

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 Julie Edwards, Chief Executive Officer, and

Mr Daniel Clements, General Manager, Justice Programs, Jesuit Social Services.

The CHAIR: Welcome back, everyone. You are tuning into the Legislative Council Legal and Social Issues Committee's public hearing into our inquiry on the criminal justice system in Victoria. I am very pleased that we can be joined by the Jesuit Social Services: their CEO, Julie Edwards, and the General Manager of Justice Programs at Jesuit, Mr Daniel Clements. Thank you both for making the time to join us today.

I am Fiona Patten, the Chair of the committee. Joining me today we have got Dr Tien Kieu, the Deputy Chair; Ms Sheena Watt; Ms Tania Maxwell; and Ms Kaushaliya Vaghela.

By way of opening, I would also like to let you know that all evidence taken today is protected by parliamentary privilege. That is under the *Constitution Act* of Victoria but also the standing orders of the Legislative Council. Therefore any information that you provide during this hearing is protected by law. You are protected against any action for what you say during this hearing, but if you were to repeat those same comments 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.

As I am sure you are both aware, this segment is being recorded and transcripts will be made available to you. I just encourage you to have a look at them and make sure that we have not misheard you or misrepresented you. Ultimately they will be made public on our website, but of course they will form part of our report.

We are incredibly grateful for you appearing with us today. I do not know if you heard the last session, but they were talking you up. So no pressure, but if you would like to make some short opening remarks we will then open it up to the committee discussion. Thank you.

Ms EDWARDS: Thank you. Thanks very much for the opportunity to present to you, and as I am sure you have begun your proceedings today by acknowledging the traditional owners, on behalf of Daniel and myself I would like to do that also, and it is particularly pertinent given the topic we are talking about because we know that Aboriginal people never ceded ownership of land and that in fact they continue to be impacted. One of the ways we see that is very much in the criminal justice system, where they are greatly over-represented, as we know, so it is important for us to acknowledge that as a starting point. As I said, thanks very much for the opportunity to present to you. This is a matter very close to our hearts. We actually care a lot about this issue. We began our work in 1977, so nearly 45 years ago, working with young people originally in the criminal justice system and then extended that to across the life span. I personally have been at the organisation for 20 years. Daniel, how long have you? I should have asked you that.

Mr CLEMENTS: Almost 11 years.

Ms EDWARDS: Eleven years, yes. So we have between us, and all our staff have, deep experience of the cohort and a commitment to them, but beyond that also a real commitment, as our vision says, about building a just society where everyone can flourish, and I say that because we also have a great eye to the victims and to the community at large where we are wanting to promote a safe community.

Jesuit Social Services is a social change organisation, meaning that we do not consider ourselves just as service providers, though we do provide services; we actually want to see society become stronger and more just and safer for everyone. And it is because of that too, not solely the inherent dignity of every person—that of course is central to our approach—but that we want to make sure that as a community we put in place things that work, that actually do work to keep the community safe. Unfortunately this topic particularly is one that seems to be accompanied by a lot of fearmongering and inexpert opinion, and in fact some people are quite happy to say, 'I don't care what the evidence says', because they will have some kind of moral judgement about what should happen even if that does not end up producing a more just response—and for everyone, victims included. We all want there to be less crime. So I just make those as some opening comments. It is definitely about our care for the individual, but it is for everyone in the community.

We talk at Jesuit Social Services about doing and influencing, so our work is grounded in relationships with people. We work with literally hundreds of people. We are probably the main provider in the youth justice space of transition support and working with people on community orders in the youth justice space, and then in the adult space we are probably one of three community service organisations that provide the transitional support to people. So in that space we provide a range of services, which is either directly housing people ourselves or helping people find accommodation, through to putting people on pathways to training and employment and the various range of supplementary services.

Over the years I suppose I would say we have learned a lot about that trajectory into custody, and we know from our research—you would probably know *Dropping off the Edge*, our research we have been doing for over 20 years; we are about to release it again for the fifth time—that in particular postcodes people get caught in what we would call a ‘web of disadvantage’, where it is not just, for example, increased child protection notifications and more people in youth justice systems through to the adult prison system, but often they are the places where there are less employment opportunities, early school leaving et cetera.

