

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Victoria's Criminal Justice System

East Melbourne—Monday, 20 September 2021

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Mr Tim Quilty

Dr Samantha Ratnam

Ms Harriet Shing

Mr Lee Tarlamis

Ms Sheena Watt

WITNESSES (*via videoconference*)

Ms Julia Baron, Policy and Advocacy Manager, Youth Affairs Council Victoria; and

Mr Indi Clarke, Executive Officer, Koorie Youth Council.

The CHAIR: Hi, everyone. Welcome back. As I am sure you are all aware, this is the Legal and Social Issues Committee's public hearing for our Inquiry into Victoria's Criminal Justice System. We are very pleased to welcome from YACVic, the Youth Affairs Council of Victoria, Julia Baron, who is their Policy and Advocacy Manager, and from the Koorie Youth Council, KYC, Indi Clarke, who is the Executive Officer of that organisation. I thank you both for making the time to meet with us today, and again thank you for your submissions, which are up on the committee's website.

If I could just explain a little bit about the parliamentary process for this inquiry: all evidence taken today is protected by parliamentary privilege, and that is provided by our Constitution Act but also the standing orders of the Legislative Council. Therefore any information that you provide to us today is protected by law. You are protected against any action for what you say during this hearing, but if you were to go elsewhere and repeat the same things those comments may not have the same protection. Any deliberately false evidence or misleading of the committee could be considered a contempt of Parliament.

We are recording today's public hearing. Hansard is in the background, listening to every word, and you will receive a transcript of today. Please have a look at it and make sure that we did not mishear you or misrepresent anything that you said. Ultimately it will form part of our report and will be available on the committee's website.

We welcome you to make some opening remarks. Do both of you want to make some opening remarks?

Ms BARON: Yes, please. If that is possible.

The CHAIR: Yes, of course it is, but if we can keep them relatively brief so the committee has lots of time to tease out some of the issues that you have raised. Who is going first?

Ms BARON: That would be me, thank you, Chair.

The CHAIR: Great. Thank you so much.

Ms BARON: Thanks so much, and good morning, everybody. We really thank you for having me and Indi here today to give evidence to this inquiry. To start, I would like to acknowledge the traditional owners of the land from which I come to you today, which is the land of the Wurundjeri people, and pay my respects to elders past and present. Sovereignty has never been ceded, and it always was and always will be Aboriginal land.

This acknowledgement I think is particularly pertinent today as we are giving evidence to an inquiry which is examining a legal system that has played a significant role in entrenching and continuing the injustice experienced by First Nations young people, and especially obviously for us with our focus on First Nations young people. I am here today for Youth Affairs Council Victoria, and I am joined by Indi Clarke, who is the Executive Officer of Koorie Youth Council.

Before I hand over to Indi I would like to make a few opening remarks. YACVic is the peak body for young people aged 12 to 25 as well as the peak body for the youth sector. We are a member-based organisation with individual young people, youth workers and member organisations as part of our members across the state. As a peak body we are an impartial voice elevating the voices of and advocating for young people and the youth sector. A core agency of YACVic is the Youth Disability Advocacy Service, or YDAS as I will talk about it today. YDAS is an advocacy organisation who work directly with disabled young people in Victoria to achieve their human rights and support them to fully participate in all aspects of their lives. YDAS and YACVic co-wrote our submission to this inquiry, and we included a particular focus on the needs of disabled young people within the youth justice system, which we feel is often overlooked.

Our submission has centred on the voices, experiences and recommendations of young people with lived experience of the youth justice system as well as drawing on the expertise of key literature on this topic, in particular KYC's *Ngaga-dji* report. Our submission highlights the fantastic opportunity we have at the moment to improve the system to focus on diverting young people from the youth justice system in the first place as

well as better supporting them to rehabilitate and ultimately lead normal lives. This would reduce recidivism rates and ensure community safety is improved.

