to be engaged with those teachers and those workers that you had a relationship with I think is probably one of the keys to his success. What a great opportunity. Then Parkville has now, I learned recently, got a student advisory council. They are mirroring what happens in schools outside, engaging with students in the facilities and trying to understand how they can improve their education better and hearing the student voice. So I think those sorts of things are really positive steps. Jessie, you have probably got some more.

Dr MITCHELL — Sure. Probably a few more. I suppose I would add to your observations about the Education Justice Initiative. When we look at the evaluation that was conducted I think through Victoria University perhaps a year ago, feedback that came from the students’ families was how important it was to have a worker who understood the education system and who could talk to DET and talk to schools to just help them through that process of re-engaging. A lot of students thought they had been expelled when sometimes they had not, or they were not sure which school they were allowed to go to in the future. So having even just that really basic support from a worker who knows the education system to help you get back on track was seen as really valuable.

In terms of other things that are useful, a couple I would look at would be things like the Youth Justice Community Support Service run by the Jesuits and that need for some young people, particularly if they have a history of repeat offending, to have that intensive support and perhaps supervision in the community that also engages their families, who may have their own issues. I think there is a real usefulness in looking at how we can extend interventions like that.

And I suppose there is value in having access to diversion interventions for young people at different points in the process. We have things like pre-plea diversions and options for first-time offenders. Historically it has been

a bit more difficult as you move slightly higher up the justice system, but we are starting to see things like group conferencing and presentence diversion, where a young person has perhaps pleaded guilty or been found guilty, but there is an interest in seeing what we could do to better their circumstances before a sentence is handed down. I think there is value in pursuing those models further.

Ms PATTEN — Just a separate question: you mentioned that we were talking about reductions in offending and that it is a very small cohort, but certainly the media speaks a different story, as do the police. The police commissioner has stated that this is very irregular what is happening now — young people committing very serious and violent crimes as first-time offenders — and that he does not agree that this is just another trend. He believes that this is something that is significant and different. In your work and research would you agree with the commissioner that this is a very unusual situation we are in now?

Dr MITCHELL — I think if we look at the crime statistics reports, what they would suggest in terms of young people's involvement in crime is you have a fairly significant cohort who might be picked up by the police once and not have a another problem. You have a new group that is emerging now that I think you are referring to, where a young person has not been on the police radar before and then offends for the first time, and it is a serious offence. You then also have approximately one-quarter of crimes committed by young people being committed by a very small cohort of repeat offenders, and as I understand it, a significant proportion of the serious offending is also done by those young people.

For those young people, these are young people who I think come to the police's attention on average around about the age of 12, so there are often some pretty serious child welfare issues involved there too, and about half of them live in the most disadvantaged suburbs in Victoria. That aspect of repeat and increasingly serious offending by a small and disadvantaged group of young people is probably not a new trend, although it is a difficult one to address certainly. The figures do seem to indicate there is a worrying new trend of serious first-time offending — amongst, again, a fairly small group, but it is concerning.

I will hand over to Georgie to say a bit more in a second, but I suppose what I would say there is, without in any way wishing to make light of that issue, when it comes to youth justice there will always be new and challenging problems. Some of us are old enough to remember things like the heroin scares and the so-called ethnic gangs of the 1980s and 1990s, and then later on concerns about things like knife crime and cyberbullying. These are all significant issues, and we are right to be very concerned about them. I think we do need to foster a justice system that is sufficiently responsive and nimble, and has the kind of research base at their fingertips that they can continue to respond to new problems. I think it is realistic to assume that new problems are going to continue to emerge.

Ms FERRARI — Yes, I really back that point up. I spoke to somebody who was quite senior in youth justice in the 1960s who said exactly that. We used to have a nimble system that could adapt and change to whatever the presenting issue was, whether it was young people using heroin for the first time and coming in heroin-addicted into our facilities or increasing use-of-knife crime et cetera. I think there is history, and we should remember the institutional history that we have in youth justice of treating these young people as children, not as adults, understanding their capacity for rehabilitation and also being able to nimbly respond to whatever issue is presenting.

I do not want to disagree with the commissioner because I know he is at the coalface and he sees these issues, but if we dig a little deeper what we will see is underneath whatever the presenting serious crime is or whatever the presenting problem is in terms of the offending, there are common denominators. We know there will be a history of family violence. There will be drug and alcohol issues with the offenders themselves. There may be mental health concerns. There will family breakdown. We know the things that underpin, so whether we want to deal with the issue or with the underlying problems that will be the pipeline into these services from time immemorial and into the future, if we do not address the underlying issues, then we will just be throwing good money after bad again and again in the youth justice system and in the adult system. I think we can focus on the problem or we can focus on the cause and, perhaps, therefore the solution.

Mr O'DONOHUE — Thank you all for being here today. Akolda, I particularly thank you very much for your preparedness to be with us. I really appreciate it. You talked about how you were advised to basically stick to yourself at Malmsbury and do your time and go from there.

AKOLDA — Mmm.

Mr O'DONOHUE — Can you talk about the culture amongst the other people there and whether there was any pressure to partake in illegal activity, or were you respected to do what you wanted to do? I just want to learn more about it. When we visit, we see a sanitised version and we are escorted around. It is very hard to understand what it is like.

AKOLDA — It is very difficult, actually, because a lot of other young people try to manipulate you to do things that you do not want to do or push you into doing things that you do not want to do. It is just all about you, I guess, being strong enough and telling them to back off. A worker told me, 'There are probably a lot of idiots in here who will try to get you into trouble or push you to do something you do not want to do. Just stick to yourself', so that is where I took it from.

