



Inquiry into Annual and Financial Reports 2023–2024

Answer to question taken on notice

Asked by: Mr Thomas Emerson MLA

Addressed to: Ms Vanessa Turnbull-Roberts, Aboriginal and Torres Strait Islander Children and Young People Commissioner

In relation to: Implementation of the increase to the minimum age of criminal responsibility

Hearing: 19 February 2025

Uncorrected Proof Transcript pp 4-5

Transcript provided: 26 February 2025

Answer Due: 5 March 2025 5:00:00 PM

Commissioner Turnbull-Roberts took on notice the following question(s):

THE CHAIR: You know with these hearings, there is an opportunity for us to provide recommendations to government, and I have been asking witnesses all week about this, and everyone has kind of said, you know, there is no gaps in the referral process; everything is hunky dory; we are ready to go. What I am hearing from people in our local communities is that is not the case. I am hearing the same from you. Do you have kind of specific recommendations that you would make, either today or on notice, and capacity—you know, how many children do we need to be ready to support so that when you do get that phone call, you know exactly who to call because there are recommendations that we can include in our report.

Ms Turnbull Roberts: I would like to take that on notice to provide formal written recommendations to really bridge that gap, but I think just in short and a short response here with you all is we know the patterns that we are seeing. We know, you know, particularly when I speak to and engage really well with, you know, head of the police commissioners, and I have that relationship where I can call and say, "This is what is happening with this young person. What is your approach? What do you have? What is your idea?" And then I can speak to CSD and say, "What is your version of this event?" And then we can try and collaborate the story and the outcome and find the best plan for the young people that they need in that moment.

But with the consistent patterns of—particularly around MACA and the pattern of recidivism that we are seeing with young people, and it is the same nature of the same alleged offences, and it is the same group of young people that we are seeing, the first question I raise is why are we not applying every single need of support and wraparound to that child or young person? A lot of these young people are children of the Director General. They are children that have grown up in statutory out of home care. There are children that have never had mums or dads or families or siblings that have said "I love you" and "I have got you. You have tested my boundary, and because you tested my boundary"—you know, we hear in resses, a kid smashes a wall, they call the police that young

person has breached something, and then they are locked up again. My kid smashes a wall, I am not calling the police. I am calling the...(indistinct)... [9.35.36] or whatever to come fix it.

So there is always this different approach to children and young people when they carry systems impact behind them, and it does not work. And so my big recommendation will be we could get just reinvestment, but more—I guess not necessarily resource reinvestment or resource shifting around where we effectively evaluate the funding body of the DG where we are not seeing the outcomes that we need to see and driving those funds into the hand of community to wrap around the particularly young people that we are seeing.

That is the goal of actually just reinvestment. It seems to apply to adults here, but we need to get something that supports children and young people here in the territory that says, actually, this is a dedicated amount for the community, and then we can divest the funding from Bimberi Youth Detention and see that in the hands of young people, because the cost that it takes to actually incarcerate, it is sometimes the most time that my young people see more staffing. They have three corrections aka youth workers that are around them when I am there, but yet when they come out, there is no support or funding support for community kinship to be around them.

So if we divest the funding to the strengths of the young person, really wrap it around what that young person needs, we will see outcomes. And we are very privileged where we have a relationship with our young people and a trust built relationship with them, and so we hear a lot of the in depth stories. We hear a lot of the trauma and the violence that they have been through and what they are going through. And so building on those relationships and those strengths with these young people would be the most formal recommendation, but really investing in what they need.

Commissioner Turnbull-Roberts: The answer to the Member's question is as follows:

My office is concerned that there is not currently enough in place to assist Aboriginal and Torres Strait Islander children and young people under the age of 14 who have high therapeutic needs and risks of involvement in youth justice once they reach the minimum age of criminal responsibility.

The implementation of this work must be community led, centred and focused, it must invite all to the table for the discussion and fully support those who are prepared to back our children and young people. Our children and young people cannot wait. The implementation phases must commence within the next month, prior to MACR coming in place. As Aboriginal and Torres Strait Islander Children and Young People Commissioner, I am happy to facilitate and guide engagement with Government and community organisations. We witness directly what is occurring to children and young people, however we also witness the remarkable solutions of community. We must back the community and this must be a full commitment if we are to see the policy and legislative changes of MACR be successful. I have no doubt we can make this a successful one and create a model for other places to learn from and with. However, we must act now.