Whilst we make many recommendations in our submission, I just want to focus on three in particular. Firstly, it is striking to us how little agency young people in the justice system have over their own lives. Key to all of YACVic's work is the importance of respecting that young people are the experts of their own lives, and centring their views and experiences is crucial in determining the best outcomes for them. However, the youth justice system is dominated by adults such as police officers, bail justices, youth justice workers, lawyers—the list goes on—who make decisions on behalf of the young person that have long-lasting impacts on the lives, including their ability to effectively rehabilitate. These decisions, which are often made in good conscience, are usually underpinned by assumptions and biases which often prioritise punishment over addressing disadvantage. We recommend involving young people with lived experience of the youth justice system in co-designing more services and employing more lived experience workers in each of Victoria's youth detention centres.

Additionally, we would like to see increased investment in early intervention and prevention programs which work to address disadvantage and divert young people from coming into contact with the justice system. Many fantastic programs already exist. They work in community and provide holistic support to young people and their families, but they are chronically under-resourced and often eligibility constraints mean they are unable to service a significant number of young people who could have benefited from such targeted support.

Finally, we recommend that the age of criminal responsibility is raised to at least 14 with no exemptions. The overwhelming evidence shows that, rather than the justice system being overloaded with a large number of offenders, it is in fact setting up a small number of young people for a lifetime of repeated involvement. This is because the age at which they first enter is directly contributing to the rate of crime recidivism. Raising the age of criminal responsibility would not only bring Victoria in line with the principles of the UN Convention on the Rights of the Child, to which Australia is a signatory, it would also directly address recidivism rates among young people as well as the over-representation of Aboriginal and Torres Strait Islander young people within the criminal justice system. I will hand to Indi now, who can talk about that in more detail.

The CHAIR: Thanks, Julia. Thanks, Indi.

Mr CLARKE: Thank you, committee. Before I start, my name is Indi Clarke. I am a proud Mutti Mutti, Wemba Wemba, Boon Wurrung, Trawlwoolway and Lardil man through both my father's and mother's sides. Before I begin I want to acknowledge country and pay respects to the land of the Wurundjeri people and their elders past and present and extend the acknowledgement to all the lands on which we are meeting here today.

As heard, I am the Executive Officer of the Koorie Youth Council. We are the representative body for Aboriginal and Torres Strait Islander people here in Victoria. Our role is to advocate to government and community to advance the rights and representation of Aboriginal and Torres Strait Islander young people. We have nearly a 20-year rich history. I also want to acknowledge a former VYAC/KYC exec member on here, Sheena Watt. It is absolutely great to see where you are these days.

As I said, today I come to you on Wurundjeri land. I want to take this chance to advocate to the committee to consider the findings, evidence and recommendations of the *Ngaga-dji* report and join us and advocate to bring about the change for those who shared their stories with us. For us *Ngaga-dji* was an incredible and unique experience in the sense that it was probably one of the first times Aboriginal children and young people in youth justice had their voices heard and that we could truly understand the impacts of our decisions as policymakers and how they influence and affect children's lives every single day. This is not a report; this is a continual call for action for anyone who reads it, and this report is grounded on the experiences and stories of children and young people. Similarly, as per our submission for the committee, I would like you to—I would urge you to—obviously consider the findings of *Ngaga-dji* but also further consider the findings of the *Our Youth, Our Way* inquiry into the over-representation of Aboriginal children and young people, presented by the Commission for Children and Young People's office, which furthermore amplifies all of the calls in the *Ngaga-dji* report.

For us, understanding children's lives is the first step to supporting them to be happy and healthy, and when supports for Aboriginal children use non-Aboriginal frameworks to understand their needs, they are unsuccessful. Aboriginal children are best supported by Aboriginal definitions of identity, wellbeing and support systems, and *Ngaga-dji* maps the way to get there and the solutions that are needed. Through our

guiding principles of self-determination, youth participation and connection to culture, family, elders and communities we can achieve this, and the four solutions to that are giving children services that work; keeping children safe and strong in their culture, families and communities; ensuring that we have community designed and led youth support systems; and also creating just and equitable systems.

So to solve systemic problems like those affecting our Aboriginal communities we need solutions from people who lived through that, furthermore echoing Julia's sentiments before around youth participation and lived experience, and by using youth participation we actively listen and include children's voices in decision-making processes. This helps provide relevant and effective solutions that change children's and communities' lives for the better.

