

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Victoria's Criminal Justice System

Melbourne—Monday, 6 September 2021

MEMBERS

Ms Fiona Patten—Chair

Dr Tien Kieu—Deputy Chair

Ms Jane Garrett

Ms Wendy Lovell

Ms Tania Maxwell

Mr Craig Ondarchie

Ms Kaushaliya Vaghela

PARTICIPATING MEMBERS

Dr Matthew Bach

Ms Melina Bath

Mr Rodney Barton

Ms Georgie Crozier

Dr Catherine Cumming

Mr Enver Erdogan

Mr Stuart Grimley

Mr David Limbrick

Mr Edward O'Donohue

Mr Tim Quilty

Dr Samantha Ratnam

Ms Harriet Shing

Mr Lee Tarlamis

Ms Sheena Watt

WITNESSES (*via videoconference*)

Ms Tiffany Overall, Policy, Advocacy and Human Rights Officer, Youthlaw, and Co-convenor, Smart Justice for Young People; and

Ms Anoushka Jeronimus, Co-convenor, Smart Justice for Young People.

The CHAIR: Hello, everyone. Welcome back. This is the Legal and Social Issues Committee's Inquiry into Victoria's Criminal Justice System.

We are very pleased to be joined for this session by Youthlaw and Smart Justice for Young People. We have Tiffany Overall joining us, who is the Advocacy and Human Rights Officer at Youthlaw and a Co-convenor of Smart Justice for Young People; and Anoushka Jeronimus, who is a Co-convenor for Smart Justice for Young People. I am sorry if I mangled your name.

If I could, just before we start, just let you know that all evidence taken today is protected by parliamentary privilege. It is under our *Constitution Act* but also the standing orders of the Legislative Council. This means that any information that you provide at this hearing is protected by law. You are protected against any action for what you might say here today, although if you were to repeat those statements outside this hearing, you would not have the same protection. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

We are recording today, so you will receive a transcript in a few days time. We would encourage you to have a look at that and make sure we have not misheard you or misrepresented you. Ultimately that transcript will be made public on our website and of course form part of the committee's report.

We would appreciate some brief opening statements—we have all received your submission as well, so thank you very much for that—and then we will open it up for committee discussion. Thank you.

Ms OVERALL: Great. Thank you. We welcome this opportunity, as co-convenors of Smart Justice for Young People, to give our evidence to you today and our submission, and we are giving that through the critical lens obviously of children and young people. Their engagement with the criminal justice system is often a culmination of and often compounds poverty, disadvantage, trauma and systemic discrimination. Any engagement increases the potential for further offending and remaining in the system as adults, as opposed to enabling them to grow out of their offending through timely social interventions and support for them and their families.

As a multisectoral group Smart Justice for Young People feels well placed to provide you with an aerial overview of the whole interconnected service system of which the criminal justice system is a part, rather than from just organisational vantage points, which are also important. It is important we look at all components of the service system from all angles to uncover the problems and also the solutions. We obviously need to consider children and young people currently in the system and ensure they are treated respectfully, humanely and with a focus on rehabilitation and exiting them to fulfilling lives. But we also need to consider them as a group and learn the lessons of what their experiences tell us about the failings or limitations in the service system and what is needed going forward to prevent others from entering or re-entering the criminal justice system.

The annual Youth Parole Board surveys provide an important snapshot of the experiences and backgrounds of young people in youth detention, which are often backgrounds that are intersecting and complex but not a mystery. Last year's survey showed that children in out-of-home care, Aboriginal children, girls and children from refugee backgrounds and newly emerging CALD communities continue to be disproportionately over-represented in the youth justice system. It told us that 71 per cent of children in custody had a history of trauma, abuse and neglect; 68 per cent were suspended or expelled from school; 68 per cent had mental health issues; 55 per cent had a history of drug or alcohol abuse; and 38 per cent had cognitive difficulties, which affect their daily functioning. So we encourage you to view a child or young person entering the criminal justice system as evidence of the earlier service system not working as well as it could rather than holding that child or their family solely accountable. We ask you to imagine a system where there is shared accountability and responsibility for preventing offending and re-offending and keeping our community safe, where government,

education, health, social services and communities are all working together to provide early support to families and help children develop in positive, healthy ways and maintain their connection to their families, communities, education and long-lasting employment. In this frame we have recommended a childhood and youth strategy to ensure we adopt that whole-of-state, whole-of-government, whole-of-community approach to providing seamless and simultaneous supports to a young person and their family throughout their early life.

