



# YOUTH PAROLE BOARD

Annual Report 2018–19



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Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

ISSN: 2201-0491 (print)

ISSN: 2206-7361 (online/pdf)

Available at the department's website at <<http://www.justice.vic.gov.au>>.

Printed by Waratah Group, Port Melbourne (108102)

## LETTER TO THE MINISTER

The Hon. Ben Carroll  
Minister for Youth Justice  
Level 26, 121 Exhibition Street  
MELBOURNE 3000

Dear Minister

In accordance with the requirements of section 452 of the *Children, Youth and Families Act 2005*, I have pleasure in submitting to you this report on the operations of the Youth Parole Board for the period 1 July 2018 to 30 June 2019 for presentation to Parliament.

The report contains information about:

- the operation and activities of the Board and of Youth Parole officers during the 12-month period
- the number of persons released on parole by the Board
- the number of persons returned to a Youth Justice centre or Youth Residential centre on cancellation of parole.

Yours sincerely

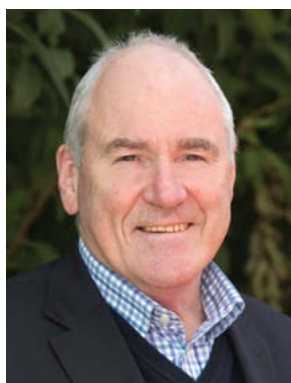


**His Honour Judge Michael Bourke**  
Chairperson Youth Parole Board

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## CHAIRPERSON'S MESSAGE



Sally Norton left the Board's Secretariat in August 2018, after serving as secretary since 2015. I thank Sally for her hard work, insight, high competence and loyalty to the Board. She was secretary during a difficult time and met every challenge.

Mishell Warner replaced Sally in June of this year and has been of great assistance. Mishell has had earlier times as replacement secretary. After Sally left, Catherine Cusworth was acting secretary for almost a year. Calm, efficient and possessing long-term extensive knowledge of the system, she did a great job. I thank her very much.

The Secretariat team, Alyssa Moore, Valentina Spasevski, Esther Lin and (until June) Alicia Zuanetti, are an invaluable support to the Board. The job gets no easier and I am very grateful to them.

As I wrote last year, Murray Robinson was made General Manager of the Board in February 2018. It was a new appointment and has been a great success. In June he was taken away to perform other duties. I am led to believe that he will return in three to six months. I hope that is right. Sonia Mosca is now acting General Manager and has been an important support.

Two valued members of the Board left in April and May, Departmental member, Andrew Higgs, and Community member, Yvonne Luke. Their service and achievements are well described in other parts of the report. Andrew was on the Board since early 2016 and his contribution was marked by commitment to, high regard and care for the Youth Justice system. The Board is grateful to him. Yvonne served for over nine years as nominated Aboriginal member of the Board. Throughout her life, and on the Board, she has strenuously worked for the good of her community and young people generally. She was quite simply a gift to the Board. Her quiet strength, wisdom and compassion has made a great impact upon us. She will be greatly missed. Yvonne has noted that a nominated Aboriginal community member remains, at least formally, only discretionary. I agree with her that an Aboriginal member of the Board should become an embedded requirement. Yvonne has been replaced by Marion Hansen. I already feel sure that Marion will be an important asset. Again, another part of the report describes her long-time work in and for her community, and its young people.

This year's work has again featured common problems and inadequacies in necessary supports to the youth parole system.

I refer to my description in earlier reports about the disturbing development and growth of the youth detention demographic. That is the disproportionate representation of Aboriginal, Maori and Pasifika, East African; but also child protection and ex-child protection children and young people. I approximate that combination to approach 70 per cent. Mental health and intellectual disability are still strong features of the population. Cancellations, particularly early in parole, remain high; still markedly more for non compliance than reoffending, and there is a return to the established pattern of a greater number of cancellations in the younger cohort as opposed to the older "dual track", that is, adult court sentenced clients.

Related to parole failure and cancellation, and as I attempted to put in last year's report, provision of supports such as appropriate transitional accommodation remains inadequate.

Remand numbers have again increased, heightening the risk of problems in management and rehabilitation within the centres. I see the main causes to be again lengthening court delays and a lack of well-resourced and structured bail support programs. This should include safe and appropriately monitored

accommodation. Magistrates cannot be expected to bail children or young people who they fear will soon be on the streets. Court delays seem to be related to such things as additional court time or hearings related to recent legislation, for example as to the question of uplifting matters to the adult courts, and I would say lack of resourcing to the Children's and other courts. I also see a lack of capacity to co-ordinate charges or police briefs, that is to enable a proper total sentence to be imposed for all relevant or pending matters. It is a very considerable frustration for the Board how often it confronts that parole planning or even impending parole is compromised by the realisation of upcoming court, often for charges arising out of events prior to the sentence being served. Some matters relate to offending whilst on sentence and I see that these are more common; but that does not account for all of this problem.

After now almost thirteen years on the Board, I seek to make the following comments.

- (1) The just raised problems seen again this year are far from new. I have raised them (accommodation, mental health, court delays, intellectual disability, lack of resourcing for necessary supports) very often over the last decade. In the main they represent long-term entrenched problems and failures. Despite such complaint there has been, in my view, no effective or adequate response.
- (2) The growing demographic presents a particular situation which must be addressed. The equation has become this. Relying upon the findings of the 2017 Parliamentary Inquiry into youth justice in Victoria and supported by Sentencing Advisory Council data, overall numbers of youth offenders have markedly decreased. It approaches a decrease of 40 to 50 per cent over the approximate decade to 2015. However, there has also developed, at the youth system's small but very problematic detention end, an over representation of the demographic I describe, Aboriginal, Maori and Pasifika, East African and child protection. These are among the most disadvantaged, dislocated and damaged youth in our community. There is also more serious, violent offending. The 2017 Parliamentary Inquiry research paper states, *"a consensus in research that a small population of chronic offenders are responsible for a disproportionately large amount of crime"*.

I would add, in my opinion, that accompanying these developments has been a falling away of resourcing and assistance to parole supports, for example accommodation. Certainly there has been a falling away in proportion to the growing problems.

As I stated in last year's report, *"... I see, as to those sentenced to youth detention, a growing disproportion of disadvantaged and excluded young people. It is the growth of this that is significant. In my view, there is a risk of an entrenched underclass within our young which feels no connection or aspiration to being part of a functional and hopeful community"*.

- (3) To address the problem there needs to be honest recognition of the connection between damaging early life experience and youth offending. There needs to be a preparedness to address the issues related to this; but in the long term.
  - (i) There should be continuing, interactive engagement with the three communities I have identified. As I have said, there are leaders and people within them who are knowledgeable, respected and have insight into the problems affecting their young people. Work is being done on this including by Carmel Guerra of the Centre for Multicultural Youth and a member of our Board. I would like to see our system better access functioning and successful Aboriginal rehabilitation programs. An example would be the Wulgunggo Ngalu Learning Place in South East Gippsland. This needs to be done respectfully, recognising that suitability is ultimately a matter for those running such a program.

Consideration should be given, in the present situation, to nominated members in an extended Parole Board, that is additional members from the Pasifika and East African communities. As I have said, there should be an embedded requirement that there always be an Aboriginal member.

- (ii) Particularly there should be greater, consistent assistance to the child protection system. The truly telling statistic in the characteristics of children and young people sentenced to detention or on remand is that 67 per cent have been victims of abuse, trauma and neglect. It goes on. Sixty-eight per cent have previously been suspended or expelled from school. Twenty-seven per cent have a history of self harm or suicidal ideation. Thirty-eight per cent present with cognitive difficulties that affect their daily functioning. Fifty-four per cent have a history of both alcohol and drug misuse. As I stated, also in last year's report, *"It is also disappointing that the issues I have raised have not become a more prominent part of the public discussion. There has not been a complete picture. I think it is very likely, if given that, the community would want solutions not just public condemnation, condemnation of young people many of whom already feel excluded. I think for example the community would strongly support a well-resourced and structured child protection system aimed at removing the now apparent pathway from a deprived, damaging childhood to offending and detention. It is not just a matter of criticising the present system."*

- (4) Youth detention has become much more security and management focussed in the last approximate six to eight years. In my opinion, it would be wrong to presume that this is in response only to the behaviour of those young people detained, particularly the major disruptive and violent events of 2016 and 2017. These were much publicised, understandably so. On my observation, the movement toward more security focussed detention began in 2011 to 2012. I made reference to this in that year's annual report. Not long after, the secure Malmsbury complex was designed and then built. The movement toward a more prison like environment was in place prior to those major events of 2016 and 2017.