We understand this complex web that people get caught up in. It is not just being a bad person or doing the wrong thing, but there are a series of factors that coalesce to mean that we are in a sense creating a pathway into the criminal justice system, and if you want to stop that, as we all do, we need to have that deeper understanding of that trajectory. Over time we have also learned about the trajectory out, and we know that central to that are housing; wraparound support addressing the underlying causes of offending, like substance abuse, mental illness and trauma; and also, very importantly, a pathway to training and a job—and they are the things that we know.

I suppose at the outset—and I know we will get to answer questions—we wanted to point out the reality of the cohort overwhelmingly who are in custody. We know things like over 40 per cent, nearly 50 per cent of people, adult males, in corrections facilities have an acquired brain injury. Now, that does not cover other forms of cognitive impairment; this is acquired brain injury. That is in adults, and it is over 30 per cent for women. In terms of incomplete education, we know in terms of the youth justice space that two-thirds have come from family violence situations, have been expelled from school, many have come through the child protection system and many have substance abuse and other problems.

So we are talking about a cohort, both youth and adult—whatever we think about the actions that have been taken, they have serious and complex problems that if we want the community to be safer we need to address. So it depends how far back in that trajectory we want to go—in terms of neighbourhood and making sure from the earliest years that they are getting to child and maternal health appointments, that they are getting to, say, three-year-old kinder et cetera, that they are making the transition from primary to secondary school, because we know that actually many do not. We want to make sure that children are not just on the books to be at education but are actually attending. So we are very happy to talk about right up at this pointy end, but our knowledge of that group lets us see where they have come from, and if we are serious about wanting to make the community safer, we have to reinvest—and people will have heard of justice reinvestment; that is one model—the money that we are putting into the adult system. For example, we just want to say that last year, 2019–20, Victoria spent—

Sorry, I have my figures here. In youth justice we spend about \$2450 per day on a young person in youth justice, compared with, for example, someone on community-based supervision order, \$295. And we know that in the adult space—and I just want to get to the last step that I would say—the total budget output for corrections in 2021–22 is \$1.675 billion.

The last thing I will say before handing it over to questions is that we have been very disturbed over the last 10 years—and we have been in this for a fair while—to see the direction that the system is going in. We have seen in Victoria that rates of incarceration have risen dramatically, by almost 50 per cent. This is not the sheer number; this is the rate of imprisonment over the last 10 years—a 50 per cent increase, so a doubling in that time. And while we saw a small decline during the COVID era, which shows that we can when we need to—because we did not want to for health reasons bring as many people in—we do not normally put those things in place.

A couple of final stats before I close. I just want to say that we have also seen over the last 10 years—at the moment I am just talking about the adult space—people on remand unsentenced increasing from 23 per cent to

58 per cent. You probably know that recidivism is at about 46 per cent, so within two years people exit custody and are back in. So this is a system that is not working. Aboriginal people are 13.8 times more likely to be incarcerated, and of course for Aboriginal women that is a lot more. Finally, we were so disturbed that we decided to visit some international jurisdictions a few years ago, and in particular I want to draw attention to Norway—that is the country I fell in love with—which, for example, says that you cannot have a prison sentence under two years; by definition it means it has been a non-violent crime. Now, we might have to find out what that point is for us—for example, 12 months. By contrast, here is my big stat: 96 per cent of prison sentences in Victoria from all adult courts between 2012–13 and 2017–18—so over a five-year period—were for less than six months. So what that means is by definition they probably were not violent crimes, and what we have is a mass of people cycling in and out, back inside within two years. They should not even be in there. In Norway, for example, you did not get in under two years, and the governor of one of the prisons we went to, when he heard about our system, said, ‘That must be a nightmare to manage’. He goes, ‘I know I have got mine for two years and I can put them through some serious programs. You have not got this churn’.

So one thing we would really like to see is that we put an end to these short-term prison sentences and develop a range of community arrangements. They still had to do something. They had to turn up, perhaps daily. They had electronic monitoring or they maybe had to go at weekends to a place or they maybe stayed somewhere during the week and then had the weekends home with their family. We have hollowed out our system to have a very unsophisticated response, which is basically locking people up. It is not making the community safer, as we know by the recidivism. I will stop.