Finally, I just want to echo that it is through early intervention and prevention that we will truly support children to thrive in their communities. Our report lays out the path and lays out the solutions to get there, and true to that it is really investing in community designed and led youth support systems from the ground up and programs like Marram Nganyin, which is a youth mentoring program supported by Youth Affairs Council Victoria and the Koorie Youth Council. It is a community partnership in which we work with younger people and their communities and develop the program from all involved. It is really unique, and in a sense these are the programs we need across the board. So I just want to continue to echo that throughout this, that is what we need to see—and in particular for Aboriginal communities. And as we know, our young people are 10 times more likely to end up in youth justice than others. However, as you will see, uniquely in both the *Ngaga-dji* report and *Our Youth, Our Way* we shine a light on the children and young people who have been through these systems and show us the way to truly support all children to thrive in their communities.

So finally in closing, when the Victorian government, the opposition, the social services sector and allies walk together with the leadership of Aboriginal communities, we can change these stories of children in youth justice to stories of children supported in their communities to thrive in their culture. Thank you.

The CHAIR: Thank you, Indi, and thank you, Julia. *Ngaga-dji* is such an extraordinary report. And those voices—yes, it was difficult to read, but it was also incredibly inspiring.

Julia, if I could just ask you a couple of questions. We have been hearing about the number of people with disabilities who are really over-represented in our justice system, and I wonder if you could talk more about that for young people, because if we can prevent young people obviously from being involved in our justice system, we can prevent them from being adults in our justice system.

Ms BARON: Yes, that is absolutely right. Thank you for that question. I mean, I guess for us there are a few key issues that we discuss in our submission that are relating to disability, and the first is over-representation of disabled young people in the youth justice system, particularly of young people with intellectual disability. I think what is important to note is that more often than not this is actually also undiagnosed. There is a real gap in research and data collection on this topic, and so our understanding of the exact numbers of disabled young people in the youth justice system is quite limited and also details on how they are actually treated is not necessarily readily available. So what we do know we know through YDAS's fantastic work directly with young people and I guess what they are feeding back to YDAS about their experiences, but we would love to see that that data collection is improved and that, I guess, diagnosis particularly of intellectual disability is also improved.

Further to this, there are some real issues related to the treatment of disabled young people, particularly by police, which is something that we hear about a lot. One of our key recommendations is that Victoria Police are actually better trained in how to work with disabled young people using a human rights-based model. This would ensure that when disabled young people are being interviewed or questioned by police they are afforded reasonable adjustments, such as regular breaks or having a support person present. We would love to see that this training is actually developed and delivered by [Zoom dropout] people with lived experience of disability.

I would just, if I can, add one more thing. I guess the only other key thing that I think is important to draw your attention to is the difficulty that disabled young people have in accessing bail specifically. This is usually due to the decision-maker deciding that the young person does not understand their conditions of bail and so really the path of least resistance is to refuse it and chuck them in remand. In these scenarios we think there should really be a better attempt made to ensure that disabled young persons are able to understand their bail conditions, but unfortunately due to a lack of resourcing and training this often does not happen, and so the young person is then sent to remand, where bail or an assisted living arrangement might have been a better solution for them.

The CHAIR: Thanks, Julia. I hear you loud and clear. Unfortunately your submission came in over the weekend and so it has not been processed, so I apologise; none of us have had the opportunity to see it. So we may be sending you some follow-up questions later, Julia, when we have had a good chance to read it.

On undiagnosed intellectual disability, acquired brain injury—a whole range of things—have you got any thoughts about where we could start implementing assessments? I kind of feel like it does not need to be at the point of intake; it should be further back. Do you have any ideas about how that could be incorporated into our system more effectively?

Ms BARON: Yes, definitely. Actually, towards the end of last year we were lucky enough—my predecessor, Luke, and I—to go into Parkville and Malmsbury to have some conversations with some young people in there around their experiences. One young person that we spoke to was from a regional and rural area, and I could not tell you if what he has is an acquired brain injury or an intellectual disability. He spoke quite openly about how going through the school system in primary school in particular he had some behavioural issues, and none of the adults in his life picked up that it had to do with a condition. As an adult now, because he was over the age of 18 when I spoke to him, he can see that he was failed by people who knew better. For him, he talked about I guess lashing out in the classroom at other students and sometimes at teachers, and so often he was either suspended or just expelled. He just kept getting kind of pushed around his community and being told that he was someone else's problem, and no-one really supported him properly. So he was able to speak quite articulately about the fact that if someone at that early stage in his life when he was in primary school had actually said to him, 'Hey, we think you might be able to benefit from X, Y or Z. Would you like to speak to this person who might be able to help you?', that could have really helped him in his journey.