They try to even separate people from the same culture group. They try to separate them into units; they do not keep them all in the same unit just in case they think there is going to be violence or they might go against other people, other youths inside there. I kind of felt like that is not the issue, so you do not have to separate all of us.

There are a few Sudanese people in there. I am from Sudan. There are a few of us in there, and they would not put us in the same unit. This was years ago as well. I do not know, I just felt like they were trying to get us to separate from each other. Other cultures even try to push you a bit and try to make us do things that we do not want to do. It was a bit confusing for me anyway for the first time.

The CHAIR — We are pretty much at the end of things, but I think Mrs Peulich has one more quick question.

Mrs PEULICH — Just a comment in terms of understanding systems. When something goes wrong with my phone bill and I have to spend two-thirds of a day trying to sort it out, let me tell you the experience that you have gone through is something that we all go through no matter how well educated, how well placed, what colour, where you have come from. That is the system. If you have not been there before, it is confusing to everyone.

AKOLDA — Definitely.

Mrs PEULICH — Especially if it is made worse by the fact that you may not speak the language, your parents may not necessarily have the educational background to understand and so forth. I have been there, done that.

Everyone has made the point that with family support things are easier and kids are less likely to go back into a life of offending. I have noticed also that you mentioned that you consult with young people. This is what I hear from the police commissioner. He had a youth summit, but they did not consult with the community leaders, with the parents. The stories that I hear from parents is, when they come to Australia their traditional methods of parenting — been there, done that — are not supported. Often if you raise a hand you become a child abuser. They do not really understand it is a different culture.

How much work needs to be done with parents and families and communities? Do you actually consult with them as well to get the other perspective, not just the youth perspective?

Ms FERRARI — I was at the police commissioner's youth summit last year. Actually there were quite a few community leaders there. It was really great to see Pacific Island communities —

Mrs PEULICH — There were very few, and I received a lot of complaints.

Ms FERRARI — Okay. There was representation from the Sudanese there, and they were vocal. They stood up and said things. I thought there was good engagement. There could always be more.

Mrs PEULICH — I think there was a Dinka present but the Nuers were not invited.

Ms FERRARI — Right. It is not YACVic's role to consult with parents, but we do obviously see young people in the context of their families — where they are in the family — so we do not ignore the family view. We have put young people at the centre of our practice, so we want to hear directly from young people. But if you talk to somebody like Carmel Guerra from the Centre for Multicultural Youth, she will say that she cannot

work in a multicultural setting with young people without engaging the family. So very much, and it does not make sense — —

Mrs PEULICH — I would say that no organisation could, so I am surprised to hear that you do not engage with the family in assisting and in developing frameworks for young people.

Ms FERRARI — For example, we engage directly with Akolda; we do not need to talk to his mum to get her permission for him to be here.

Mrs PEULICH — I am not talking about permission; I am talking about insight.

Ms FERRARI — We would hope that other groups would do that and engage with her. Our role is to put Akolda's experience, first and foremost, front of view, and to talk with him about the insights that he has to share. I am unapologetic about that. That is our role. We are here to facilitate the voice and experience of young people.

The CHAIR — I think we are pretty close to finished. Dr Mitchell, you mentioned a report earlier that concerned young people's understanding of the processes that they were going through. Would it be possible to send a copy of that through to us? I am not sure that we have seen it.

Dr MITCHELL — Yes, I would be very happy to. I suppose it is an issue that comes up elsewhere as well. I was thinking about one particular report on a particular cohort of people, but I suppose if we look at things like the publication of details by the Commission for Children and Young People concerning the transfer of young people from Parkville to Grevillea unit, one of the concerns the commissioner raised there was a number of young people repeatedly saying to her, 'I don't understand why I've been moved here or what the processes were for me moving here'. And I think something that comes up in all sorts of different ways is that the justice system is a pretty difficult system to navigate. In particular if you are perhaps in a heated or a crisis situation, understanding what has just happened and why it happened to you and not someone else can be a real challenge.

Ms FERRARI — Chair, will you just indulge me for one moment to go back to the previous question. I think another good example of the work that we have done and when we do our work well is it reflects the views of parents, regardless of whether we have consulted with them directly. For example, last year we wrote quite a comprehensive report on the suspension and expulsion of young people, their experience of that and the school system. Post-release of that report we got some good media; I had dozens of parents ringing me, going, 'Thank goodness you wrote this report. This has been our experience. We have felt confused. We didn't know if our child was formally expelled or suspended or not. We didn't know which process to go through. My kid refused to go back to school because of bullying, blah, blah, blah'.

So we wrote a report. We did not need to engage directly with parents because we talked with teachers and we talked with students, and we put a position forward that parents overwhelmingly came to us and said, 'Thank you very much. This has been our experience. The problems that you've articulated are problems that we're having. How can we assist your work further?'. So it does not mean that we will refuse to talk to parents; we often do talk to parents, but young people are our primary concern and we want to represent their views.

Mrs PEULICH — As shadow Minister for Multicultural Affairs I would say the vast majority would not even know who you are, let alone be able to approach you.

The CHAIR — I think we are going to stop it there. I think we have said enough on that subject.

Ms FERRARI — We are over 55 years old and we have got quite a great reputation in the sector.

Ms PATTEN — Yes, you do; you are very well respected.

The CHAIR — I want to conclude things there and I want to thank everybody who has given evidence today for their time, particularly Akolda. I appreciate this would have been a confronting thing to do. Thank you for taking the time. On behalf of the committee I would like to particularly thank you for doing that and draw this to a conclusion.

AKOLDA — Thank you.

The CHAIR — There will be a transcript, a written record of the proceedings today that will be provided to all of you. That should arrive within a few weeks.

Witnesses withdrew.