The CHAIR: Thank you. Daniel, before we go into questions did you want to add anything to Julie’s overview?

Mr CLEMENTS: Not really, other than to say that I think the critical factor from our perspective is we need to do everything to work with people in community, particularly with children and young people. We know the trajectories for children and young people; once they touch the criminal justice system, the further they penetrate. So everything that we could do at that early stage to support children and young people to stay out is of critical importance. But yes, let us move to questions.

The CHAIR: Thank you. Look, everything you say makes so much sense—you know, this idea that what we are doing is actually not working and it is actually making people less safe, and we have seen Norway taking a very different approach. What is the message that we say to the community? Because we start talking about restorative justice, we start talking about innovative approaches to justice, and all of a sudden this is seen as a kind of dangerous approach for governments to take—that they could only do this type of progressive reform at the beginning of a term and that it is too risky to take on these types of approaches. So I just struggle with how we get that message around, being smart on crime rather than tough on crime because being smart is far more effective.

Ms EDWARDS: Yes, it is a real challenge, and we saw that, as I say, particularly in the youth justice system a few years ago, but not only that. We also visited New Zealand in 2019, and what happened there was they ended up being able to get bipartisan support for the changes they were going to bring in, and Bill English, who was the minister for finance at the time, actually said that their prison system represented a fiscal and moral failure for the last 30 years. And so that meant when Jacinda Ardern’s government got in they did not go counter to that view, they just built on it.

Daniel and I were actually in New Zealand for a period of time and there was a listening exercise that they did. They went and talked to different communities around the country, listened to victims, listened to people from different cultural backgrounds, a variety of backgrounds, and heard what they wanted to do. They then, for example, put in a cap. They said, ‘We are going to have a 30 per cent reduction in prison numbers within 15 years’. So they set a strong target, and there was bipartisan support for this, which was great. Also they put a limit, a cap, on the number of people going into prison. So they were about to build a supermax prison, and the idea was, ‘No. It’s not going ahead’. Now, we are at about 8000; they had a different number, but whatever it is, that is it. So it was back to the department and the justice system to find ways of coming up with community arrangements or whatever because they were not building any more.

We believe that you need to have a strong vision about what you are trying to achieve, and it has happened in Victoria in the past. In youth justice there used to be what I call an ‘informal compact’, where both of the major

parties agreed that prison was no place for children, and of course there were children who were incarcerated, but the idea was, 'We want to keep people out of prison for as long as possible and we want to come up with community arrangements'. It is possible, and I think it takes leadership.

When we were in Europe—and my colleagues went to the US while we went to Europe—they could not believe that we were being driven by something on the front page of the *Herald Sun*, for example. In New Zealand they decided to take what I think is called—we could check it out—the Sentinel-something approach. Daniel, you might recall. There was an agreement that if there was a really tragic, high-profile case, which we know is absolutely shocking, but they can tend to drive policy, that in fact they would not do that. They would examine it as if it was, for example, an aeroplane accident, and instead of saying, 'We're grounding all aeroplanes', what they did was say, 'Okay, we're now going to have a forensic examination of this and what went wrong and what should change as a result of it et cetera', rather than going, for example, 'We've just got to change parole' or 'We're going to make it much harder for people to get bail'. So they agreed that they would take that approach. We need that kind of leadership.

The CHAIR: Thank you. Just quickly, I was just reflecting on, when you were talking about those trajectory ins and those trajectory outs—I mean, they are actually quite similar as well, you know, in that—how we look at drug policy and we take this three-pillar approach. We look at supply reduction, demand reduction and harm reduction, and sadly when we look at that we see that almost 80 per cent of the money spent on drug policy is on that supply reduction, so it is the policing and the prisons. Is there something like that in other jurisdictions, where we look at the pillars and spending a proportionate amount of money on minimising those trajectories into prison but also maximising those trajectories to keep people out of prison?