So we have certainly—and related to other types of services—gotten a lot of feedback directly from young people that services tend to talk to them when they are in high school, and by then it is too late. So that is a real need to move into the primary school system. I think it is services going into the school system, because we recognise that teachers are pretty overburdened as it is.

The CHAIR: Yes, that is right, and may not have the skills to recognise that and be able to pinpoint some of those issues. Indi, if I get a chance, I have got some questions for you, but I will move around the committee first. Dr Tien Kieu.

Dr KIEU: Thank you, Chair. Thank you, Julia and Indi, for your presentation today. I have many questions, but let me home in, because of the time limit—two questions, one each. The question: recently there have been many pushes for raising the criminal responsibility age from 10 to 14. The government is still considering that, as far as I know, and also is still doing a lot of consultation with many organisations and people. Nevertheless the number of people who have been affected for the age group from 10 to 14 is quite small—I think about 10 or maybe even less than 10. So how do you think raising the criminal responsibility age in the justice system would help with recidivism and so on? Could we tease that out a little bit?

I may as well pose a question for Indi as well, just to speed up the time. The government has been putting a lot of emphasis and support into the Aboriginal justice system and youth justice strategy, and the Koorie Youth Council has been working with them as well as some community-based Koori youth justice worker programs. So, Indi, how do you see that going, and particularly, is there any lesson that we can learn so that we can apply that to all the different cultural and ethnic backgrounds, because there has been a dramatic increase in the number of people going into the criminal justice system from different cultural and ethnic backgrounds. We would like to learn the lessons and find something that could be applicable there. So thank you.

Mr CLARKE: I am happy to jump in first, Julia. Thank you for your question. In particular I would like to highlight when *Ngaga-dji* was released and some collective work of obviously the Victorian government and the Aboriginal community, but Victoria is on track to meet and/or exceed the Aboriginal justice agreement target as it relates to the average daily number of Aboriginal children aged 10 to 17 in youth justice—by at least 43 per cent by 2023. We are actually on target, but I guess for us the sentiment is that any over-representation or any child or young person in justice is too many. As I said, it was highlighted by the *Ngaga-dji* report. It really amplifies and highlights the experiences, the stories, of children and young people and paints a picture of how we truly need to support them from the ground up. As we know, raising the age of criminal responsibility from one of the lowest in the world gives youth support systems and services in communities the best chance to connect and support children who need them and who are our most vulnerable then and there. It is not just about children who are in the youth justice centres, it is about any child or young person who comes into contact with the justice system, whether it is the police, whether it is—

When they are as young as 10 to 14, it is around how to truly create diversionary opportunities and make sure that we are supporting our most vulnerable then and there so their first contact with police when they are 10, 11, 12, 13 or 14 can be their last. So it is how we are truly making sure that we are supporting those services from the ground up. Raising the age of criminal responsibility actually supports services to understand that. It is about, when we make the decision: how are we supporting the social services sector to build those wraparound support services and how are we looking at, as you have said, the expert teams from communities who have holistic wraparound services?

For me, I think there is a lot of work that can be done, and I think a lot can be learned from the Aboriginal way of doing, being and seeing and working with children and young people. It always wraps around those holistic wraparound services that embed culture and that embed communities, families and in particular elders. As we know, for a lot of cultural groups and/or backgrounds and especially for Aboriginal people, our connection to our family and our connection to our elders is paramount. So how are we embedding that and building that from the ground up? So just, furthermore, I think part of why we are seeing the numbers reduce in youth justice is because we are seeing a lot of work and investment go into those practices around truly supporting children and young people to connect back with their families, to connect back to their communities and really build those holistic wraparound services.