The CHAIR: Thank you. Anoushka?

Ms JERONIMUS: Yes. We are tag teaming here.

The CHAIR: Great.

Ms JERONIMUS: The next point we wanted to really emphasise and elevate to the committee is the need to end the criminalisation and systemic over-representation in the justice system of Aboriginal children and young people, culturally and linguistically diverse children and young people and children living in out-of-home care. When we talk about girls and when Tiffany mentioned girls in the opening statement we are talking about girls and young women with complex needs. Despite considerable investment and effort over many years we have been unable to shift the rate of criminalisation of these groups, and while the faces and names have changed over time the negative, racialised, increasingly gendered experiences and outcomes in our justice system deepen. We must acknowledge that systemic racism is a key driver of over-representation in the justice system of Aboriginal children and young people and young people from culturally and linguistically diverse backgrounds, impacting most acutely at the moment on our African Australian, Maori and Pasifika Australian and Muslim Australian children and youth. By acknowledging systemic racism we can then commit to ending it. Our gaze has been myopic—trying to fix individual young people, their families and communities through disconnected and fragmented services and responses that have been unable to sustain their successes as opposed to looking at the institutions, systems and structural conditions themselves that hold these problems in place.

We should therefore implement the recommendations of the fantastic CCYP's 2021 *Our Youth, Our Way* report and the Koorie Youth Council's *Ngaga-dji* report; end profiling of poorer communities—proactive, pre-emptive and predictive policing strategies—to avoid racialised outcomes that adversely impact young people; mandate the collection and regular publication of data which drives youth offending—for example, police stops and searches without charge, soft expulsions and suspensions; implement the recommendations in the Sentencing Advisory Council's 2019 *Crossover Kids* report; ensure the proper implementation and monitoring of the framework to reduce the criminalisation of young people in residential care; introduce decision-making principles into all key child and youth criminal statutes as well as key departmental practice guidance that recognise the role that systemic discrimination plays; and mandate presumptions in favour, for example, of bail, diversionary and community-based sentencing outcomes for those chronically over-represented in the justice system as a way of overcoming it where it is safe and practical to do so.

The CHAIR: Thank you.

Ms OVERALL: Thank you. Just a few quick wrap-up points, if that is all right. Smart Justice for Young People is also asking you to consider a justice reinvestment approach to crime prevention. I mean, I think you would be aware, but this approach obviously is going to directly involve those in community groups, especially those with disproportionately high rates of contact with the youth justice system and young people with that lived experience in the design and delivery and review of those appropriate initiatives that address that community's particular drivers of increased risk of contact with the youth justice system. And that can look like a range of diversion initiatives designed to keep local young people out of the criminal justice system. It might be cross-community commitment to ensuring that all local children and young people are supported to access quality education and avoid suspensions and expulsions. And over time those sorts of approaches are obviously going to reduce the number of children at risk of entering the system and save funds, and those funds can be redirected to disadvantaged communities.

We are very encouraged by the new *Crime Prevention Strategy*. We think it is justice reinvestment like in approach, and it is really developing a great framework for government to partner with, support and invest in communities to innovate and deliver these local solutions. But we think we could go further, and I just refer you

to our report from 2018, *Investing in Communities Not Prisons*, where we called on the Victorian government to consider a 10-year crime prevention plan that adopts a justice reinvestment approach.