It is my view that those events occurred in an environment which included the following contributing factors.

- (i) Remand numbers. These had been high for a number of years. They became critically high, reaching at times 80 per cent of those at the Parkville Centre. Difficulties in managing children and young people in remand as opposed to those sentenced is well recognised. Court delays became such that remand periods became very long;
- (ii) The nature, design and then use of the new secure Malmsbury complex. I feel that it cannot be denied that the design places a high emphasis upon security and control, and that the complex bears a striking similarity to an adult prison facility. Further, to my understanding, it was not intended to house fifteen, sixteen and seventeen-year-olds sentenced or awaiting sentence in the Children's Court. Certainly it is not well suited to that. It is relevant to note that, prior to this time, there had been a stable pattern of placement: under eighteen year olds at the Parkville Centre in appropriate separate parts and those eighteen and over placed at the fundamentally open site Malmsbury Centre. I see the open site complex at Malmsbury to have been, both over time and now, a successful approach;
- (iii) In 2016 and 2017, violent and widely disruptive incidents occurred. Responses, some of which were necessary at least in the immediate sense, featured tighter security and further use of the new, secure Malmsbury complex for young Children's Court detainees. For example major damage to the Parkville Centre in late 2016 made that facility largely inoperable. The movement toward a secure and management-focussed policy continued. The transfer of young people effectively to adult prison (the Grevillea Unit) happened in this context;



(iv) It must also be said that, through all of this and relevant to it, the system was facing the challenge of young persons remanded and sentenced for more serious, violent offending than had been in the past. The nature of the offender had changed. I refer to my earlier statements about the growing youth justice demographic;

It can be argued that all of these factors had their own impact but that there was also a combined effect.

- (5) Whatever the cause or causes, in my view, the situation that has been reached presents a serious, long-term challenge for the youth detention system. There is now a very high emphasis on security and control. Sadly, at least in an immediate sense, there appears necessity for this. However, I fear that there has developed a sense of confrontation and disaffection between those detained and custodial staff. Staff feel unsafe and, I would think, also feel that their capacity to create engaged and positive relationships with the young people is compromised, because of their behaviour. Many of the young people are adversely affected and react to policies of management such as isolation, separation and lockdown; also designated, specially uniformed and equipped teams created for the purpose of security and control. In saying these things, I do not wish to understate the difficulties custodial staff face. In my time at the Board I have grown to deeply admire those people from custody who have appeared before me. An overwhelming feature is how much they clearly care about the young people they try to help. I deeply value their opinions and advice. I am sure they would wish a relationship of positive rehabilitation with those young people. Many may regret the loss of that over recent time. The real point, in my opinion, is this. The time has been reached at which there needs to be a concerted, clearly stated policy of movement away from a primary emphasis upon security, management and control back toward engagement, rehabilitation and transition out of detention. The long-term aim should be a situation of well qualified, well supported and protected custodial staff able to engage positively with young people, who in turn see value and benefit in that for them. I recognise that it cannot be immediate and a situation may have been reached in which it will be difficult. However, it is necessary and, I would argue, will be of benefit to all stakeholders: staff and those who represent their welfare, young persons and their rehabilitation, and the community.
- (6) Related to this is the principle that treatment and management of children and young offenders must be different to that in respect of adults. This is consistent with United Nations convention, established scientific (neurobiological) opinion, common and ethical sense. The youth justice system is different to the adult system. Their management and treatment in custody, and on parole, should be different. There is emphasis upon rehabilitation and transition out of custody. People should not shy away from these things. It has become particularly important that they are borne in mind, given movement of responsibility for youth justice into the Department of Justice and Community Safety also responsible for the adult corrections system.
- (7) Given emphasis upon transition out of custody and through parole, there needs to be adequate supports. It is disappointing that there is a continuing failure in important aspects of this. A good example is provision of appropriate, well supported accommodation. It seems obvious to me that this is a fundamental requirement. In last year's report and other earlier reports, I raised the lack of it. There has been no improvement. I also raised, as I had with the Department, the particular need for closely supervised transitional housing in the early part of parole. There is an inexplicable, unjustifiable lack of this. As I said, the model suggested is a modest program. There has been no real

response. There has been the developing requirement of compliance with specific youth offending programs, for example the Adolescent Violence Intervention Program (AVIP), both in custody and on parole. I support this. However, that compliance is at high risk if parole does not also provide stable supports. As I said in last year's report, *"Condemnation of children and young people for failure at parole is not fair, nor rational and helpful, if there is a lack of supports necessary to help them succeed at it"*.

- (8) The task of the Board has become much more arduous over my time and there is a need for a modest, sensible expansion of it. It should be modest bearing in mind the benefit of a relatively small number of members, thereby ensuring consistency in consideration of what is also a small population of young offenders sentenced to detention. Over my time that population has moved between approximately 300 to 350, including both those in detention and on parole. The expansion to additional members I suggest also meets other needs. The number of alternate chairpersons should be increased from one to two, thereby a pool of three chairs bearing in mind that usually two boards sit each fortnight. There should be two additional community members in the way I have raised earlier in this Chairperson's message.

I have requested these changes. It is not fair that present Board members continue to carry the additional burdens of the Board's work without further assistance. Again, it is disappointing that there has been no real response.

- (9) I have often raised in the past the benefit of the "dual track" system to the overall youth justice system. This was part of my submission to the 2017 Parliamentary Inquiry referred to earlier. *"The examination of how the 'dual track' system works shows it to be both a sensible, flexible response to the fact of vulnerable and immature eighteen to twenty-year-olds in the criminal justice system and to have important safeguards:*

*(i) at sentencing stage, it is discretionary. The pattern is that very serious and mature offenders receive adult imprisonment;*

*(ii) related to that, a pre-sentence report is required as to suitability, that is, vulnerability, immaturity, the risk of being subjected to undesirable influences in an adult prison, prospects for rehabilitation et cetera;*

...

*(v) it is the Youth Parole Board's consistent experience that 'dual track' parolees perform significantly better than the younger group, measured for example by cancellation rates."*

I can add that very few of the concerning custodial incidents in 2016 and following happened in the long established Malmsbury open site centre. This is where most of the "dual track" young offenders have been placed over time. It is my view that the "dual track" system should remain and be strongly supported.

- (10) Over the last several years the Board has taken a number of steps to recognise and protect victims of young offenders. It is an important part of the Board's work and was neglected in the past. In view of that, it is surprising that requests to include group conferencing into the parole system have also fallen on deaf ears. Such a conference with victims and/or other relevant persons is, in my opinion, very well placed at the time closely approaching parole. There should be renewed consideration of this.

Despite the somewhat plaintive tone of the above, I would like to say that my years at the Board have been an enjoyable and enriching part of my life. I have come to greatly admire those who have appeared before me, parole officers, team leaders and case managers in the community and (as I have stated) those managing and working in custody. There are also others who come to the Board, Youth Justice Community Support Service (YJCSS) workers, those from other agencies such as child protection, disability client services, drug and alcohol and mental health services and housing support providers.

I include of course all of the now very considerable number of people who have sat with me on the Board.

I also include those, also very many, young people who have come before me. The very great majority have wished, in a truly genuine way, to overcome their difficulties to live a better life.

It has been educational. Thank you very much.

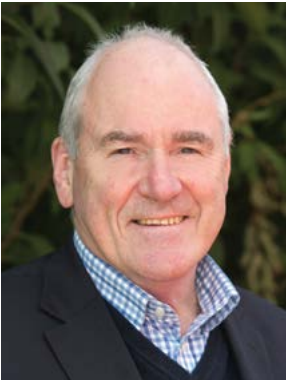
A handwritten signature in black ink, appearing to be 'Michael Bourke', with a stylized flourish extending to the right.

**His Honour Judge Michael Bourke**

Chairperson

Youth Parole Board

## BOARD MEMBERS



### **Chairperson, His Honour Judge Michael Bourke**

Judge of the County Court of Victoria. Appointed as alternate chairperson on 24 October 2006. Appointed chairperson on 23 November 2007.



### **Alternate Chairperson, Her Honour Judge Claire Quin**

Judge of the County Court of Victoria. Appointed as alternate chairperson on 1 January 2018.



### **Community member, Ms Helen Dimopoulos**

Helen Dimopoulos has held management roles at Barwon Youth (now Barwon Child Youth and Family) for many years and has been responsible for a range of youth services including mentoring, drug and alcohol support, education and community support programs. With expertise as a Youth Justice worker, she has also been involved in developing and implementing programs across regional and rural Victoria with a focus on pre- and post-release support, early intervention, crime prevention and Youth Justice group conferencing. She has been a member of regional and state-wide committees focusing on community safety, education, drug and alcohol and homelessness services.



