

2012

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TABLING STATEMENT

**GOVERNMENT RESPONSE TO THE STANDING COMMITTEE ON
EDUCATION, TRAINING AND YOUTH AFFAIRS - REPORT 7**

**‘Human Rights Commission Report into the ACT Youth Justice System -
Implementation of Report recommendations
4.3, 4.15, 4.16 & 15.1’**

**Presented by
Joy Burch MLA
Minister for Community Services**

Tabled on 14 Feb 2012

Government Response to the Standing Committee on Education, Training and Youth Affairs - Report 7

'Human Rights Commission Report into the ACT Youth Justice System - Implementation of Report recommendations 4.3, 4.15, 4.16 & 15.1'

Mr Speaker, I am pleased today to be tabling the ACT Government's response to Report No.7 of the Standing Committee on Education, Training and Youth Affairs on the Human Rights Commission Report into the ACT Youth Justice System (HRC Report) that was released on 17 November 2011.

The HRC report, tabled in the Assembly on 16 August 2011, made four recommendations in relation to the Standing Committee on Education, Training and Youth Affairs. These principally proposed enhancing the role of the Committee in the oversight and reform of the youth justice system in the ACT.

Mr Speaker, while informing the Assembly of the Government Response to the Committees recommendations, I would like to take this opportunity to advise the Assembly more broadly on the Government's progress and the community consultation which will inform future directions for youth justice in the ACT.

Report by Standing Committee on Education, Training and Youth Affairs

The Standing Committee report addresses the implementation of four recommendations from the HRC Report into the ACT youth justice system.

In short, the Government supports the Committee's response to all four of the HRC recommendations.

In relation to recommendation 4.3 on the Committee's engagement in the development of a clear and shared vision for vulnerable people, young children and their families I undertake to contact the Committee to seek its views prior to the finalisation of the vision.

In relation to recommendations 4.15 and 4.16 on Committee hearings and reporting, the Government supports the Committee's decision for biennial public hearings and joint annual reporting by the Public Advocate, the Official Visitor and the ACT Human Rights Commission into the Committee's ongoing program. The Government notes the Committee's acknowledgement that Annual Reports for these agencies may be the appropriate reporting mechanism.

In relation to recommendation 15.1, the Government supports the Committee inviting key stakeholders in the justice and community sector, for example ACT policing and Legal Aid ACT, to raise issues of interest or concern about the youth justice system. The Government notes, however, that it is not appropriate for judicial officers of the Children's Court to be called before a Standing Committee as this offends against the doctrine of the separation of powers.

Update on priority items

Mr Speaker, I would like to take this opportunity to advise the Assembly more broadly on the government's progress regarding the recommendations identified as priority actions in its response to the HRC report.

First, I would like to reiterate that the ACT Government welcomes the Human Rights Commission's Report and its examination of the ACT youth justice system. The Government is committed to making positive changes across the youth justice system to achieve better outcomes for some of our most vulnerable children and young people.

Mr Speaker, as you are aware the Government established the Youth Justice Implementation Taskforce last year to provide advice in response to the 224 recommendations from the HRC Report. The Taskforce has met diligently since the release of the HRC Report to consider each of the 224 recommendations in detail. Advice from the Taskforce informed the government's response to the HRC report which I tabled on 18 October last year.

Mr Speaker, I can advise that work has either commenced or been implemented in relation to the 29 priority actions identified by the Government in its response to the HRC report. The majority of these recommendations relate to operations at Bimberi.

In particular, I would like to take this opportunity to highlight the proactive work Government has undertaken to strengthen operations at Bimberi Youth Justice Centre.

The change management process has been progressing at Bimberi since November 2011. The five priority areas of change management are:

- (1) improving communication mechanisms;
- (2) improving service delivery standards;
- (3) establishing a culture of learning;
- (4) increasing support to Bimberi staff; and
- (5) security, risk management and safety of young people and staff.

The change management program process is now part of a larger, major project to develop a streamlined Integrated Management System (IMS) at Bimberi. The IMS project will bring together all of the significant elements of operations at Bimberi. This includes compliance and risk management, communications, data, record keeping and reporting.

The Community Services Directorate has established a steering group to lead the implementation of the Integrated Management Strategy. Eight staff champions are actively involved in the IMS project through participation on the steering committee and involvement in an extensive policy and process mapping exercise.

In terms of improvements to the culture at Bimberi, the induction and training program and supervision for team leaders has been enhanced. In addition, daily and weekly staff briefings and ensuring staff are involved in the workplace consultative committee has seen open communication promoted. All staff at Bimberi have participated in performance plan training and two staff members have been trained as 'train the trainers'.

Mr Speaker, there are positive indicators that the change management process at Bimberi is on the right track. For example,

- 20 new youth detention officers have been recruited since 20 November 2010;
- 31 staff at Bimberi youth justice centre have completed class room components of the Certificate IV in Youth Work; and
- one of our youth workers at Bimberi was nominated in the recent YOGIE awards which celebrate, promote and reward outstanding practice in working with young people in the ACT.

I note the Community Services Directorate has been receiving positive feedback in relation to the climate and attitude of staff and young people at the centre. The proactive work to address staff culture at Bimberi is ongoing and this work will continue as part of the IMS project.

Many of the recommendations agreed or agreed in principle by Government will be realised through the continuation of the Integrated Management System (IMS) project at Bimberi and the development of the Blueprint for Youth Justice in the ACT.

Blueprint for Youth Justice in the ACT

Last year, I announced the Government's commitment to developing a Blueprint for Youth Justice in the ACT (Blueprint) that will provide the strategic direction for the development of the youth justice system over the next 5-10 years. The Taskforce has commenced work on this important project and I expect to release the Blueprint by the middle of this year.