You are going to hear from many others, including Jesuit Social Services after this presentation, that will be really explaining, I suppose, why Victoria must also be committing to legislate to raise the age of criminal responsibility from 10 to 14. I mean, in a nutshell, we obviously need to raise the age to prevent unnecessary harm to children through early exposure to criminogenic aspects of the criminal justice system, and there is much evidence there for us, particularly from the Victorian Sentencing Advisory Council, which has really honed in on the fact that the younger a child is when they have their first contact with the system, the higher their chance of future offending and the more likely they are to have long-term involvement in crime, and that with each year's increase in a child's age at first sentence there is an 18 per cent reduction in the likelihood of offending, so it is pointing us there. And in essence we are not talking about a large number of children of that age in the Victorian system. I think there were like 29 in Victorian youth detention during the year 2019–20. And we believe that Victoria has got the resources, the programs and the know-how to provide intensive support and education and family and health assistance to help those vulnerable children remain in schools and help their families provide the care and support necessary, so we would be calling for that as well.

The CHAIR: Yes. Thank you. Heard loud and clear. Certainly I think we heard from a previous witness last week that even just that one change would meet one of our Closing the Gap targets of reducing young Aboriginal people in custody by 30 per cent. We would achieve that in one fell swoop by doing that.

Thank you so much for those presentations, and thanks very much for your submission. I just wanted to start talking a little bit about diversion. I know you have been doing some work in this. Sorry, not diversion, more cautioning. You talk about work that you have been doing with the police around cautioning—that it should be the focus course of action and the first course of action. One of the areas that you mentioned was this idea of asking officers to complete a notice of failure to caution. And I think you also note that in some places it is actually harder to provide a caution than it is for police to take another course of action. I am wondering if you could comment a little further on that.

Ms OVERALL: Anoushka?

Ms JERONIMUS: Yes, do you want me to take that? In terms of that recommendation, the basis for it is really to focus and concentrate police decision-makers' minds on the fact that that is an available disposition and that it ought to be the first thing that they consider as opposed to, from experience, something that is a bit of an afterthought. You know, from experience it is something that once the brief is authorised they go, 'Oh yeah. It would've been great but now we've authorised the brief', just as one example from experience. Or actually, 'No, the guidance doesn't allow for that', when actually the guidance does. And so this recommendation that we are making, in our view and from the experience of our members, is something that would address that challenge or barrier to cautioning young people and also ensure an increase in consistency across the state.

The CHAIR: Yes. Thank you, and I think that probably leads nicely into some of the other reporting that you are calling on—the recording and reporting of police stops. I am assuming that that also is about, you know, making people check that kind of unfairness that we have seen around the different cohorts that are brushing against our criminal justice system.

Ms JERONIMUS: It is the start of actually figuring out whether a problem exists, and also with the regular publication of that data it then also kind of reveals the nature and extent of any problem if it does exist. And then from there it kind of becomes part of business as usual, if that makes sense. You will note in the statement we are also saying that that was just an example, police stops and searches, but there are lots of other examples where data—the regular provision of data—could actually assist in really understanding, in our case, the drivers of child and youth offending to then really make sure that our responses are contemporary, targeted and effective. We have actually added into there soft expulsions, suspensions and actual suspensions because the fact is that statistic in the Youth Parole Board's report is a regular feature. The government has made fantastic efforts—you know, the Education State—to try and address these issues, and the provision of data will actually help us to figure out if those changes are landing and where we need to calibrate, amend, adjust or actually deepen the focus.

The CHAIR: And just quickly on that, are there other jurisdictions doing this—collecting this sort of data—and has it effected change in those jurisdictions that do it?

Ms JERONIMUS: It is actually a very good question—

Ms OVERALL: Which we might need to take on notice.

Ms JERONIMUS: Take on notice, that is right—and we would be happy to provide that information to the committee.

Ms OVERALL: Yes.

The CHAIR: Thank you, because I think New South Wales has been collecting some of this data, so it would be really interesting. Thanks very much. I will move to Professor Tien Kieu.

Dr KIEU: Thank you. Thank you both for appearing and assisting us today in this very important issue. Notwithstanding the fact that there are some statistics that there has been a reduction in youths in custody in recent years, I come back to the question of the over-representation of the disadvantaged cohort, like Aboriginals, CALD communities and those in out-of-home care. But overall there is this statistic of some reduction. So what are your views on that reduction—whether you think that is sustainable or getting worse or getting better in the coming years and future?