### **Community member, Dr Bernie Geary OAM**

Dr Bernie Geary has spent more than 45 years working with and advocating for vulnerable children and young people. He started as a youth worker and then service management. Bernie was Victoria's first Commissioner for Children and Young People from 2005 to 2015. Bernie was the community member of the Board from 1987 to 2005 and returned to serve as community member on the Board in August 2016.



**Alternate community member, Ms Carmel Guerra OAM**

Carmel Guerra is the founder and Chief Executive Officer of the Centre for Multicultural Youth, the first and largest organisation in Australia to work exclusively with migrant and refugee young people.

Carmel has advocated for young people of refugee and migrant backgrounds for over 30 years and she has a longstanding involvement in youth justice and policing issues. Carmel sits on numerous Boards and Committees including the Victorian Police Commissioner’s Human Rights Strategic Advisory Committee, the Victorian Children’s Council, and she is the Chairperson of the Multicultural Youth Advocacy Network, the national peak body representing multicultural youth issues in Australia.

Carmel was awarded a Medal of the Order of Australia in 2016 and the Victorian Premier’s Award for Community harmony in 2015.



**Alternate community member, Ms Yvonne Luke**

Yvonne Luke is an Aboriginal Elder who has worked for many years in government and non-government organisations to develop and implement programs and services to assist disadvantaged young Aboriginal people and their families. She is a former Respected Person (Elder) of the Broadmeadows Koori Court. She received the Robin Clark Memorial Award in 2003 for her dedication and advocacy for Aboriginal young people.

In 2010 she was placed on the International Women’s Day Honour Roll. Yvonne is currently a director at Baluk Arts, an Aboriginal organisation in Mornington. In 2015 and 2017 she was awarded the Frankston Mornington Peninsula NAIDOC Elder Award.



**Alternate community member, Ms Marion Hansen**

Marion Hansen is a Gamilaroi woman from Moree, NSW. Marion moved to Victoria in the early 1970s and has worked in various positions within the Aboriginal community for more than 40 years. In the early 1990’s Marion was elected to the Aboriginal and Torres Strait Island Commission, serving four terms, including two terms as Victorian Commissioner.

As Commissioner, Marion played an important role in the establishment of the Djirra, formerly known as the Family Violence Prevention Legal Service and Aboriginal Radio Station 3KND. She has been a member of Dandenong & District Aborigines Cooperative for over 40 years.

Marion is the current chair of the Djirra and has been the Chair of the Southern Regional Aboriginal Justice Advisory Committee for a number of years. She has been a signatory to all four Aboriginal Justice Agreements. Marion has taken a lead role in advocating for the prevention of family violence in Aboriginal communities. Marion’s leadership in this area is well recognised through her representation on key state-wide forums, and other committees.





**Departmental member, Mr Andrew Higgs**

Andrew Higgs has worked in the statutory child protection and Youth Justice service systems for more than 20 years in case practitioner, manager and advisor roles. Andrew has detailed knowledge of the relevant policy and practice settings, and extensive experience with case planning and case management of complex young people who often have many support needs and with multiple service involvement. Andrew is the General Manager, Youth Justice, Loddon Mallee Region, Department of Justice and Community Safety.



**Alternate departmental member, Ms Soula Kontomichalos**

Soula Kontomichalos has extensive experience and held management roles in the Department of Health and Human Services. Her responsibilities have included regional oversight of disability client services and residential facilities, Youth Justice, housing assistance advice and reception services. Soula is the General Manager, Youth Justice East Metropolitan Region, Department of Justice and Community Safety.



The Youth Parole Board of Victoria and General Manager, Youth Parole Board Secretariat

## Farewell to Aunty Yvonne Luke



In 2010 I was appointed to the Youth Parole Board as the nominated Aboriginal community member, replacing Muriel Bamblett AO, the Chief Executive Officer of Victorian Aboriginal Child Care Agency (VACCA).

After leaving school at 15, I worked in private industry and completed my VCE

and tertiary studies in the evenings. I completed a Social Science Associated Diploma (Aboriginal Welfare Studies) in the 1990s before being employed as a Koori Educator at Coburg/Preston Secondary College, then moved to VACSAL. From there I joined the Northern Youth Justice team working with young Aboriginal people in the Youth Justice system. This work included supporting young

involved in Youth Justice and believed that there needed to be a strong Aboriginal voice to advocate for them. I believe that young Aboriginal people should spend a minimum of time in custody as possible. It is the responsibility of Youth Justice to develop comprehensive support and supervision plans for Aboriginal young people who are being paroled to ensure a successful transition into the community and every opportunity to live positive lives and desist from offending.

I believe that the critical components for a successful parole are having supportive family, stable accommodation, education and/or employment which interests them, access to health service and specialist clinicians and genuine connection with their case manager. I believe that it is important to work with the young people on their self-image and self-motivation.

I remain concerned about the high numbers of young Aboriginal people involved with Youth Justice. I am pleased to see the expanding numbers

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***Yvonne is an admired and well respected member of the Board. Her wisdom, knowledge of the Aboriginal culture and understanding of the lives of young Aboriginal people and their families will be greatly missed. The young Aboriginal people will miss her genuine care and strong advocacy.***

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Aboriginal people at Court and at Youth Parole Board meetings.

In 2004 I was seconded to the Youth Justice Policy Branch to assist in implementing the second phase of the Aboriginal Justice Agreement (AJA2). The implementation of the AJA2 was an exciting period where a number of critical initiatives were developed and implemented including the Children’s Koori Court; Koori Pre & Post Release Program; Intensive Koori Bail Support Program and expanding the Koori Youth Justice Program to all regions throughout Victoria.

I joined the Board because I was deeply concerned about the numbers of young Aboriginal people

of Aboriginal professionals working in the Youth Justice system and new dedicated programs for Aboriginal young people and families.

During my time on the Board, I am most proud that I was able to review all information provided for Aboriginal young people in custody and advocate for them. I am proud to have had the opportunity to voice my opinion and advocate for the best interests of young people appearing before the Board.

Moving forward, I plan to continue in my role as Director at Baluk Arts and spend more time with my growing family, especially my grandchildren. I’ll now have time on the weekends to spend in my garden.

## Farewell to Mr Andrew Higgs



My working life for the past 25 years has included the statutory Child Protection and Youth Justice systems in various roles ranging from case worker to senior practice and management roles. The work brings a sharp awareness to the disadvantage, trauma and vulnerability endured by many young people. These life experiences are often the marker of many of the

young people who are sentenced to youth detention and subject to the Youth Parole Board's jurisdiction.

As the Departmental representative of the Board since 2016, it has been a privilege to play a role in the reintegration of young people from custodial detention back to their community. My interest in the Board's important work was first sparked years ago in my Child Protection roles as many young people had dual involvement with the statutory protection and justice systems. My interest in the Board further developed and galvanised onwards from 2008 as my professional responsibilities centred on the Youth Justice program. The Board's function is pivotal to the broader youth justice system that contributes to community safety through the focus on rehabilitation of young people. The opportunity to contribute to the youth justice system, the rehabilitation of young people, and the broader community's wellbeing at a state-wide level was the key motivator for my appointment to the Board.

There have been many learnings from my time on the Board, however there are two matters consistently arising and particularly noteworthy. Firstly – supervising and supporting complex young offenders can be challenging and daunting work that requires high levels of commitment and professionalism. In this regard, the community can be very confident about the calibre and professionalism of the people working in the statutory and non-government youth justice related programs and service system. Secondly – achieving a successful parole outcome for young people who often have serious offending histories and other complex concerns such as mental health and substance abuse problems requires many complementary elements of the parole process to be in place. It requires comprehensive assessment,

targeted services, robust case management and skilled workers who can build rapport with young people on parole, but also challenge them on their behaviour and attitude as necessary. Moreover, a successful parole outcome will be marked by strong information sharing and case collaboration of all involved services that ensures any emerging risks for the young person and/or community are quickly recognised and mitigated. It is critical that continuous improvement in the youth justice service system takes place regarding collaboration and coordination given the high risk and complex nature of many young people subject to parole orders.

The changing nature of the offending, the complexity of the young people who come before the Board and the overrepresentation of some cohorts in custody, and on parole are current and continuing challenges for the Board and broader youth justice system.