Once again, I think for me it is about community designed and led support systems, so programs that are in community first and foremost. For KYC we push from a strength-based narrative—how do we truly shape and support children and young people to understand who they are and where they come from?—and that strength-based narrative is programs like Marram Nganyin, once again, where we support children in communities and the community to see what the holistic program is that is needed and then let them design and lead that together.

The CHAIR: Thanks, Indi. Julia?

Ms BARON: Yes, thank you. So I guess to respond to your question around raising the age, we completely agree. At the moment we have a very expensive system that is in place to support what is actually a pretty small number of young people. So we believe that that money is better invested in restorative justice practices that are actually proven to rehabilitate young people and work with young people in community, same as what, I guess, Indi was just talking about—using that holistic community-targeted and strengths-based approach to work with young people. There is a lot of evidence to show that is really effective in supporting young people to re-engage with community and actually rehabilitate. I think what is really important to remember is that young people actually have a really unique ability to rehabilitate purely because of their age, and that often gets overlooked. So I think instead of focusing on those punitive measures that aim to punish, if we focused on the rehabilitation part of the justice system, then hopefully we would actually get a bit better at doing that.

Another thing, I guess, to respond to another part of your question around those recidivism rates: it would be remiss of me to not discuss remand and the impact that the remand process has at the moment. A 2015 Ombudsman report found that 38 per cent of prisoners under the age of 25 were on remand, which is compared to 24 per cent of the broader prison population, and as of 2019 the proportion of young people on remand has increased to 47 per cent, which is double what it was 10 years ago. Additionally, two-thirds of young people on remand did not receive a custodial sentence. So given what we know about exposure to the justice system, which leads to re-offending, these practices really impinge on young people in the justice system, including those who have never been charged with an offence or could have quite easily gone on a path to lead better lives and not be continually coming back into contact with the justice system.

So really we made a number of recommendations related to bail, but in principle what we would like to see is the creation of a presumption in favour of bail for all offences with the onus on the prosecution to demonstrate that bail should not be granted in fact.

Dr KIEU: Thank you.

The CHAIR: Thanks, Julia. And welcome, Dr Matthew Bach. I will go to Tania Maxwell. Thank you.

Ms MAXWELL: Thank you, Chair. Indi and Julia, thank you so much. Your submissions have now come through, so it is great. So as the Chair stated, we may have some questions on notice for you at a later time.

I have been going through the government's budget papers actually while we have been talking, and it states in here that the Aboriginal community controlled organisations will continue—let us hope—to receive funding to

give 400 Aboriginal families each year access to Koori-supported playgroups and in-home parenting coaching. This goes along the lines of what we have just been discussing around primary prevention and that early intervention. Do you think that goes far enough? You talked about how once they get to high school it is often too late to change that behaviour or to address the actual underlying issues that are causing the behaviour. We know that schools are so under-resourced and often do not have that time. Do you think that is a great place to start, within those early playgroups and those really early years?

Mr CLARKE: Thank you, Tania, for the question. I think 100 per cent it is critical to make sure that we are supporting those absolutely imperative services like childhood education. I think in particular we can look at the stats, we can look at the number and we can look at participation rates of Aboriginal children in early childhood. In particular I think we were actually even 96 or 97 per cent of enrolments last year in early childhood, in particular for, I think, age three. I could take that and respond a bit better, but I know that that is absolutely critical to creating the change that we want to see.

But furthermore to your question, you talked about: how do we embed those types of supports in schools as well? I think in particular, as we have seen, our education system needs greater supports to make sure that we are wrapping around children and young people who might start to disengage from the education system. In particular *Ngaga-dji* showcased to us, as we can see when children start to disengage, how are we truly wrapping around them then and there to make sure that disengagement from school does not lead to expulsion and/or, as we know, normally a pathway to the justice system. But actually then when we start to see disengagement, how do we wrap around and provide the [Zoom dropout] that is available—their families, their communities, their elders, support services—there and then to make sure that they are supported in their schools?

In particular, furthermore, that paints a picture from Marram Nganyin of the power in mentoring programs. Not only is it highlighted in *Ngaga-dji*, it is also highlighted in *Our Youth, Our Way*, the great impact that mentoring programs have in supporting children and young people who might start to disengage—and/or in schooling. It keeps them in school with a supportive system into pathways of employment as well and to staying in education. I think, for me, it is around obviously acknowledging the great work that is happening in early childhood but how do we make that across the board as well.