The Government is committed to consulting with the community at each critical stage as we progress reform of the youth justice system. Importantly, in developing the Blueprint, the Taskforce is reflecting on the feedback already provided by children and young people, families, staff and other key stakeholders in a range of forums.

Mr Speaker, as well as listening to feedback from previous consultations, I am pleased to advise that the ACT community is now being given an opportunity to contribute to the development of the Blueprint through a consultation process which began in December 2011 and will continue until 30 March 2012.

The Taskforce's consultation paper was released in December 2011 and invites community comment and feedback through a number of channels. The paper is available on the Community Services Directorate website.

We are engaging the community to take the youth justice agenda forward. There are a number of avenues for individuals or agencies to provide feedback to the

Taskforce. Opportunities to have a say include attending community forums, providing feedback online, or attending consultation activities hosted by government and community agencies.

Specialised consultation activities will be held for children and young people and their families, Aboriginal and Torres Strait Islander children and young people and their families, the Youth and Community Sectors and Government and oversight agencies. These activities will be hosted by Families ACT, the Youth Coalition of the ACT, the Aboriginal Justice Centre and Government. In addition, in March this year the Taskforce will be holding five Community Forums across Canberra to allow people and agencies including children, young people, families, individuals, groups, community organisations, service providers, workers in the youth justice system, the business sector, oversight bodies and government, to contribute and have their say and inform the Blueprint.

Positive feedback

Mr Speaker, I note the Government has received support from the HRC and the Children and Young People Commissioner, who have welcomed the Government's direction of reform for the youth justice system.

Overall, the Commission acknowledges that there has been substantial progress, since July last year, in the development of the reform agenda which shows the Government is moving towards a best practice model for youth justice.

Given the magnitude of the process for change, I would like to take this opportunity to commend the work of the Taskforce so far in their commitment to progress these significant reforms and positive engagement with all stakeholders. The Government is committed to continue to work through the

challenges in addressing these reforms for the best interests of children and young people.

Mr Speaker, the Blueprint is a long-term Strategy. It is hoped the Blueprint will lead to long lasting change in the youth justice system with improved outcomes for vulnerable children and young people.

Mr Speaker, I look forward to following the work of the Taskforce and hearing the views of the community as we progress this important reforms work.

ENDS.

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Background

In November 2011, the Standing Committee on Education, Training and Youth Affairs (the Committee) considered recommendations 4.3, 4.15, 4.16 and 15.1 of 'The ACT Youth Justice System 2011: A Report to the ACT Legislative Assembly by the ACT Human Rights Commissioner' (the HRC Report).

These recommendations focus on an enhanced 'watching and monitoring' role for the Committee in the implementation of the HRC Report's proposals for change in the youth justice system in the ACT.

The Committee's Report was provided to the Legislative Assembly on 17 November 2011.

Government Response to the Committee's Recommendations

Recommendation 1

In relation to Report recommendation 4.3, the Committee accepts the overall perception of the development of a reporting and scrutiny mechanism for the Report framework, and considers that the Report sees this role for the Committee as a description of a wider scrutiny and accountability role. The Committee also recommends that this Report recommendation for the Committee be accepted and that the reporting and consultation mechanism which is spelled out in recommendations 4.15 and 4.16.

ACT Government response:

The Government supports the Committee's engagement in the development of a clear and shared vision for vulnerable people, young children and their families. The Minister for Community Services will contact the Committee to seek its views prior to the finalisation of the vision.

Recommendation 2

In relation to Report recommendation 4.15, the Committee sees the specific proposal contained in this recommendation as capable of incorporation and regular scheduling (much as it does with other scrutiny roles) into the Committee's ongoing program, and agrees that, initially, this hearing be programmed to be held biennially. The Committee considers that the hearing would include the Directorate; the Commissioner for Children and Young People; the Public Advocate; and the Official Visitor and accepts the recommendation.

ACT Government response:

The Government supports the Committee's intention to hold biennial hearings on achievements towards the vision and outcomes for vulnerable young people in the youth justice system.

Recommendation 3

In relation to Report recommendation 4.16, having considered the feedback on this recommendation from the ACT Children and Young People Commissioner and the ACT Human Rights and Discrimination Commissioner, the Committee is satisfied that joint formal reporting by the Public Advocate, the Official Visitor and the Human Rights Commissioner identified in the recommendation is desirable, and, the Committee is satisfied that a formal report from the nominated agencies, particularly as it is envisaged it would be in the form of a combined report is at this point a practical and desirable manner of proceeding. The Committee acknowledges that this joint reporting will be dependent on the resources of the agencies, and that the Annual Reports for these agencies may be the appropriate reporting mechanism.

ACT Government response:

The Government supports the Committee's decision for joint annual reporting by the ACT Public Advocate, the Official Visitor and the ACT Human Rights Commission into the Committee's ongoing program. The Government notes the Committee's acknowledgement that Annual Reports for these agencies may be the appropriate reporting mechanism.

Recommendation 4

In relation to Report recommendation 15.1, the Committee proposes that this recommendation be implemented by the Committee writing each year to relevant stakeholders, including those listed recommendation 15.1, to raise relevant and current issues. This, the Committee believes, can and should be done in connection with the biennial review process recommended in the Report and accepted by the Committee as a desirable way of proceeding.

ACT Government response:

The Government supports the Committee inviting key stakeholders in the justice and community sector to raise issues of interest or concern about the youth justice system and notes that this will be done in conjunction with the biennial review process referred to in Recommendation 2. It is however noted that it is not appropriate for judicial officers of the Children's Court to be called before a Standing Committee as this offends against the doctrine of the separation of powers.