The Board's work is onerous and pressurised. Despite the arduous nature of the work, the Board operates with enormous generosity of spirit and collegial support amongst its members, the Youth Parole Board Secretariat and more broadly. It has also strong admiration for all those involved in the youth justice system trying to support positive change in the lives of young people who offend and contributing to community safety.

My Board colleagues give enormous commitment and time to their work on the Board and during my term, the Board has benefited strongly from the leadership of our Chair Judge Bourke, along with Judge Quin and the now retired Judge Howie. I have been fortunate to have enjoyed the support of my regional executive in carrying out my Board responsibilities and duties. My appreciation goes to all those staff directly involved with the young people both in custody and community roles for their work and commitment. I am very grateful to the Youth Parole Board Secretariat team very ably led by Murray Robinson. The Secretariat works diligently on the administration aspect of the Board's work, and supports individual members in any way they can.

I will always have a keen interest on the Board's collective work and efforts of individual members. However my work going forward will focus on supporting the regional implementation of the new Case Management Framework and the other significant reforms that are underway in youth justice. With weekends now free of parole file reviews, I hope to attend more AFL and local football games, and I'm advised I will be resuming a stronger role with the household duties.



## Welcome Marion Hansen



On 1 June 2019, the Youth Parole Board warmly welcomed the appointment of Marion Hansen as the alternate community member, replacing Aunty Yvonne. Marion brings a depth of experience, skills and knowledge to the Board.

Marion is a Gamilaroi woman (a clan of the

Kamilaroi Nation) from Moree NSW. Marion moved to Victoria in the early 1970s and has worked in various positions within the Aboriginal community for more than 40 years.

Throughout her working life in Victoria, Marion has had a keen interest in social justice, human rights, and health. Marion has worked across a number of

During Marion’s period as Victorian Commissioner of the Aboriginal Torres Strait Islander Commission, Marion was a signatory to the first Aboriginal Justice Agreement and has been heavily involved in all aspects of the agreement to ensure positive outcomes for the Aboriginal community. In the past 18 years Marion has participated in many sub Committees established under the Agreement.

Over the last 13 years, Marion has been the Chairperson of the Southern Regional Aboriginal Justice Advisory Committee. In this role, Marion has had a focus on Aboriginal youth and looking at ways in which young people can be supported in the community with the hope to keep them out of the criminal justice system.

Marion has been the Chairperson of Djirra over the last 15 years. Djirra is a place where culture is shared and celebrated, and where practical support is available to all Aboriginal women, and particularly to Aboriginal people, who are currently experiencing family violence or have in the past.

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***...Marion has had a focus on Aboriginal youth and looking at ways in which young people can be supported in the community with the hope to keep them out of the criminal justice system.***

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areas at all levels of Government, and with Victorian Aboriginal Communities on a national and international scale.

Through her positions in Aboriginal Health Marion has worked with families in a community setting providing advice, support, and travel assistance if needed as well as advocacy, throughout the Southern Metropolitan area.

The Board looks forward to working with Marion to share her knowledge of Aboriginal culture and understanding of the lives of young Aboriginal people and their families.

## GENERAL MANAGER'S REPORT

In 2018–19, the Youth Parole Board considered 2,780 matters during 24 scheduled and 73 'ad hoc' meetings. From those matters, the Board issued 185 parole orders, compared to the 243 which were issued in the previous year. This is a 24 per cent decrease in the number of paroles granted by the Board and is likely to be caused by the significant reduction in the numbers of active Youth Justice Centre Orders and Youth Residential Centre Orders in the year.

During the year, 119 young people successfully completed their parole order. These young people complied with the conditions of their parole order, were supervised by their youth justice case manager and supported by community agencies, their school, employer and family.

For the same period, the Board issued 22 warnings to young people on parole or in custody and cancelled 93 parole orders –18 for reoffending and 75 for failure to comply with conditions of their orders. It is noteworthy that 60 per cent of parole cancellations occurred in the first three months of their parole. This suggests that young people need to be effectively engaged with services before they are released and subsequently need more intense support in the period immediately after they are paroled.

In 2018–19, the Board transferred only one young person to prison (in accordance with section 467 of the *Children Youth and Families Act 2005*) and conversely the Adult Parole Board transferred one young person to Youth Justice (in accordance with section 471 of the *Children Youth and Families Act 2005*).

The Youth Parole Board Secretariat is responsible for providing the Board members with the numerous reports which inform the deliberation and thinking behind the decisions regarding parole. The Secretariat ensures that the information is accurate, detailed and timely.

The Secretariat has actively supported the implementation of the Youth Justice Case Management Framework through organising training for Board members and adapting the structure of Board reports so they are aligned to

the Framework. The new report template supports planning for parole from the first day a young person is sentenced and features information on levels of risk and how young people will be working on their rehabilitation and reducing the risk of reoffending when on parole. The new template provides up to date information on current behaviour in custody, identifies the young person's criminogenic needs, details the plans for addressing those needs through rehabilitation programs, explains how families will support young people and how agencies will work together to support the young person on parole.

The Secretariat has met its obligations under Part 4 of the *Privacy and Data Protection Act 2014* which protects all official information held by the Victorian public sector, including individuals' personal information. The Secretariat has undertaken a Security Risk Profile Assessment; completed a self-assessment against the Victorian Protective Data Security Standards (VPDSS); and developed a Protective Data Security Plan.

In partnership with one of the Board members, Carmel Guerra, who is the Chief Executive Officer of the Centre for Multicultural Youth, the Secretariat organised a consultation forum with key members of the Sudanese Australian community. Sponsored by the Board Chairperson, the forum explored issues which impact on young Sudanese Australian people in custody and has commenced plans to establish an advisory group of representatives from that forum to advise the Board on relevant issues and services in the community for this group of young people.

Finally the Secretariat thanks the departing members Andrew Higgs and Yvonne Luke for their support to the Secretariat and wishes them well in their new ventures.

### **Murray Robinson**

General Manager

Youth Parole Board Secretariat

## YOUTH PAROLE BOARD OVERVIEW

The Youth Parole Board (the Board) was first established in 1961 by the *Social Welfare Act 1960* and now continues under section 442 of the *Children, Youth and Families Act 2005* (the Act).

The Board is made up of a chairperson, being a Judge of the County Court, two community members (one of whom must be a female) and one member representing the Secretary of the Department of Justice and Community Safety. All sitting members have an alternate member who is able to sit in their absence. As matter of policy, one community member is an Aboriginal person. The Board members are appointed for a period of up to three years and may be re-appointed.

Whilst the Board is a statutory body and its independence is important, the Board does not and cannot operate in isolation. The Board plays an integral role in the broader Youth Justice system and seeks to operate in a way that promotes the cohesiveness of that system and collaboration across a range of services.

The Board occupies a unique and privileged position which lends itself to being able to meaningfully inform and contribute to policy discussions about parole. It is important that the Board is kept abreast of and consulted on matters of policy or practice reform and members encouraged to identify, discuss and advocate for any developments that may affect parole.

### Youth parole

Youth parole promotes public safety by supervising and supporting the transition of young people from custody back into the community and their continued rehabilitation, in a way that seeks to minimise risk of reoffending, in terms of both frequency and seriousness.

The Youth Parole Board exercises jurisdiction over all young people sentenced by a court to a period of detention in a Youth Residential Centre or Youth Justice Centre as per sections 462 and 463 of the Act. Section 458 empowers the Youth Parole Board to release, or grant parole to, young people subject to its jurisdiction.

Youth parole allows young people on a Youth Justice Centre Order (15–20 year olds) or Youth Residential Centre Order (10–14 year olds) to serve part of a custodial sentence in the community. Case managers in regional youth justice units supervise young people on parole orders, enabling young people to receive support and assistance through rehabilitation programs and services, which aid transition from detention to the community. Section 453 of the Act stipulates that a parole officer is, in relation to a parole order made by the Youth Parole Board, subject to the direction of the Youth Parole Board.

The Board makes decisions within a framework that focuses on the long-term protection of the community through the rehabilitation of young people. The Board's decision-making balances the risk of earlier release under supervision and support with the re-offending risk of unsupervised release at the end of the sentence. In that context, the Board's decision-making regarding eligibility for parole takes into account the extent to which the degree of re-offending risk of earlier release on parole can be reduced through supervision and conditions on the order.

While on parole the young person is still serving their sentence of detention and must formally undertake to comply with the conditions of their parole for the duration of the order, for example, conditions to attend offending programs or alcohol and drug counselling.

At any time during the parole order, the Board can cancel the order and require the young person to serve the whole of the parole period (including the time that they have been in the community and the time remaining on the sentence) back in detention, under section 460 of the Act.