Ms MAXWELL: Thank you, Indi. I guess, too, in relation to that is that often families' needs change. So whilst they might be being supported at that really early playgroup stage, they may not then need intervention for another couple of years. What are your thoughts on still having that contact, whether they need it or not, because often families do not know that they actually need support or they may not understand that support is available. So I would like to get your feedback on having those supports going into the schools and continuing not just to work with the child but the family, to provide, as you said, that strength-based holistic approach that can get them to their medical appointments. You know, there are so many things. If they are not going to their GP, how does anybody know that there could be underlying medical issues that are causing behaviour in some of these young people? Do you think that we need to be visiting these people, doing more outreach and having more of those mentors and people that can go to the homes, go to the schools and work with these young people?

Ms BARON: Indi, go ahead.

Mr CLARKE: I will just quickly jump in and then hand over to Julia. I 100 per cent agree, and I think that that, furthermore, is evidenced by Aboriginal community controlled organisations who provide those wraparound holistic services, where it is exactly that: they will support the children and families, not just the children in isolation, and that is in particular a cultural framework of how we work with our people. That, furthermore, was complemented and evidenced in *Our Youth, Our Way* as well: the most kind of prominent and supportive frameworks that children in youth justice had normally were the Aboriginal youth justice workers who would support them, but not just support them, support their families, support their reintegration back into education. And that is obviously at the end, but we have also seen at the start that when you are invested and you are put into supportive frameworks like Aboriginal community controlled organisations you are more likely not to end up in the justice system, because you have got those services. As we know, a lot of Aboriginal community controlled organisations operate as health services as well, so it is actually walking through nearly every door that sometimes is quite challenging, especially for Aboriginal children and young people.

Furthermore, this talks about understanding wellbeing in Aboriginal children. As I was highlighting before, and I talked about understanding children's lives as the first step to supporting them to be happy and healthy, in the *Ngaga-dji* framework we talked about in particular understanding the Aboriginal social and emotional wellbeing framework, which talks about centring children as not inseparable from culture, family and community. And all of our *Ngaga-dji* solutions and guiding principles reflect this culturally based framework, and using tools like the wellbeing wheel we support children to understand their needs and strengths to make valuable impacts in their lives. And what that talks about is exactly that: that it is not an individual, it is their family, it is their community, it is their culture, it is their kinship, and how do we work holistically with that. In particular that is what Aboriginal community controlled organisations do.

The CHAIR: Thank you. Julia, do you mind if I keep moving? I think Indi answered that extremely comprehensively. Sheena.

Ms WATT: Thank you, Chair. And thank you to Julia and Indi. Thanks for being with us today, and thanks, Indi, for declaring my long connection to Koorie Youth Council. You made me feel very old given that I remember the early years, so thank you. Can I start by acknowledging the tremendous effort of the *Ngaga-dji* report. It is just something else. And can you pass on to all those that participated in that just how deeply grateful we are as a committee for receiving that today—I will just speak on behalf of all of us—because it really is something special.

I do have just one question, but I may have some follow-ups, just as the Chair has mentioned, given I am sure there is some substantial reading in your submission. As you may know, the witness before you was the Victims of Crime Commissioner, Fiona McCormack, and I noted in the report actually that you spoke about how many Aboriginal children are actually victims of crime themselves and fail to receive adequate support as victims of crime. So I just wonder if you could talk to us a little bit about: what does Aboriginal children's victims of crime support look like? Who is actually delivering it, and what do they need to be better at this? Because I think that, as you mentioned, many of the traumas which really do need to be addressed are really compounding and becoming root causes of contact with the justice system. So is there anything about that particular service system that you want to bring to our attention, particularly out of looking at that report that you have just submitted to us?