Ms EDWARDS: I am obviously really aware of that framework. I do not think that we have the exact framework in that way, but I think it is really interesting because I often feel that with things like substance abuse it is almost as if we tolerate it and expect that it will not just be a one-off thing. We know that people take time to transition into, say, a drug-free life. Somehow with some of the offending—and I understand why—of young people, it is like, 'That is it'. There is no tolerance, in a sense, for the fact that someone might be perhaps still mucking up but less or committing a crime but not having a human victim, even though we might all be impacted by it. I think the other thing you raised, Fiona, which I think is really important and that we have thought a lot about for the last few years, is there is a natural ageing out of criminal activity. From memory, it peaks at about 17 or 18—I cannot be 100 per cent sure; we could come back with that figure—and even if you did nothing it will fall away. And it is an internationally recognised trend. What we should do, taking your analogy, is we should do as much as possible not to tie that person back into the system at all of those points but, in a sense, almost let them age out. Of course we have to have consequences for people's behaviour, but the less we hook them back into an environment where they are going to be with other people who are committing crimes, the better—it is not to say there is no responsibility.

I just want to say, as a Jesuit organisation we really want every single person to flourish, so we want that young person held to account actually because we care about their development as a person. So we are not on about soft options, I can tell you, and we really care about the victims. Victims do not really get a hearing in a court situation in the main and, for example, whenever you can have something like a restorative process—we have been doing that for about 15 years now—victims' experience of that is that it is much more healing and respectful of their experience, and for the young person who is part of that it is very demanding and very challenging and sometimes they are hearing for the first time the impact of their crime on another person.

The CHAIR: That is right. Thank you. Deputy Chair, Tien Kieu.

Dr KIEU: Thank you. Thank you, Julie and Daniel, for appearing and assisting us on this very important issue, and also thank you to Jesuit Social Services for the important work that you are doing. You have many community programs to get the involvement and participation from the community. I will come back to the youth justice conferencing group, but first of all I am interested in the Maribyrnong community residential facility. Could you outline a little bit about that for us and particularly how it is operated and who could be eligible for that?

Ms EDWARDS: I am going to defer to you, Daniel, to answer that.

Mr CLEMENTS: Sure, and thank you for your question. Look, as we know and as I am sure many people have identified, the issue around access to safe, stable, affordable housing is a really challenging factor for many people—you know, obviously for adults coming out of your adult jurisdiction but also for some young people caught up in the youth justice service system. Maribyrnong was a really good example of Corrections Victoria, the department of justice and Jesuit Social Services working collaboratively, in this instance driven by ‘How do we put something in place to support people exiting prison who could be at risk of homelessness in a pandemic?’. Now, it was something that was new for all of us, but it was a really good example—we were able to very quickly, literally within weeks, pull together a model that clearly articulated a response: access a facility, develop a partnership and then support people coming out of prison either on straight release or on parole into supported accommodation. Fundamentally what we have seen—it is early days—is already we have seen some of the benefits around supporting men into work which they are able to sustain, supporting men to actually begin to explore a conversation around the impact of their offending on individuals or on community, beginning important conversations, particularly for men who have been involved in violent offending, around the impact of that. So really what we have been able to do is in a very short time frame establish a residential model which provides people with an opportunity to take a breather as we assess longer term housing options. It is a model we think you could equally apply to women coming out of prison, to younger adults, to a whole range of cohorts where you could target the response.

Dr KIEU: Thank you. We have heard from the previous witness about the support that should be provided to parents, to community and families. Coming from my experience and from my background I have seen some of the so-called generational gaps where the younger generation, whose parents come from a different country, now have some of the gap or in some sense conflict even, and so that creates some tension and also breaks down the connection with the community and with the family. And so on that basis, in that context, I think that the youth justice group conferencing is perhaps a very good one in the sense that we can get the peer people to talk together in addition to what the family or the parents could provide. What do you think about that, and can you tell us a little bit more about the group conferencing and what is happening there and where it is happening and what you expect of that?

Ms EDWARDS: Again, Daniel, I am happy to answer but why don't you? You are closer to that particular work.