We would welcome further engagement with Children Youth and Families (CYF) about what has been put in place to meet the needs of these young people.

Immediate priorities that we have identified are:

- A need for more intensive and consistent supports for families and young people at an earlier stage to enable them to provide ongoing relational care for young people at risk and

avoid placement breakdowns. This should include access to family functional therapy services.

- A need for more timely and free access for young people at risk to paediatric services such as speech therapy, occupational therapy, and diagnosis and treatment of disorders affecting learning and behaviour including autism spectrum disorder, attention deficit hyperactivity disorder, foetal alcohol spectrum disorder and trauma related disorders.
- The need for case management for Aboriginal and Torres Strait Islander children and young people to be provided by Aboriginal and Torres Strait Islander Community Controlled Organisations (ACCOs). ACCOs are best placed to provide real connections and culturally safe and supportive case management for young people at risk and their families.
- A need for more timely and pro-active family finding for Aboriginal and Torres Strait Islander children and young people in care to maximise their connection to culture and the family and long term relational support around them. These are protective factors for children and young people, and there is clear evidence that highlights the children and young people look for connection / community and the returning in the later stages of their life or when problems start to occur. In our experience young people at risk crave real family connection and relationships and these needs are not fully met by workers who are not informed on their lives, or have participation in the very same departmental body that has institutionalised, criminalised or subjected the child or young person to further disconnection.
- Young people may have family and kin in the ACT or interstate who care and want to connect but have not been contacted. Family finding currently occurs within CYF to a high standard, but demand exceeds internal capacity. This may require outsourcing family finding services to external services to avoid delays.
- A need for greater consideration of intensive therapeutic orders (ITOs) for young people at significant risk to facilitate comprehensive service delivery and promote engagement from young people in therapeutic programs that would benefit them, where other strategies have failed. We note that ITOs do not need to include confinement provisions, and these should be considered only as a last resort in the most serious cases.
- Strength based support systems and systemic changes across Education, Health, Community Services Directorate and Justice and Community Safety Directorate.
 - Strength based support – identifying the strengths of the child or young person, their protective factors, cultural factors and implementing support that meet these strengths for the child or young person.
 - Systemic evaluations of costings for example- costs for CSD to run case management and administration versus funding frontline community organisations who can provide to the needs and resources of the child and / or young person.
 - Health recognising it has a role in early intervention and prevention services.

- Supporting the strengths of parents/ kin and young people, supporting the parent to support the young person is a protective factor and strength.

The Commission also considers that there is a need for more evidence-based programs to be established for young people at risk, and for investment to be made in these programs which would save significant cost of ongoing youth justice involvement and incarceration in future. **We are seeing the same outcomes because we are doing the same thing. Therefore, we must do things differently.**

We consider that consultation and scoping should be done on commissioning services including:

- A night time service and hub for young people at risk where they can receive culturally safe and supportive drop in services and care in the evening and on weekends when the risk is greatest and other support services are unavailable. A community bus program for that picks up children and young people and drops them to their safe location.
- a cultural residential therapeutic program for Aboriginal and Torres Strait Islander young people at risk where they could re-connect with country and culture while receiving intensive intervention. This could potentially also be open to non Indigenous young people however with Indigenous led and controlled practices (we often hear when we look at Indigenous ways of doing and being – we all benefit).. Connection is crucial to every child and young person.
- Resource provisions to meet the demands and need, this includes but is not limited to;
 - Local safe community hubs for children and young people to access without fear of punitive measures or responses
 - Local resourcing to enhance local community to support the children and young people for example – elders sharing with young people, weaving programs, outreach nights and drop in services
 - Health hubs available for children and young people to have their needs met with a trauma informed health response where early intervention concerns can be addressed and young mob can adopt a “ no shame” approach to accessing their needs
 - Training and uplifting local community to enhance community and individual self determination and autonomy, recognising that the current systems have failed to provide appropriate care and responses to the needs of community, where as community continues to be first respondents but often met with limited to no resourcing.
 - Compulsory anti-racism training and practice for all frontline and those in positions working and influencing the rights and interest of children and young people, especially where it involves Aboriginal and Torres Strait Islander Children and young people and those from culturally and linguist diverse backgrounds. Including, Education, CSD, policing, JACS and health directorates.

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Approved for circulation to the Standing Committee on Social Policy

Signature: *Vturnbull-roberts* Date: 5 March 2025

By the Aboriginal and Torres Strait Islander Children and Young People Commissioner