In carrying out its functions, the Board:

- interviews young people in detention either at the request of centre management, a young person, or on the Board's own initiative for the purpose of granting parole, requests for transfers and issues concerning their offending behaviour and behaviour in custody, visa matters and compliance with parole conditions
- receives and considers case histories, summaries of offences, outcomes of validated risk assessments and progress reports on young people in custody and on parole to assist in their decision-making
- requests and considers special reports and court documents, for example, court transcripts, victim impact statements, school reports, police summaries, psychiatric and psychological reports
- amends, cancels or varies conditions of parole orders
- hears from victims and/or their families, and
- makes decisions about the transfer of young people between a Youth Residential Centre and a Youth Justice Centre and between a Youth Justice Centre and prison, as per sections 464 to 477 of the Act.

The Board may warn a young person who is demonstrating non-compliance or problematic behaviour in a Youth Justice Centre that their behaviour is delaying or even jeopardising their prospects of being granted parole. The Board works with the young person, case manager and custodial worker to promote and encourage behaviour which is consistent with the Youth Justice Centre's expectations. In rare circumstances, where the Board considers that the young person (aged 16 years or more) cannot be effectively managed and is threatening the good order and safe operation of the Youth Justice Centre, the Board may transfer the young person to an adult prison.

## Dual track system

In Victoria, section 32 of the *Sentencing Act (1991)* provides that 18–20 year olds convicted of offences can be detained in a Youth Justice Centre instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.

This establishes what is commonly referred to as the "dual-track" system. The Youth Parole Board has jurisdiction over both children sentenced in the Children's Court and young people between the ages of 18 and 21 years sentenced in the adult courts to detention in a Youth Justice Centre.

## Youth Parole Board Secretariat

The Youth Parole Board Secretariat provides administrative support to the Board and was comprised of six staff members in the 2018–19 financial year.

The General Manager maintains oversight of the Secretariat and is responsible for the policy and practice direction of the Secretariat. The General Manager provides critical support to the Board to ensure it is provided with key and timely information by the Youth Justice service and key stakeholders.

The Secretary of the Youth Parole Board is the conduit between the Board, Youth Justice, community members and external stakeholders. The Secretary analyses information to ensure that critical advice is conveyed to and from the Board to facilitate decision making.



His Honour Judge Bourke and the Youth Parole Board Secretariat



## OPERATIONS AND DECISION MAKING

### Youth Parole Board meetings

The Youth Parole Board generally sits twice each month, typically on a Monday. Usually two boards sit concurrently. Board meetings are generally held at the Parkville Youth Justice Precinct, but may also be held at the Malmsbury Youth Justice Precinct.

In addition to scheduled meetings, the Board also convenes ad hoc meetings to formally warn young people about unsatisfactory compliance with parole conditions or unsatisfactory behaviour in custody. Ad hoc meetings may also be held to consider reports from the department regarding urgent cancellations or transfers of young people to prison. In 2018–19, the Board considered 2,780 matters during 24 scheduled and 73 ad hoc meetings.

In making decisions concerning parole, the Board considers each case individually. The Youth Parole Board's decisions are informed by a range of sources and factors, including:

- comments by the sentencing court
- interests of or risk to the community
- interests of the young person
- age of the young person
- capacity for parole to assist the young person's rehabilitation
- nature and circumstances of the offences
- outstanding charges or pending court appearances
- young person's criminal history
- previous community-based dispositions and compliance
- validated risk assessments from case managers
- family and community support networks
- the youth justice parole plan
- reports from psychologists, psychiatrists, teachers, medical practitioners and other professionals working with the young person
- submissions made by victims and police informants
- submissions made by the young person, the young person's family, friends and potential employers.



His Honour Judge Bourke and Dr Geary

Importantly, the Board will scrutinise the extent to which young people have progressed towards rehabilitation, their behaviour in custody and participation in youth offending programs. This provides an incentive for young people to actively participate in such programs and to take steps to address factors that underlie their offending behaviour and attitudes.

The parole plan presented to the Board by the case manager must provide comprehensive information about the young person's plans for living in the community on parole. Most importantly, the Board must be satisfied that suitable accommodation is available before granting parole.

The Board interviews each young person individually on the day they are to be released on parole to discuss issues that may impact on their ability to successfully complete their parole, and to ensure they clearly understand what the Board requires of them.

The Board strongly supports Youth Justice and other staff who work closely with young people attending Board meetings to provide information and recommendations to the Board, where required. A young person's case manager attends the interview to observe the advice issued by the Board so that it may be reinforced during the parole period. The Board welcomes family members or other support people who attend the parole interview with the young person.

## Visitors

The Board welcomes visitors with a special interest in Youth Justice at its meetings. The Board requires all approved visitors to adhere to procedures regarding confidentiality of Board proceedings. Visitors receive an explanation of how the Board performs its statutory responsibilities and are able to observe its operation.

Appendix 1 outlines the individuals and agencies that have visited the Board during this year.

## Parole Plan

The parole plan (the plan) is a plan of the services, interventions and conditions that inform the decision-making processes of the Board and the subsequent Youth Parole Order. Parole planning needs to start as soon as the young person enters custody.

Planning for Youth Parole Orders involves detailed work and uses screening and assessment tools in combination with the Case Plan and interventions to support and guide the development of the parole plan and to manage the young person subject to the Youth Parole Order.

The parole plan is informed by a range of validated assessment tools that identify risk of re-offending, and as well as more broadly, family violence risk (victimisation/use of violence). The parole plan informs the Board about the key criminogenic risk/need factors for the young person, key non-criminogenic needs and responsivity issues. The plan also describes the young person's previous compliance with supervised orders, and the circumstances involved in their current offences.

The plan provides the Board with information about how the young person is progressing in programs and case management intervention while in custody; and about any incidents or poor behaviour by the young person, either as a participant or victim.

The case manager uses the plan to guide the young person's reintegration and transition from custody into the community. The plan is prepared in close collaboration with other members of the young person's care team who will have a role in the reintegration process.

The parole plan outlines interventions and support for the young person in key areas such as addressing offending behaviour and attitudes, accommodation, education/employment, professional support (counselling), and supervision. The aim is to support the young person as they transition back into the community and reduce the likelihood of reoffending.

The case manager may recommend special conditions for a young person’s parole order, intended to reduce the risk of reoffending. These conditions can arise from the young person’s offending history, a consideration of victim issues resulting from the offending, or from specialist reports indicating specific problems that are likely to interfere with the young person successfully completing the parole order.

## Youth Parole Orders

### Mandatory parole conditions

The Board is required by law, as per section 458A(3) of the *Children, Youth and Families Act (2005)*, to impose the following parole conditions on a Youth Parole Order:

- (a) the person must not break the law;
- (b) the person must be supervised by a parole officer;
- (c) the person must obey any lawful instructions of that parole officer;
- (d) the person must report as and when directed by that parole officer;
- (e) the person may be interviewed by that parole officer at any reasonable time and place directed by that parole officer;
- (f) the person must, within two days of changing his or her address, advise that parole officer of the change of address;
- (g) the person must not leave Victoria without the written permission of the Youth Parole Board;
- (h) any other condition the Youth Parole Board considers necessary for the protection of any victim of an offence referred to in subsection(1)(b);
- (i) if the Youth Parole Board considers it appropriate having regard to the circumstances of any offence referred to in subsection(1)(b), one or more of the following –
  - (i) that the person not visit particular places or areas, or only visit the places or areas at specified times;
  - (ii) that the person not contact specified persons or classes of person;

- (iii) that the person undergo rehabilitation and treatment ordered by the Youth Parole Board;
- (iv) that the person attend a day program specified by the Youth Parole Board.

### Special conditions

As part of the parole planning process, special parole conditions can be recommended and imposed by the Board beyond the standard conditions that attempt to address the risks and needs specific to the young person being proposed for parole.

As per Table 1, in 2018–19 there were 528 special conditions imposed on the 185 parole orders issued during the year. There can be multiple conditions placed on a parole order. A breakdown of the special conditions imposed are listed as per Table 1.