Mr CLEMENTS: Thanks again for your question. Look, there is no question that we see restorative practice as a very effective way of engaging people in a conversation around the impact of the offending and supporting people to understand the hurt and harm of that offending. I was at a conference two weeks ago where two young people who were the victims of an assault and a crime—we did it using Zoom—sat and listened and heard from the person who had assaulted them and who had stolen from them. Through that process we also had the police present and we had a lawyer present. It was a really important opportunity for the young person. You could see the remorse suddenly begin to come out through that meeting. These are processes that do not offer a silver bullet, so to speak, but together we link restorative practice and group conferencing with purposeful and intentional case management and support, connecting families in the conference. The mother was at the conference, and you could see the shame and embarrassment for her, but also you could see the healing that happened as we went through two hours of actually listening and her hearing from this young person of his real sorrow. That is not something you can fake, so to speak. And again, then also hearing the practical steps that this young person was taking—he was going to school, he was engaging in the programs that were part of the order that the court had ordered. Again, this is really a positive way forward that we believe has broader application, and certainly, as you have identified, Tien, working with families, because for families there is a deep sense of shame, so they really value the opportunity to talk to that and express their sorrow and regret also.

Dr KIEU: Thank you.

The CHAIR: Thank you. Tania Maxwell.

Ms MAXWELL: Thank you, Chair. And thank you both, Julie and Daniel, for attending today to provide us with the incredible amount of knowledge that you have bestowed upon us. Julie and Daniel, obviously you provide an enormous number of programs and support for other organisations and stakeholders. Do you have evaluations on those programs? And if so, are you able to provide those to us as a committee so that we can utilise those in our deliberations upon our report, because I think it is really beneficial for us to see what is

working, how it is working and the data, whether it be qualitative or quantitative data, that actually supports that. Because I think this is a time we see so many programs being delivered and it becomes quite confusing and difficult to understand what is working and what is not. And I know we have other programs, for example, the ReBoot program—no evaluations. I think South Australia has done an incredible evaluation on that, though. We see money consistently being thrown at or funded into programs, and we never hear any outcomes of them. And also I would just like some feedback on early intervention and those preventative strategies that you see to prevent people, particularly young people, from offending in the first place. I mean, I would say that early intervention goes back to a child in utero and supporting those families prior to that child even being born so that we break the cycle of that intergenerational poverty and vulnerability. I am really interested to get your feedback on that as well.

Ms EDWARDS: Thanks, Tania. I will go first, and then, Daniel, feel free to add. Look, I really take your point with your last comment, and that is probably what I was getting at: is early intervention intervening after a young person has committed their first crime or is it actually way, way back here? It depends, and I would agree with you. I will come back to our own programs, but there is plenty of evidence about what works internationally too. For example, we know the risk factors and we know the protective factors, and so I think that we can do more to strengthen those protective factors, which could be embedded in place-based ways because we know that there are certain locations—and actually, it is a small number of locations; it is not like every postcode across Victoria—that we need to deal differently with.

I think what happens is unfortunately, even when we might target a location for an intervention, it is still not really what we would call a place-based intervention. We work in some areas, for example, where there are lots of different programs and lots of money thrown at a place but not in a coordinated way, not in a way that puts the people and communities at the centre of, ‘What do you want to be different in your place? What are the three things we could all sign up for?’. It might be: ‘Let’s improve literacy. Let’s make sure that there is less family violence’, and some communities have done that. But on the whole there is just a whole lot of resources going in and often they are pulling at each other, and we understand that. That is not a criticism of those organisations. It is the way that the funding has gone. And I know the Victorian government has made a commitment to more place-based interventions and is looking at places, and we ourselves are being funded. We have not begun it yet, but we have set up a centre for just places and we want to be working in locations in a coordinated way.

So you are right. When we did some research on young people on remand, probably about six, seven years ago, we found that those places that were producing the 10- to 14-year-olds that went into custody were the same locations where there was the poorest attendance at the eight-month child maternal health check-up. Now, I am not saying they were the same children, because you could not actually track them, but you are right, Tania, it goes right, right back. I think if we want to see a better outcome up this end—and Tien was saying something similar—we need to be working with the family and working with the community.