Ms JERONIMUS: I might take that one too, Tiffany. I think it is fantastic that the offending rate overall is reducing, and that is something that we should be collectively proud of. Also we have seen reductions during the pandemic as well—fantastic. It is interesting, though, and revelatory, the fact that there are these particular groups of young people and, notwithstanding the reduction in offending, the figures for them and their rate of criminalisation is not budging, which leads us again, Dr Kieu, to actually saying it might be the system that is the issue, the way we make decisions and our understanding of why these kids come into the system in the first place as opposed to interventions and responses that are kind of designed to address youth offending overall. With Aboriginal kids we have got all of the knowledge, the understanding and the acceptance about the need to address the effects of colonisation, yet 30 years of deaths in custody, and we still have such an indictment in terms of the gross over-representation of kids.

There have been significant efforts, and YJ, for example, must be commended for their manual efforts to try and keep Aboriginal kids out of the justice system, say, during the pandemic—fantastic. You want to see that replicated. In our submission, the best way to do that is actually to embed it in the statutes that kind of provide the basis for decision-making. It is fantastic. What we want to see is the acknowledgement of systemic discrimination in relation to Aboriginal people—finally. We also want to see that acknowledgement in relation to other groups of kids: CALD kids, new and emerging kids, kids from refugee backgrounds. There are particular factors which lead to their over-representation that are totally out of their control. It is not a matter of how but when. And we have seen it over the years with Vietnamese-Australian kids who have grown out of the system, and now in particular, but it is particularly entrenched with our African-Australian kids and also the Maori- and Pasifika-Australian kids, just as one example. So what we want to do is actually make sure that with the decision-making frameworks we have got those settings right to address the over-representation of current kids but also future groups of kids and young people as well.

Dr KIEU: Now, going back to the over-representation of that cohort, there seems to be a systemic and structural problem there. This is not an easy issue to deal with and may require an individualised approach, but then there will be difficulties in terms of resources, in terms of human resources and in terms of cultural understanding. For example, for the CALD community or for refugees—I came from Vietnam some time ago as a refugee—and also for asylum seekers there are cultural elements. There is a background, coming from a different country with a different setting, and maybe a different attitude as well. So in order to address that cohort, that would require a lot of effort. How should we start and what has been done to address that problem? Is there anything else that you would like to put more resources or efforts into?

Ms JERONIMUS: Our experience and view are that at the moment, just speaking generally, because we could also take it on notice and give further examples to the committee if that is of use, the point is and the fact is that there is lots of effort at the moment to try and respond—countless committees, subcommittees, action groups to, for example, talk about the African-Australian crime problem. But we are problematising the

community and the young person as opposed to actually saying, ‘Have we looked at the system? Have we looked at the decisions that lead to these young people, for example, coming into contact with the system more than others?’. So again I talk about the suspensions and expulsions. Are we sufficiently aware of the link: the school to prison pipeline? Are we providing enough support to the families of these kids as well as the kids—and I am talking in general—simultaneously, to make sure that parents, schools are best equipped to keep their children out of trouble? There are fantastic examples of responses and services, but the fact is they are small in scale, they are short term and they are not necessarily widely available. So when we talk about and urge looking at systemic discrimination and how that plays, that in our view and in our submission is the best way to try and make sure that we have got the structure that is right in place and to allow the responses and interventions to take hold in the way that we want them to.

Dr KIEU: Thank you.

Ms OVERALL: I might just add to that briefly if I may. I think that also flows into how we can best work with different communities as well and get their innovations and ideas about what is needed for their communities to support families and to support their young people to avoid them entering the system in the first place. Again, I think there are smatterings of great examples out there of that, Anoushka being involved in one out in the west, Target Zero, and we can brief you more fully on that. But I think the more we can support, resource, encourage communities to do work in that space, that is part of what I see as that fuller justice reinvestment type crime prevention approach that relies very much on it being community designed and driven.

Dr KIEU: Chair, can I comment on that, please?