**Table 1: Special conditions imposed by the Youth Parole Board during 2018–19**

Direction of Special Condition of Parole	Number of special conditions imposed by the Board
You must attend substance abuse counselling as directed.	116
You must attend psychological counselling as directed.	50
You must attend psychiatric treatment as directed.	1
You must attend general counselling as directed.	19
You must attend forensic counselling as directed.	5
You must attend anger management or violence prevention as directed.	4
You must attend the Male Adolescent Program for Positive Sexuality as directed.	3
You must attend for offence specific counselling as directed.	44
You must reside as and where directed.	17
You must attend a day program as directed.	14
You must not have contact with an individual as directed.	80
That you do not attend a geographical location as directed.	91
You must abide by the conditions of any intervention order.	12
You must attend a motor vehicle offender program as directed.	26
You must attend the Adolescent Violence Intervention Program as directed.	15
You must abide by a curfew as directed.	19
You must attend the men’s behaviour change program as directed.	1
You must engage in youth offending programs as directed.	3
You must attend offence specific assessments and interventions as directed.	7
Other	1
<b>Total</b>	<b>528</b>

Source: Youth Parole Board Secretariat data

### Parole orders issued by the Board

On the day set for possible parole, the Board interviews the young person, raises particular matters relevant to their parole, and also explains and reinforces the conditions of parole. At the end of that parole hearing, the young person signs the parole order indicating that they consent to and understand the conditions of parole. During 2018–19, the Board issued 185 parole orders.

**Table 2: Parole orders issued by the Youth Parole Board**

Gender/order type	Number of parole orders issued by the Board			
	2015–16	2016–17	2017–18	2018–19
Females – youth parole order	11	9	16	14
Males – youth parole order	182	192	227	171
<b>Annual total</b>	<b>193</b>	<b>201</b>	<b>243</b>	<b>185</b>

Source: Department data extracted 12 July 2019

## Parole Supervision

Case managers are authorised under section 453 of the *Children, Youth and Families Act 2005* to provide parole supervision for young people upon their release. They are subject to the direction of the Board in relation to its parole orders, but are subject to the direction of the Secretary to the Department of Justice and Community Safety in relation to any other duties and responsibilities they may have.

Case managers are located in community-based youth justice teams across Victoria to provide post-release supervision for young people on parole. There are close links between the Youth Justice Centres and community-based youth justice teams to ensure a consistent and co-ordinated response during a young person's sentence.

Parole supervision includes supporting and assisting the young person on parole to improve their connection to the community through family, accommodation, education, employment and recreation. It also involves direct case work through motivational interviewing and challenging offending attitudes, cognitive distortions and criminogenic beliefs. The role involves monitoring their behaviour in the community, assessing their attendance and performance at work or school, checking their compliance with the conditions of the parole order and providing reports to the Board.

Case managers are instrumental in ensuring young people are supervised and supported throughout their sentences both in Youth Justice Centres and in the community. Case managers are required to deal with complex issues when young people are released into the community. A considerable amount of time and effort is put into establishing appropriate plans and preparing for their transition to the community, particularly securing appropriate accommodation for young people with high needs. Support workers from the Youth Justice Community Support Service work in partnership with case managers to provide services on the ground to support young people on parole.

During the parole period, the Youth Parole Board receives regular reports from case managers about the progress of young people. The Board sees some of the young people during their parole period to discuss issues that have arisen, to warn them about inadequate compliance or to acknowledge and reinforce positive progress they have made.

## Warnings issued by the Board

The Board may issue a warning to a young person in custody or on parole, on its own initiative or on request from the Youth Justice Centre or youth justice case manager. Warnings from the Board provide a young person with an opportunity to reassess their behaviour and to make changes that will result in successfully completing their sentence in a Youth Justice Centre and/or on parole.

For those in custody, the Board discusses the young person's behaviour with them, sets expectations for improvement and warns of possible action by the Board, including refusing parole or, for young adults, transfer to prison.

For those on parole, the reasons for failure to comply with the conditions are examined and discussed. The Board emphasises the need to comply with conditions of parole and warns that further breaches can (or will) result in cancellation of parole. Young people have the opportunity to put their case before the Board and are encouraged to work closely with their youth justice case manager.

During 2018–19 the Board issued 22 warnings.

**Table 3: Warnings issued by the Youth Parole Board**

Year	Warnings issued by the Board
2012–13	31
2013–14	35
2014–15	14
2015–16	17
2016–17	23
2017–18	29
2018–19	22

Source: Youth Parole Board Secretariat data

## Parole Cancellation

Under section 460 of the *Children Youth and Families Act (2005)*, young people who do not comply with conditions of parole can have their parole cancelled by the Board. The Board considers parole breaches to be a serious matter and often deals with such breaches by cancelling parole orders.

The Board considers two types of breach:

- breach by reoffending, and
- breach by failing to observe conditions of the order, for example, failure to report to their case manager, failure to comply with the special conditions of the order and (more generally) failure to meaningfully engage with parole and its programs.

Cancellation of a parole order results in a warrant for the arrest of the young person who is then returned to youth justice custody to serve the unexpired portion of his or her original sentence. In some cases, the Board may grant a credit for part of the unexpired sentence for the period the young person complied with their parole. In making this decision, the Board takes into account the nature of the breach and how well the young person complied with conditions of parole.

If the Board considers it appropriate, it can again release a young person on parole after his or her parole has been cancelled.

A key consideration for the Board in deciding whether to cancel parole is the safety and protection of the community. Accordingly, the Board will cancel parole if the risks of the young person remaining on parole have come to outweigh the benefits of the young person continuing on parole.

The Board will cancel parole where it believes young people are at serious risk of harm to themselves and others and they are unable to maintain themselves in the community without risk of further offending.

### Parole cancellations for the period 2018–19

In 2018–19, the Board cancelled 93 parole orders, of which 63 per cent were related to Children’s Court sentences and 37 per cent were related to Magistrates’ and higher court sentences (see Table 4).

**Table 4: Parole cancellations issued by the Youth Parole Board for Children’s Court, Magistrates’ and higher court sentences**

	Number of parole cancellations			
Jurisdiction	2015–16	2016–17	2017–18	2018–19
Children’s Court sentences	53	49	59	58
Magistrates’ Court and Higher court sentences	32	45	53	35
<b>Annual total</b>	<b>85</b>	<b>94</b>	<b>112</b>	<b>93</b>

Source: Department data extracted 12 July 2019

Note: Some cancellations were for parole orders issued prior to the current reporting period.

Some parole cancellations from sentences issued in the Magistrates’ and higher courts also had sentences from the Children’s Court.

In 2018–19, there were 19 fewer parole cancellations than the previous year, as per Table 5.

**Table 5: Reasons for parole cancellations issued by the Youth Parole Board**

	Number of parole cancellations			
Reason	2015–16	2016–17	2017–18	2018–19
Reconviction	34	28	27	18
Failing to comply with conditions	51	66	85	75
<b>Annual total</b>	<b>85</b>	<b>94</b>	<b>112</b>	<b>93</b>

Source: Department data extracted 12 July 2019

Note: A young person may be subject to more than one category of order.

Some cancellations were for parole orders issued prior to the current reporting period.

Some parole cancellations from sentences issued in the Magistrates’ and higher courts also had sentences from the Children’s Court.

## Transfers

Sections 464 to 477 of the *Children, Youth and Families Act 2005* deal with the power of the Board and Adult Parole Board to transfer young people between jurisdictions. Table 6 outlines the transfers issued by the Youth Parole Board in 2018–19.

**Table 6: Transfers issued by the Youth Parole Board 2018–19**

Provision	Number of transfers issued by the Board			
	2015–16	2016–17	2017–18	2018–19
Transfer from Youth Residential Centre to Youth Justice Centre (sections 464 and 465)	1	1	1	0
Transfer from Youth Justice Centre to prison (section 467)	1	4	7	1
Young person’s request for transfer to prison (section 468)	0	0	0	0
Transfer from Youth Justice Centre to Youth Residential Centre (section 470)	0	0	0	0
Transfer back to prison after transfer from prison to Youth Justice Centre (section 473)	0	0	0	0
Person in Youth Residential Centre sentenced to detention in Youth Justice Centre or imprisonment (section 474)	0	0	0	0
Person in Youth Justice Centre sentenced to imprisonment (section 475)	12	12	11	14
Person in Youth Justice Centre sentenced to detention in Youth Residential Centre (section 476)	0	0	0	0
Person in prison sentenced to detention in Youth Justice centre (section 477)	0	0	0	1
<b>Annual total</b>	<b>14</b>	<b>17</b>	<b>19</b>	<b>16</b>

Source: Youth Parole Board Secretariat

## Young offenders Transfer Review Group

The Youth Parole Board, the Sentence Management Division of Corrections Victoria and the Adult Parole Board have jointly established the Young Offenders Transfer Review Group to provide a forum to focus on young people who have been, or are likely to be, transferred between a Youth Justice Centre and prison.