Justice reinvestment programs internationally, which is about taking the money that would normally go into prisons and kind of reinvesting it up early, are starting to show some positive results. This is really slow, hard work, though. The trouble is you are not going to see in two years or three years something that turns it around. It is long-term, intergenerational and place-based poverty and disadvantage that we have to stay the course with. We know this through our Dropping off the Edge research. We have suburbs or locations in the most disadvantaged areas. They might come out of that and then they will go back in the next time that we are doing it. We have to stay the course.

In terms of your question about evaluations, we have a number of evaluations of particular programs, like our group conferencing. KPMG did it. I think it was in 2010 that they did it. We have different pieces of our work with our youth justice community support service that have been evaluated, but this is actually a really good point. I think there is not enough of a mindful, thoughtful approach to what works—monitoring it, evaluating it and then seeing what should be funded into the future or not. We would agree with you; we do our own internal data gathering. But in terms of serious evaluations it is pretty bereft really, our sector, I think, for that, or you might see a tiny little pilot program but it has not really been tested if it goes wider.

I would not mind if you do not mind—it flows on from what I have been hearing—adding one thing that I think we have not looked at here. Jesuit Social Services a few years ago set up the men’s project, and the reason we set that up was that 93 per cent—this to me is the big statistic; I said the other one is, but I think this is really

it—to 94 per cent of people in custody, youth and adult, are boys and men. There is something wrong. Were all people in that 93 per cent blue-eyed people, we would go, ‘What’s going on?’. Well, 93 to 94 per cent are boys and men. We have a gendered issue here, and often when we talk about gender justice we think about, ‘Well, are women getting a good go?’, and obviously they are not. But in the criminal justice system most of those men who are in there for violent crimes have had violence perpetrated against them as children. You end up committing violence often when you have been the victim of violence. My concern about that is we then bring men who have committed violence into a hyper—like a toxic—

The CHAIR: Masculine.

Ms EDWARDS: masculine environment where that tends to get reinforced, and we wonder why when they come out they do not do better. I think a big elephant in the room that we are not looking at is the whole nature of the gendered system of patriarchy and how these men are being shaped by that and just cycling in and out. If people have to go into custody, we should be looking at very different ways of dealing with that. There are programs overseas where young fathers are kept separate from the rest of the prison population to try to get them to think about their responsibilities as parents et cetera. But I think at the moment we are just warehousing a whole lot of men in an environment that reinforces the unhealthy attitudes and beliefs and values. So I think that is something we have got to look at.

The CHAIR: Thank you. I am sorry, Tania.

Ms MAXWELL: That is okay.

The CHAIR: Kaushaliya Vaghela.

Ms VAGHELA: Thanks, Chair. Thanks, Julie and Daniel, for your time today and for the great work that you do at Jesuit Social Services. Can you please provide us with an overview of the Youth Justice Community Support Service, for which I understand the government has increased investment in the most recent budget?

Ms EDWARDS: Daniel, why you don’t you answer that.

Mr CLEMENTS: The Youth Justice Community Support Service provides support to about 30–35 per cent of young people on an order, so not everyone, and not everyone coming out of custody and not everyone in the community. We work in partnership with youth justice, the statutory component of the support, and our focus is around those areas around housing, around their mental health and wellbeing, around their connection to community—the family dynamic, connections to education and vocational training opportunities. In principle we think it is an approach that works, that is effective. We think at the heart of rehabilitation it is a relationship, and that relationship as it transitions, particularly for people coming out of custody, is of critical importance. So YJCSS works alongside the statutory and the young person and the family and those involved with the young person to support them.

One point I would highlight about the approach of YJCSS and youth justice is the care team meeting. That is an approach that we think has broader application, fundamentally where we are looking at an assessment around the needs of the young person, planning for that young person, particularly planning for a transition out of custody or out of youth justice, which we know is really difficult. And then accountability—again, we sometimes use and increasingly apply a stronger framework for that lens where we have a shared understanding of need and a shared accountability. So YJCSS is one approach that we think, together with restorative practice approaches, together with clinical support, together with family support and engagement and community, is a really effective way of breaking patterns of recidivism.