The CHAIR: Tien, sorry, we are just running out of time. If we have got time at the end, I will come back. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. Thank you, ladies, very much for joining us today. You have certainly contributed some very interesting information, and thank you so much for your submission. There is an area that I wanted to touch base on. We know that addressing criminal behaviour, particularly for young offenders, is a very complex and difficult issue, because not only do we have to address the offending as it is now but we have also got to, as you alluded to, prepare ways in which we can prevent that offending. And how do we deal with that generational trauma that is embedded in a lot of very vulnerable families? But I wanted to ask your expert advice on how we address incarceration of young people who have committed very serious and violent crimes, and what consideration or involvement should the victims of those crimes have in determining interventions and outcomes of provisions being delivered for those young people, because those very serious crimes are not victimless crimes. And this is where the balance I think needs to be to ensure that we do have that right balance of not only working with the offender but the victims of those crimes as well.

Ms JERONIMUS: I might take your question and divide it into two in terms of victims’ rights and also serious youth offending. Starting with victims’ rights, we are absolutely unequivocal in our position that a criminal justice system that actively promotes the rights of victims is essential to a healthy and well-functioning justice system. Alongside increasing cautionary diversion and restorative justice options, which we say for children and young people is the right approach, there should be early and timely support for victims to recover. And we commend, for example, the findings of the November 2020 Centre for Innovative Justice report *Improving Support for Victims of Crime: Key Practice Insights*. We are saying, and we have not mentioned, in relation to your terms of reference (1) and (2)—you have heard it probably already, you will hear it again—that Smart Justice as well really wants to put squarely that bail reform is essential to reduce recidivism and also the remand population.

Madam Maxwell, in terms of victims’ rights and serious youth offending, we say that raising the age, bail reform, justice reinvestment and addressing systemic representation is actually the best way to prevent youth offending and keep the community safe, including young people, who are often victims themselves. You know, when we talk about victims’ rights, one of the things that we do not actually factor in is that often young people themselves are victims of crime. In the young adult space we would love to see the expansion of restorative justice options, in consultation with victims advocates, to see non-adversarial pathways to justice: pre-plea for summary offences, indictable offences triable summarily—so low-level offending.

In relation to your point about serious youth offending, kids and young people commit serious crimes. There is no argument that there should be appropriate consequences to address behaviour and to ensure that they do not commit it again. However, we are not talking about condoning, excusing or in any way diminishing the impact of that behaviour; what we are talking about is what is the best way to get them to take responsibility for that behaviour and also to make sure they do not do it again.

This is going to be a little bit kind of controversial, but we actually think that the category A and B youth offence categories at the moment in the youth justice Act do the exact opposite of making sure that victims are safer in the future, because it is not treating kids as kids, it is treating them as adults. Actually it is the process itself which does harm and also relates to, for example, the fact that they might be waiting a very significant amount of time on remand with other serious offenders, making friends that they otherwise would not be exposed to in custody, when they actually could be going to school, getting all of their health needs met, helping their families out and actually not placing themselves at risk of getting into more trouble. The process itself is punishing, and it is counterintuitive when we are talking about victims' rights.

Ms MAXWELL: Thank you, Anoushka. Just one more quick one. We know that the breach-of-bail offence has been withdrawn for under-18s, but we also know that the children held on remand report shows that 81 per cent of children who have entered remand were already subjected to criminal proceedings for other offences. Why is this happening, and what do you think we need to be doing to intervene to prevent that so that those waiting are not already on criminal offences, given the fact that we have so many programs? There are so many organisations and stakeholders who are delivering programs, and they do not seem to be working.

Ms JERONIMUS: It goes back to my point that maybe it is the system itself that we need to look at and that you need a whole-of-government, whole-of-service-system kind of lens to enable these programs to actually take hold. Otherwise it is just a drop in the ocean. And I am a glass-half-full person. I actually think this is a surmountable challenge but an important one—surmountable but important. Bail reform, for example, is an important system reform that is required, along with raising the age, when we are talking about young kids who are on remand for having been in trouble before.