External stakeholders including the Victorian Commissioner for Children and Young People and the Aboriginal Commissioner for Children and Young People are members of this group. The Young Offenders Transfer Review Group reviews the status of the young people who straddle both the adult and youth jurisdictions. These young people are usually 18–21 years of age and may be sentenced in either the Children's, Magistrates' or higher courts. This forum provides an opportunity for information exchange to ensure that both jurisdictions maintain contemporary knowledge about these young people.

## Victim Register

The Board recognises the importance of taking victims' issues into consideration when preparing to parole a young person. The trauma associated with being a victim, particularly of a violent, personal or intimate offence, does not necessarily dissipate over time. The Board takes seriously the impact on victims of such offending.

The Board's Register of Offenders with Victims identifies young people whose offences have had a particularly adverse impact on their victims who is either known to them or likely to have any contact with them on their re-entry to the community. Based on one or all of these factors, a young person who is considered eligible for parole may be placed on the Register.

The Register is intended to alert the Board of the possible need for victim conditions to be applied to a parole order to mitigate the potential for a victim to be re-traumatised by a young person's reintegration into the community.

There are occasions when the victims or families of victims request to meet and speak with the Board directly. The Board views it as important to meet with victims or their families who make this request and endeavour where possible to accommodate such requests.

The Register allows the Board to apply additional conditions to the young person upon their release on parole. These conditions, in tandem with supervision from the case manager, reduce the risk of further harm to victims when young people re-enter the community.

# YOUTH JUSTICE OVERVIEW

## Characteristics of young offenders

The results of an annual survey of 166 males and 8 females detained on sentence and remand at Parkville and Malmsbury Youth Justice precincts on 31 December 2018 show:

- 64 per cent had never been subject to a child protection order
- 16 per cent had been subject to a previous child protection order and were subject to a current child protection order
- 18 per cent were previously subject to a child protection order but were not subject to a current child protection order
- 1 per cent were subject to a current child protection order with no previous history of a child protection order
- 67 per cent were victims of abuse, trauma or neglect
- 68 per cent had previously been suspended or expelled from school
- 48 per cent presented with mental health issues
- 27 per cent had a history of self-harm or suicidal ideation
- 38 per cent presented with cognitive difficulties that affect their daily functioning
- 12 per cent were linked with the Forensic Disability Service offered through DHHS
- 4 per cent were accessing NDIS funded disability supports or services
- 7 per cent had a history of alcohol misuse
- 22 per cent had a history of drug misuse
- 54 per cent had a history of both alcohol and drug misuse
- 10 per cent had offended while under the influence of alcohol but not drugs
- 26 per cent had offended while under the influence of drugs but not alcohol
- 43 per cent had offended while under the influence of alcohol, and also while under the influence of drugs
- 25 per cent spoke English as a second language

Further, following completion of the annual survey, it was possible to ascertain the accommodation outcomes of those young people who had participated in the survey and had then been released from custody. Of the young people who had been released from custody, 24 per cent were residing in accommodation other than living with family, relatives or kin, or a residential care or out of home care placement.



## Young people and family violence

Many young people appearing before the Board are both victims and perpetrators of family violence. This is largely attributable to being exposed to family violence during childhood and continuing into adolescence.

In that context, the Board will impose special conditions of parole requiring young people to abide by the conditions of a family violence intervention order; and also parole conditions, independent of such an order protecting family violence victims.

The *Family Violence Protection Act 2008* and criminal legislation provide the basis for legal intervention in any family violence situation regardless of the age of the respondent who is alleged to perpetrate family violence. Where the alleged perpetrator of the violence is under 18 years, the referral will be made to Child FIRST or the Department of Health and Human Services Child Protection.

A Family Violence Intervention Order application against a young person may exclude a young person from the family home. This is relevant as it may impact on the parole planning for a young person in terms of finding them suitable accommodation upon release.

In September 2018, the Youth Parole Board Secretariat was prescribed as an information sharing entity under the Family Violence and Child Information Sharing schemes. In addition, the Secretariat was also mandated to align with the new Multi-Agency Risk and Assessment Management (MARAM) framework; a recommendation from the 2016 Royal Commission into Family Violence.

Under the new Youth Justice Case Management Framework, case managers are responsible for using the MARAM framework to guide and inform the case management of young people under the supervision of Youth Justice, including parole. Case

managers are required to administer the MARAM screen, and if required, the MARAM comprehensive assessment tool. The MARAM framework has also been embedded in the new Parole template to ensure that family violence risk is considered as part of parole planning.

The Youth Parole Board Secretariat have attended various family violence training including the information sharing schemes and MARAM framework, to equip them with the skills to provide advice and secondary consultation to Youth Justice workers to support their use of the MARAM risk assessment and management in parole planning.

## The Larry Osborne Scholarship

In 2011 the Board marked 50 years of operation. To commemorate this, the Board established an annual scholarship to encourage innovation and best practice to support young people subject to the Victorian Youth Parole system. Dr Larry Osborne, who served on the Board as an alternate community member for 11 years, proposed the idea of a scholarship in September 2011 before his unexpected death in November 2011. The scholarship is a fitting tribute to his valued contribution to the Youth Parole system. Applications for the scholarship are open to community Youth Justice staff and those working in Youth Justice Centres.

The successful recipient of the 2018–19 Larry Osborne Youth Parole Board Scholarship was Chuol G. Puot. Mr Puot's project focus is *Embracing diversion: Investigating innovation and best practices to collectively divert African-Australian young people away from the criminal justice system*. The aim of this project is to investigate (and report back to the Board) on evidence-based and innovative practices that divert young people away from the criminal justice system, while holding them accountable for their actions.

## Aboriginal Young People

Reducing the persistent overrepresentation of Aboriginal children and young people in Youth Justice is a key area of focus for the Department of Justice and Community Safety. The Aboriginal Justice Agreement (phase 4), Burra Lotjpa Dunguludga sets the milestone of reducing the average daily number of Aboriginal children aged 10–17 years under youth justice supervision in detention and the community by at least 43 by 2023.

During 2018–19, 41 Aboriginal young people came under the jurisdiction of the Board, a reduction of 11 Aboriginal young people from the previous year (52 young people in 2017–18).

**Table 7: Number of Aboriginal and non-Aboriginal young people who received Youth Residential and Youth Justice Centre orders during 2018–19**

Type of order	Aboriginal	Non-Aboriginal	Unknown	Number of young people
Youth Residential Centre order	3	4	0	7
Children’s Court Youth Justice Centre order	26	125	0	150
Higher court Youth Justice Centre order	12	72	1	85
<b>Total</b>	<b>41</b>	<b>201</b>	<b>1</b>	<b>242</b>

Source: Department data extracted 12 July 2019

## Cultural support

The Board is aware of some of the key criminal justice issues for culturally and linguistically diverse (CALD) communities including issues with police, access to culturally appropriate services, trauma and intergenerational conflict and community perceptions.

Most recently the Board has witnessed a growing over-representation of young people from Maori and Pasifika and African (mainly Sudanese) communities, many of whom present with a multitude of barriers and complex needs.

Such issues highlight the need for the Board to actively engage the support and advice of cultural support workers and services when making decisions regarding the parole and rehabilitative needs of young people from diverse communities.

## Young people from African backgrounds

Recognising the continued representation and growth of young people from African backgrounds, particularly South Sudanese young people, appearing before the Board, the Board has been committed to engaging with members from this community to work towards better understanding the issues impacting young people from African backgrounds.

In June 2019, in partnership with Carmel Guerra, alternate community Board Member and the Chief Executive Officer of the Centre for Multicultural Youth, the Secretariat organised a consultation forum with key members of the Sudanese Australian community. Sponsored by the Board Chairperson, the forum explored issues which impact on young Sudanese Australian people in custody and has commenced plans to establish an advisory group of representatives from that forum to advise the Board on relevant issues and services in the community for this group of young people.

The department continues to provide Cultural Support Workers across the two custodial precincts to support young people from African backgrounds. The Cultural Workers also provide advice to Youth Justice staff on working with this group of young people and outreach to their communities.

# STATISTICAL SUPPLEMENT FOR THE YEAR ENDED 30 JUNE 2019

**Table 8: Releases and cancellations, 2009 to 2019**

Year ending	Releases on parole	Paroles cancelled – compliance	Paroles cancelled – reconviction	Paroles completed	Persons on parole at this date
30 June 2009	210	47	26	134	110
30 June 2010	256	44	51	106	111
30 June 2011	240	44	36	103	136
30 June 2012	257	51	36	115	133
30 June 2013	231	48	25	112	126
30 June 2014	195	45	23	102	124
30 June 2015	196	49	22	97	112
30 June 2016	193	51	34	93	94
30 June 2017	201	66	28	74	81
30 June 2018	243	85	27	120	95*
30 June 2019	185	75	18	119	68

Source: Department data extracted 12 July 2019

\* The published number in the 2017-18 annual report was 92 at the time of reporting. This number has been updated to reflect the latest available information.