Ms EDWARDS: I just want to add one thing to that. You mentioned, Kaushaliya, that the government have recently supported that initiative—and they have. One of the things we did want to call out is: most recently there was a trial about after-hours support. We have been doing that now for—how long, Daniel? Over a year anyhow, and it is going very well. Of course young people do not just get in trouble 9 to 5. In fact they are more likely to do it when there are at a loose end. I wanted to say that we were very despairing of where things were going with both sides of the major parties in government a couple of years ago. We do think there is a more nuanced approach perhaps emerging in the youth justice system a bit—a recognition that that was just going to get us in more and more trouble down the track. We know that, from what we hear, the Victorian government does not want to keep spending billions and billions, really, of wasted money in the prison system. Maybe this

is at the heart of this inquiry. So these things are good, and I feel that there is more appetite perhaps to consider lifting the age of criminal responsibility from 10 to 14. That is a no-brainer—that just brings us in line with international standards. I suppose I wanted to say that we can be very critical, and we are, but we see some of these things—like the Maribyrnong Community Residential Facility and like how there seems to be an appetite for lifting the age of criminal responsibility. We are very disappointed about Cherry Creek, you know, which was going to house 233 young people, but we now know that is going to be made for smaller numbers. I suppose I wanted to acknowledge that we have to kind of just align about how we can get it better, because we can do it.

Ms VAGHELA: I am really glad to hear that the Maribyrnong Community Residential Facility is doing well—Daniel, you mentioned that so far it has been successful—because it is based in my electorate, so I am really happy to hear that. Now, you run many, many programs at Jesuit Social Services. Out of all of those programs, which one do you think is the most successful and which one is the one you think can be very successful with the help of further financial support?

Ms EDWARDS: Gee, this is—

The CHAIR: It is like picking your favourite child.

Ms EDWARDS: Pardon?

The CHAIR: It is like picking your favourite child.

Ms EDWARDS: Well, you know, we work across the life span so it probably depends. You know, if you want to go back to what Tania was saying about how early you start, then we would have to say our programs that work in place or that work with youth justice where they are probably starting to get in trouble. These are really, really important because, as Daniel said before, once you touch that system, the earlier you touch it, the more you get hooked into it and it is harder to get out. But, you know, the trouble is there is no simple answer. I am going to get out of it that way by saying that, you know, we know ourselves as human beings that we are complex. We are not just unidimensional, and so we want to be in relationship with people, we want to be noticed and we want to feel that we have been seen, that we are valued and that we can make a contribution. And going back to what Daniel said about relationships, any program that does that as a starting point is on the right track. And then from that, as we often say, we are only going to be in people's lives for a short period of time ultimately. So how are we going to leave that person better off and becoming who they were created to be and more fully who they are? That has to be then about awakening their own sense of character and conscience about who they want to be and holding them accountable but supporting them all the way through that—never giving up on people and building their sense of what we call 'learning moments'. You know, 'Well, how do you think the other person felt when you did that?' et cetera.

So with all of this we are actually on about building people's self—their inner self and their core and their character. So I think if you do that, then to tell you the truth the actual intervention is less important than the approach. You know, whether you are climbing mountains or in a music studio—all these things we do. You know, we have an outdoor experience thing, we use the arts and music, we do a range of things. We have education, training and employment programs. But actually none of those stands out by itself. It is the approach. Because you can have an employment program but if you are not really listening to the person about their fears and concerns, it is not going to succeed. It is the approach I think rather than a particular intervention.

The CHAIR: Thank you. Sheena.

Ms WATT: Thanks, Chair, and thank you to you both for appearing before us today and for your continued important work in our community over such a very, very long period of time. I wanted to talk about wraparound services, because you did just talk about the success of the programs. Can you talk to me about your wraparound services? What do they look like and how are they so culturally informed? Because I think one of the successes or otherwise of these programs is that they are in fact culturally informed, whether that is by Aboriginal and Torres Strait Islander leadership or culturally and linguistically diverse leadership. I am just interested to hear more about that sort of cultural designing of programs.

Ms EDWARDS: Daniel, why don't you answer this one?