Tiffany mentioned our recommendation, not in our submission to your committee but in the one to the Victorian youth strategy consultation, of a companion childhood strategy from zero to 12 that would complement the youth strategies to make sure that every single adult and service system is kind of in charge of guiding and making sure that kids and families are doing okay at any point in time from zero to 25. You need a longitudinal approach. We do not want to find out at 16 that a young person has a cognitive impairment. We do not want to find out at 14 that they have got a disability when we could have found out at four. Can you imagine how we could have changed that life course. And so that is why we think that the *Crime Prevention Strategy* and youth justice strategy are fantastic, great initiatives. The forthcoming youth strategy is also fantastic—great if you complement it with a childhood strategy. We also say: have a minister for children and their families to oversee those early childhood years to make sure that we are absolutely doing everything we can—together, so we have got a shared outcome, not individual views of success—and making sure that we are absolutely really reducing as many kids from entering and re-entering the system as possible.

Ms MAXWELL: Thanks, Anoushka.

The CHAIR: Thank you. Kaushaliya Vaghela.

Ms VAGHELA: Thanks, Chair. Thanks, Tiffany and Anoushka, for your detailed submission as well as for your time today. You might be aware of the recent announcement of the government's *Crime Prevention Strategy*, which has a focus on tackling the root causes of crime. Do you have any views on this focus? And how can we ensure that young people stay on the right track?

Ms OVERALL: Yes. I would not mind tackling that one, if it is okay, just because I suppose I did really briefly touch on the *Crime Prevention Strategy*. I think it is a really important starting foundation to start that sort of work where government is really partnering with and supporting and investing in communities to innovate and deliver those local solutions that address underlying causes of crime and improve safety for Victorians. As I said before, we are really encouraged by that approach. I think it is a great start. I think we can really build on that and roll it out statewide. So yes, I feel like that is a type of approach that we would be very supportive and encouraging of.

Ms VAGHELA: And, Tiffany, in your remarks today you also mentioned that girls entering the justice system have complex needs. What I would like to know is: what are the reasons for or what are the similarities or differences between girls and boys offending, reoffending and then exiting the system?

Ms OVERALL: Yes, great question. Anoushka, did you have any detail you wanted to give there, or is that something you could also—

Ms JERONIMUS: In relation to that question, we have not gone into detail in terms of analysing the type of offending that they are committing. Last year's youth justice strategy kind of highlights the need for a different, more responsive—gender responsive—approach, because up until now it has been one size fits all. We have got that massive summit into gender equality at the moment. We are having an awakening in terms of the need to ensure that we are not treating boys and girls the same and we are not looking at the root causes of their offending in the same way. And I think that contemporary understanding about the impact of sexism and anti-feminism—however you want to call it—is increasing. And also Smart Justice for Women and their platform that they have submitted talk about how there is without a doubt an increase in the number of women on remand and in the adult custodial system. There is further work to be done in terms of understanding the link in terms of why girls stay in and also more work to be done in terms of understanding why girls, for example, go into the youth justice system. But there are things, for example, like gender imbalances, the way they thrive at school, the way they are supported to thrive, the understanding and celebration of their ability as girls—all of these things—and respectful relationships. All of these factors have a part to play in the complexity of girls and young women in the justice system and also kind of paint a picture in terms of their needs when we are talking about trying to keep them out of the justice system.

Ms VAGHELA: Do I have time, Chair, for a quick one?

The CHAIR: Sure.

Ms VAGHELA: Considering what we are facing right now, Anoushka, how has COVID-19 affected the needs of young people who are in or at risk of entering the criminal justice system?

Ms JERONIMUS: One thing that has stuck with me over the course of these, what is it, 18 months now is a reflection by the youth justice commissioner about the kids in custody during this time and the fact being that most of them are living in poverty. So that, I think, is one of the things that I am learning. It is no coincidence that the number of children and their families exposed to COVID coincides with those who are entering into the justice system. I think if we are talking about solutions, then we must look at how poverty drives kids into the justice system, how we can support their families and how to advocate for raising the rate and all of the fantastic work of, say, for example, VCOSS, to really make sure that housing, safety, all of those things—and material needs, now with kids online and having to do school online they are talking about digital poverty, and period poverty. These are all things that as Australians, as Victorians, we can surmount. We just need to work together on it. It is actually within our reach. That is my reflection and my comment in terms of COVID. Also health and access to health and addressing barriers—those, again, are within our reach, because looking by way of analogy in terms of vaccine take-up and your ability and your understanding of the COVID public health laws, it is clear there are barriers. And that goes back to Dr Kieu's point earlier about specific responses and needs for new and emerging core communities. We are seeing it in the health space, and there is a real relationship between a child and their family being healthy and also then being well positioned to stay out of the justice system.