Mr CLARKE: I am happy to jump in again, and Julia might want to add. I think in particular it is around the cultural intricacies that are required in terms of supporting children who are victims of crime and it is making sure that dedicated services, whether it is the Victorian Aboriginal Legal Service or even, as we know, Balit Ngulu, which is a dedicated Aboriginal children and young people's legal service—it is around how we truly support services like that that understand children and young people's lives and the kind of impacts that would have led them to where they are today. That was the whole kind of reasoning and rationale for developing *Ngaga-dji*, that anyone working with children and young people could finally understand what actually the levers and the experiences were that led children to where they are today, and it is through that holistic framework of understanding every single individual's life that we can understand the actual supports that they need to wrap around them. That is the importance of youth participation, and it is kind of referenced by YACVic as well. It is around genuinely, meaningfully seeing children as experts and decision-makers in their lives and understanding, in particular when it comes to youth justice, obviously the stigma and trauma that can become involved and how we actually support children who have been impacted by these systems and services to have agency again and support those with a holistic lens. In particular it is around that, as we know, Aboriginal community controlled organisations—and I will keep referencing those—are trained to understand Aboriginal children and young people's lives and understand in particular those things, like that a lot of the children and young people that come into contact with youth justice are normally victims of crime themselves. So how do we support it from a trauma-informed framework, which a lot of the workers are? And it is making sure of exactly that: that training goes to a lot of the service providers to make sure that they are trauma informed and also that they practise and are obviously trained in youth participation practices as well—how do we support the agency of children and young people?—and obviously, as we know, culturally safe frameworks as well.

Ms WATT: All right. That is really helpful. I just want to know: is there Aboriginal community controlled service delivery for victims of crime? Does that exist, or is that something that needs to be expanded or further delivered across the state? Because it came out quite strongly in many of those stories that many of these young people were indeed victims themselves before then getting into contact with the justice system. So if there is anything on that, I would be very happy to hear it. Perhaps that is something to take and come back to us about:

what does the Aboriginal community controlled victims of crime service look like? Because I think that is something worthy of consideration.

Mr CLARKE: I am happy to take that on notice, but I will just quickly advocate that there are services like the Victorian Aboriginal Legal Service and Djirra, which are dedicated legal services that support Aboriginal people in these areas, and they obviously have programs.

Ms WATT: All right. Good. Thanks.

The CHAIR: Thank you. Matthew, I know you came in later, but you might have had the opportunity to look at some of the submissions from them.

Dr BACH: Yes. Many thanks, Chair. That is great. I appreciate it. And my apologies to both Mr Clarke and Ms Baron. I was off this morning at the opening of Youth Parliament, which was very pleasurable and light—given the circumstances and understandably the tone and tenor of some of our discussions here.

I was interested, Mr Clarke, to hear you talk about the *Our Youth, Our Way* report, which I also read really carefully. It obviously highlights, as you have intimated, a range of issues that overlap youth justice and also child protection and has of course a particular focus on Indigenous youth. There are a range of things in that report that really shocked and appalled me: the fact that, for example, on many occasions the government has actually opposed bail for young Indigenous kids on the basis that youth justice would be a more therapeutic setting than child protection. So we have such a long way to go to support Indigenous kids in the child protection system to stop that pipeline, if you will.

I am sure you are aware that in Victoria outcomes are the worst of any Australian jurisdiction in child protection—a greater over-representation of Indigenous kids in child protection in Victoria than in any other jurisdiction. In addition to the commentary that you have already provided, I would love to hear your thoughts too, Ms Baron. Where would you have us focus to, hopefully as early as possible, stop that pipeline, because clearly what is happening at the moment is that so many Indigenous kids are coming into the child protection system for a whole range of really complex reasons, but then, as the children's commissioner said, they are becoming criminalised, leading to almost an inevitable graduation into the youth justice system? Where would you have us focus as we seek to halt that progression?

The CHAIR: Who would like to start? Julia?

Mr CLARKE: Do you want to go first, Julia? I am mindful that I have taken a few of the questions.

Ms BARON: I am happy to, thanks, Indi. And thank you, Dr Bach. I guess for us—and obviously we would not necessarily focus just on Aboriginal and Torres Strait Islander young people—really on that investment in early intervention and prevention programs, because for us what we are talking about is just giving young people the opportunity to live a good life. So that means being able to access things that some of us take for granted, like the local sporting club or the local music club or whatever it is that they want to do, as well as those really targeted specialist services that they require.