Mr CLEMENTS: If we could start with programs for Koori children and families, in principle our approach is to partner with Aboriginal community controlled organisations. For a long time, based on the research that came out in 2010 when we learned more about the risk factors for 10- to 14-year-old children, we recognised and obviously knew as well about the overrepresentation of Aboriginal children. So we approached the Victorian Aboriginal Legal Service and the Victorian Aboriginal Child Care Agency about working with us to support and develop a program that would support these children and families. That program continues. We transitioned that program after four years to the ACCOs so that they could lead that work, and we are still engaged in working in support around that. But in principle, with Koori kids we would argue that ACCOs are meant to take the lead—and they know what is best; they know what works with their communities.

Similarly, with the overrepresentation of children and young people that we would see from other non-English-speaking backgrounds, we used to work for many years where was an overrepresentation there for a period of time of young people from the Vietnamese community. Our settlement programs worked closely with the Vietnamese community, and we worked in partnership with them. We listened to them, and we brought some of our expertise around the criminal justice system to that work. The same now with the work that we are doing with young people from Pasifika and from African-Australian backgrounds, where we are working with community providers. There are a lot of people engaged in this area. It is a busy area, and so part of it is actually about discerning who has capacity, who has the voice, and then listening to the voices of those involved. So it is an ongoing piece of work that we are involved with.

Ms WATT: Does that then also include people with lived experience, or is it more around the service providers that you are working with around program design?

Mr CLEMENTS: Yes. It is an interesting question. Certainly in the homeless sector we have had a lot of experience working with peer support in the past, and we have recently just initiated some work in MCRF, with a peer support provider from Geelong to come in. As part of the work we did with people involved in the criminal justice system with an acquired brain injury, together with the Centre for Innovative Justice, we led a group where we engaged people with lived experience to provide them with an opportunity to share with us the experience. We were able to document that and promote their voice in the work. So that is very much an active part of what we do. We do not always get it right, but it is something we are really committed to—doing the best that we can and hearing and working with others in that.

Ms WATT: Lovely. Thank you for that. Chair, is there any more time?

The CHAIR: A minute.

Ms WATT: Lovely. Are there any reflections that you want to share with the committee on the new *Youth Justice Strategic Plan* which has come out most recently? And is there anything in there that gives you hope or concern that we should be thinking about as we continue our work?

Ms EDWARDS: Overall we support most of the direction that it is going in, and we are happy with that in terms of we understand they are trying to have less people in custody. We really want to see the age of criminal responsibility lifted. We do not even think that is a very big call to do. We know that maybe politically it is, but we want to see that happen. We would like to see more small homelike facilities if people were going to be in custody rather than a Cherry Creek. We have seen jurisdictions overseas where they have reduced the numbers from hundreds down to a handful and they live in small homelike facilities in the community—for example, in New York and in Washington, where there is the leadership. So we would really like to see that.

We think the strategy is going in the right direction. As I say, we were despairing where it was in, say, 2017. So we do see that turning around, and we are pleased with that, but we would like to see even greater commitment. We are pleased to see that it is probably going to have group conferencing as the default position for 10- to 14-year-olds and first-time offenders, whatever the age—sorry, in the youth justice system—so that is a good start too. We would like to see restorative justice in the adult space. So there are some good things that are happening, but I think really we feel that it is the strong vision of what we want to achieve as a community and getting the buy-in of people like that.

I will just finish by saying one thing. In the United States, when my colleagues were visiting places there, there was an open custodial facility opposite a school and my colleague said, ‘How do they feel about having you here?’. And they said, ‘What do you mean? They’re all our children. They’re the children of the community.’

Some are here and some are there'. It was a bit of a shock to us because we have had our young people so demonised, whereas the community there was able to say, 'They're the same kids', and local people were making rugs and everything—things to help these young people feel welcome in that place. There were things like basketball games going on between the high school team and the custodial team. So it is really about an attitude and an approach that we need to get right. They are our children. For example, with youth justice, they are our future. We have to hold them to account for sure, but we have to develop them into the people we want them to be, because they are our future.

The CHAIR: Thank you. What a great spot to finish this segment. Daniel and Julie, thank you so much for appearing today and also, on behalf of the committee, thank you for all the innovative work that you are leading. The committee will take a very short break to bring in the next witness.

Ms EDWARDS: Thanks very much, and thanks for your concern about this key issue.

Witnesses withdrew.