The CHAIR: Thank you. Sheena.

Ms WATT: Good morning. Thank you, Chair. Thank you both for being with us. I have some questions particularly to the Children's Court, and I want to talk about group conferencing, which you will be no doubt aware of, for children, which is certainly based on restorative justice principles and aims to prevent further serious offending. Have you had any engagement with this program, and do you have any comments on it as an effective tool for reducing serious offending?

Ms JERONIMUS: Do you want me to take that, Tiff?

Ms OVERALL: Yes.

Ms JERONIMUS: I have had lots of experience with the group conferencing system in the Children's Court, and I am a major advocate for it. I think the important thing to note—and I think this relates to, Madam Maxwell, your comments about the role of the victim in the process—is restorative justice is a process as opposed to an outcome, and I think that is a very important distinction to keep front of mind. From experience we have seen fantastic examples of group conferencing outcomes, and that has been as a result of fantastic convening. You are going to hear from Jesuits; they are the leaders in terms of group conferencing. We would love to see it expanded to all aspects of the justice system and also to increase the opportunities for it—again, in consultation with victims advocates to make sure that it is a safe space for them as well—into the young adult space, at a start. And one other point.

Ms WATT: Yes, please.

Ms JERONIMUS: The success of a conference and the success of a restorative justice process can be augmented and aided if they are in conjunction with the necessary therapeutic and rehabilitative options. So they are companion pieces, if you look at it from that perspective. And also, restorative justice, because it is a process, is reliant on your maturity, your state—you know, you might not be in a state right now to handle and really properly acknowledge the harm that you have caused by your offending to the victim, your family, to the police, to the broader community, but that is not to say that you cannot, with work and support and scaffolding, get to that point. And that is why I said convening—and quality and really sophisticated convening, which the Jesuits, as an example, are really great at doing—is one really key ingredient.

Ms WATT: You have certainly reinforced my questions for our next witness, so thank you for that.

Ms JERONIMUS: Thanks—Julie.

Ms WATT: I am sure if they are listening, they will be now prepared for what is about to come from me. Further to the Children's Court, the youth diversion program that started in 2017—do you have any comments or reflections on the effectiveness of this program? Has it affected recidivism rates or custodial outcome numbers for youth justice?

Ms JERONIMUS: At a start, Smart Justice's view is that diversions do actually have a positive impact on reducing reoffending and that there should be diversionary options at every stage of the justice kind of continuum—pre plea, post plea, pre sentence, post sentence. And in terms of diversion, we are very strong advocates of the CCYD. We think they do a fantastic job. Big congratulations to both YJ and the Children's Court. And we think more can be done in terms of increasing its impact through, for example, making sure that all decision-makers across the state, magistrates, are properly trained. And this goes to your—we have not touched on it—terms of reference 3 and 4, that all magistrates who are dealing with children and young people are properly equipped to make decisions that understand the drivers of offending, the impact of systemic discrimination, all types, the value of diversionary options, the impact of having a record and the best way to make sure that kids grow out of crime. We think that decision-makers—not just magistrates but corrections, YJ, all kinds of statutory decision-makers who have a role to play in making sure that we have got a really great and effective criminal justice system—would benefit from such training to make sure that diversion yields the outcomes that we want it to.

The CHAIR: Thank you both. That was a really hopeful session, actually, which is really encouraging. Thank you so much for your submission. As you say, you have given us the platform to move on to the Jesuits at the next session. This ends this hearing. As I mentioned, you will get a transcript at the end of this. For those watching at home, we are going to take a short 5-minute break, and we will be back with Jesuit services. Thanks, everyone.

Witnesses withdrew.