**Table 9: Number of active Youth Justice Centre and Youth Residential centre orders, 2008–09 to 2018–19**

Year	Children’s Court Youth Residential Centre	Children’s Court Youth Justice Centre	Magistrates’ and higher courts Youth Justice Centre	Total
2008–09	19	337	308	<b>664</b>
2009–10	32	358	391	<b>781</b>
2010–11	30	356	336	<b>722</b>
2011–12	13	299	371	<b>683</b>
2012–13	14	206	401	<b>621</b>
2013–14	13	193	272	<b>478</b>
2014–15	20	193	259	<b>472</b>
2015–16	18	308	243	<b>569</b>
2016–17	9	340	200	<b>549</b>
2017–18	22	405	213	<b>640</b>
2018–19	15	295	114	<b>424</b>

Source: Department data extracted 12 July 2019

Note: These figures include multiple orders for some individuals.

**Table 10: Parole orders issued and parole cancellations by regions during 2018–19**

Region	Parole orders issued	Parole orders cancelled
North West Metropolitan	76	35
Southern Metropolitan	56	29
Eastern Metropolitan	14	5
Barwon–South West	9	8
Gippsland	4	4
Grampians	9	1
Hume	7	6
Loddon Mallee	10	5
<b>Total</b>	<b>185</b>	<b>93</b>

Source: Department data extracted 19 July 2019

Note: Not all cancelled parole orders were issued in 2018–19.

**Table 11: Youth Justice Centre and Youth Residential Centre orders issued by jurisdiction 2018–19**

Court	Gender	New admission	Already on custodial sentence	Total
Children’s Court: Youth Residential Centre	Male	9	5	14
Children’s Court: Youth Residential Centre	Female	0	1	1
Children’s Court: Youth Justice Centre	Male	113	140	253
Children’s Court: Youth Justice Centre	Female	14	7	21
Magistrates’ Court	Male	21	50	71
Magistrates’ Court	Female	4	2	6
County Court	Male	33	4	37
County Court	Female	0	0	0
County Court of Appeals	Male	7	8	15
County Court of Appeals	Female	2	0	2
Supreme Court	Male	2	0	2
Supreme Court	Female	0	0	0
Interstate order	Male	1	0	1
Interstate order	Female	1	0	1
<b>Subtotal</b>	<b>Male</b>	<b>186</b>	<b>207</b>	<b>393</b>
<b>Subtotal</b>	<b>Female</b>	<b>21</b>	<b>10</b>	<b>31</b>
<b>Total</b>		<b>207</b>	<b>217</b>	<b>424</b>

Source: Department data extracted 12 July 2019

**Table 12: Sentences commenced 1 July 2008 to 30 June 2019 overseen by Youth Justice**

Type of order	08–09	09–10	10–11	11–12	12–13	13–14	14–15	15–16	16–17	17–18	18–19
Probation	1,076	1,198	1,127	957	892	811	805	676	495	537	465
Youth supervision	538	518	527	479	453	359	422	438	454	420	362
Youth attendance	108	125	115	80	66	85	78	71	94	70	58
Youth control	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	N/A*	20
Youth Residential Centre	9	12	12	6	9	9	11	8	6	15	9
Youth Justice Centre	269	342	305	317	294	229	214	282	293	290	196
<b>Total</b>	<b>2,000</b>	<b>2,195</b>	<b>2,086</b>	<b>1,839</b>	<b>1,714</b>	<b>1,493</b>	<b>1,530</b>	<b>1,475</b>	<b>1,342</b>	<b>1,332</b>	<b>1,110</b>

Source: Department data extracted 12 July 2019

Note: Community-based orders includes young people on multiple orders, if applicable.

Custodial sentences do not include additional concurrent or cumulative orders.

N/A\* - note that Youth control order data was only available from late 2018

**Table 13: Sentences commenced 1 July 2015 to June 30 2019 overseen by Youth Justice (individuals)**

Type of order	2015–16	2016–17	2017–18	2018–19
Probation	473	354	370	335
Youth supervision	249	260	245	220
Youth attendance	31	40	38	28
Youth control	N/A*	N/A*	N/A*	10
Youth Residential Centre	7	3	11	3
Youth Justice Centre	251	252	297	172
Interstate custody order	1	2	0	2
<b>Total</b>	<b>1,012</b>	<b>911</b>	<b>961</b>	<b>770</b>

Source: Department data extracted 12 July 2019

Note: Young people who received more than one order in the reporting period and/or those with multiple concurrent orders counted once only.

Where a young person received two or more orders in the reporting period, only the highest tariff order is counted.

**Table 14: Remand orders commenced 1 July 2008 to 30 June 2019**

Type of order	08–09	09–10	10–11	11–12	12–13	13–14	14–15	15–16	16–17	17–18	18–19
Youth Residential Centre remand	123	133	137	181	158	144	225	214	193	164	181
Youth Justice Centre remand	439	526	467	585	559	601	687	765	876	613	765
<b>Total</b>	<b>562</b>	<b>659</b>	<b>604</b>	<b>766</b>	<b>717</b>	<b>745</b>	<b>912</b>	<b>979</b>	<b>1,069</b>	<b>777</b>	<b>946</b>

Source: Department data extracted 12 July 2019

**Table 15: Remand orders commenced from 1 July 2014 to 30 June 2019 (individuals)**

Type of order	2014–15	2015–16	2016–17	2017–18	2018–19
Youth Residential centre remand	84	83	71	68	96
Youth Justice centre remand	369	401	433	392	429
<b>Total</b>	<b>453</b>	<b>484</b>	<b>504</b>	<b>460</b>	<b>525</b>

Source: Department data extracted 12 July 2019

Note: Young people who received more than one remand order in the reporting period counted once only.



## APPENDIX 1: VISITORS TO THE YOUTH PAROLE BOARD MEETINGS DURING 2018–19

Tess Mullenger, Director Community Services  
 Tom McGregor, Director Legal Policy and Operations  
 Dom Ennis, Director Research Evaluation and Advocacy YSAS  
 James McCann, Director Youth Justice Custodial Services  
 Len Norman, Director Youth Justice Custodial Services  
 Anthony Kolmus, Disability Services Commissioner  
 Neil Robertson, Executive Director, Criminal Justice Strategy and Coordination  
 Jan Noblett, Executive Director, Justice Health  
 Gabrielle Levine, Executive Director, South Area and South East Metropolitan Region  
 Dr Gemma Russell, Director, Assessment and Case Management Clinical Oversight  
 Allison Will, Director, Criminal Justice Strategy and Coordination  
 Mr. Hayato Aoki, Acting Judge, Okayama District Court, Japan  
 Ms. Asuka Tanaka, Probation Officer, Shizuoka Probation Office, Japan  
 Mr. Naoki Tanaka, Probation Officer, Tokyo Probation Office, Japan  
 Andrew Bruun, CEO, YSAS

### Management and/or staff of:

Aboriginal Justice Advisory Committee, Eastern Metropolitan Region  
 African Australian Community Taskforce  
 Caraniche  
 Child Protection  
 Commission for Children and Young People-Independent Visitors Program  
 Concern Australia (Eastern Metropolitan Region)  
 Correct Care Australasia  
 Disability Client Services  
 Hester Hornbrook Academy  
 Home Affairs – Department of Immigration  
 Jesuit Social Services (Brunswick, Carlton, Sunshine)  
 JETTS (Brunswick)  
 Mission Australia  
 Moira Disability and Youth Services (Hampton East)  
 Next Steps (Carlton)  
 Orygen Youth Health  
 Parkville College (Malmsbury, Parkville)  
 PIVOT (Dandenong, Parkville)  
 Reignite (Geelong)  
 Salvo Care (Box Hill, Wodonga)  
 Senior Disability Advisor, Youth Justice  
 Victorian Aboriginal Child Care Agency (VACCA) (Dandenong)  
 VICSEG New Futures (Coburg)  
 Victoria Police- Offender Management Project  
 Wellways (Warragul)  
 Wombat Housing and Support Services (North Melbourne)  
 Youth Health and Rehabilitation Services  
 Youth Justice Community Support Services

### Students on placement from:

Monash University  
 RMIT