I think I would just also point out that there is also a growing over-representation of young people from multicultural communities and multicultural backgrounds that we have not talked a lot about today. I know we have member organisations and other partners who are better experts than us in that space, but I think in talking to some of those young people from those communities, one of the things that they really spoke about was the same thing that Indi has spoken about today, which is the need for more culturally responsive workers—people who are trained better to work with them and their families—because often even if the young person understood what was going on, the families potentially did not. And young people were often burdened with the guilt of trying to explain to their parents what was going on and not really necessarily knowing how to do that, because also it is a complex legal system that a lot of adults do not understand.

I think one thing that I would like to, I guess, also put our emphasis on is that lived-experience workforce, which we would love to see more of. I have had two young people that I met with in the area of Broadmeadows who have been involved in the justice system and are now both working and doing really well. They talked about, when they were working with youth justice workers specifically, how they often felt judged and that a lot of assumptions were made about them because the people that were working with them did not necessarily have similar backgrounds or understand their lives or what they had gone through or their cultural needs—all those sorts of things. They said, 'You know, I would have loved a YJ worker who has been through the youth

justice system'. So I said to them, 'Would you do that job?', and they went, 'Oh, yeah, actually I think that would be a great job'.

So I think it would be really great to, you know, look at, potentially, social procurement options or things that actually emphasise employing people throughout the justice system, so not just in detention centres but also in the police force and also in the courts—and people with youth work skills and youth work qualifications, because I think that is lacking in the system, as well as lived experience roles, so that young people feel more comfortable with, I guess, the people that they have to deal with on a daily basis.

Dr BACH: That is great. Many thanks, Julia. Thanks, Chair.

The CHAIR: Thank you.

Mr CLARKE: Sorry, can I just quickly add to that.

The CHAIR: Yes, absolutely, Indi. Yes, jump in.

Mr CLARKE: Yes. Thanks, Julia, for the answer. Obviously I want to echo all of Julia's sentiments, and I think in particular the issues that you raised are kind of generational issues that we have seen kind of come from it. So to actually solve and/or work through these, as I said at the start, it is around: when Victorian governments, oppositions and the social services sector walk together with the leadership of Aboriginal communities, will we see these issues start to be kind of remedied or obviously worked through? One of the things that was highlighted in the commissioners' report and obviously our report was the great need—I have continually highlighted this—to develop Aboriginal community-led and -designed youth support systems to care for children in community at every stage of their lives, in place of the current youth justice system or in place of the current child protection system. We know that when these supports are properly funded there is no need for justice centres and all the child protection system. So we have seen some incredible work and, obviously, reform start to happen. We are going to have to see the reform worked through. That is section 18, which is obviously handing back principal responsibility to Aboriginal community-controlled obligations. Through that we are actually seeing organisations be resourced appropriately to be able to take that on. So it is around understanding that.

Also, as you said, the commission, in our report, found that services designed, controlled and delivered by Aboriginal communities have the greatest potential and impact to reduce obviously these outcomes for children and young people when they come into contact with people in the justice system or child protection. So it is around, as I have said again: to solve systemic problems like those affecting Aboriginal communities we need to solutions from those who have lived through them. That is obviously Aboriginal leadership and it is obviously Aboriginal youth participation and making sure that we actively listen and include children's voices in the decision-making processes, because in these systems normally they are not heard, they are not listened to and they are not acted upon. So how do we promote their voice and promote agency?

The CHAIR: I think that is a beautiful place to finish this session. Thank you so much. This afternoon we are hearing from VACCA, so I think we will hear those messages reiterated. We are also hearing from the Centre for Multicultural Youth, so that area will be expanded on as well, Julia.

Julia and Indi, thank you so much today. Thank you. I am really looking forward to having a look at your submission also. We may follow up with some questions if you do not mind. The subjects and the issues that you guys are talking about are so important and so crucial in that early intervention to really prevent people entering our justice systems.

As I mentioned at the outset, you will receive a transcript from today. Please have a look at it. Ultimately it will form part of our report and go onto our website. We will take a short, five-minute break and then we will be back for the next witnesses. Thanks, everyone.

Witnesses withdrew.