



Inquiry into Annual and Financial Reports 2024-25

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Aboriginal and Torres Strait Islanders Children and Young Persons

Commissioner

Redirected to:

In relation to: Aboriginal and Torres Strait Islanders Children and Young Persons

Commissioner and Warrumbul Circle Court

Hearing: 13/11/2025

Answer Due: 11/12/2025

(1) Do you or your office participate in the Warrumbul Circle Court?

The answer to the question is:

The Office has not participated in any proceedings in Warrumbul Court, in recent months, but there is nothing preventing this if a young person requests our support and attendance. The Ag Commissioner has previously participated in proceedings in Warrumbul and the Office continues to be available if requested by the young person and/or their family. The Office attends the Children's Court regularly to support young people and advocates for their best interests, often through support letters.

(2) Do you or your office advocate for youth offenders to be dealt with by the Warrumbul Circle Court?

The answer to the question is:

Each young person's circumstances are different, the Office advocates for young people to speak with their legal representative to decide the best path forward for them. Participating in Warrumbul requires a plea of guilty, pleading guilty is not always in a young person's best interest.

In our engagement with young people, we do inform them of Warrumbul Court and make sure they are aware of the option. The Office is also available to advocate for a young person to participate in Warrumbul Court if they wish to.

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(3) What are the advantages and disadvantages of the Warrumbul Circle Court?

The answer to the question is:

Each young person's circumstances are different, it is up to each young person, their legal representative and family to choose the process that is best for them.

Some of the advantages, that we are aware of, is that proceedings in Warrumbul Court provide a real opportunity for our young people to talk to our elders about what is going on in their lives and what was happening for them at the time of the offending, and they enable a cultural lens to be applied in relation to sentencing. Warrumbul Court is also able to make referrals to support services that might assist the young person in their future endeavours.

Some may consider it a disadvantage to require a plea of guilty to attend Warrumbul Court as there is considerable value to be gained from the insights and discussion with the elders on the panel at each hearing, regardless of their plea.

Warrumbul Court does not hear matters of a serious nature that have been referred to the Supreme Court.

(4) What effect does use of the Warrumbul Circle Court have on recidivism rates for young people?

The answer to the question is:

We are not aware of any data that might respond to this question, so it is difficult for the Office to comment. We do know that sometimes the same young person that opts to go to Warrumbul Court may next time elect to stay in the mainstream Children's Court and vice versa.

(5) I note the numbers being referred to the Warrumbul Circle Court appear low, only 13 or 14 per year. What impediments are there to greater use of this court?

The answer to the question is:

As discussed above the requirement to plead guilty has been identified by some young people as an impediment to participating in Warrumbul Court. We are also aware that some of our young people who are not well connected to culture and community do not understand the Warrumbul Court process or see value in it. Some of our young people do not feel comfortable talking about their lives and experiences and do not wish to share this information with elders, they might prefer to have their lawyer do the talking and stay silent throughout any court proceeding which is not appropriate in Warrumbul Court.

We also understand that there is a perception that Warrumbul is a lengthy process so if young people want their matters dealt with quickly, they may opt for the mainstream Children's Court.

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Approved for circulation to the Standing Committee on Social Policy

Signature: *Barb Causon*

Date: 11/12/2025

By Barb Causon, Acting Aboriginal and Torres Strait Islander Children and Young People
Commissioner

