



Inquiry into Annual and Financial Reports 2023–2024

Answer to question taken on notice

Asked by: Ms Chiaka Barry MLA

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

In relation to: Court interventions

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):

MS BARRY: Okay. Thank you. And how would you—so you said you have supported 40, and that has increased to 70. Working remotely, how do you interact with the First Nations community, consult with them and kind of keep on top of the issues that are facing them here in the ACT?

Ms Turnbull Roberts: Such a great question, and that is why we have a team in the commission. So I think it is recognising that my role is both systemic and individual, and as a commissioner, I do have to undertake the systemic work as well. I do have to engage at that level, but also hiring a team that is able to undertake the individual work with community, consult with community, have conversations.

I think we need to be incredibly realistic with the expectation of a commissioner being in a role being able to undertake what feels like a business management, individual work, systemic work. I am at the local youth prison every week. I am in court when our children need it or when it meets a threshold, and that is what a commission is. A commission is ultimately oversight and threshold. So when we actually see matters that reach that threshold, or if my team and colleagues say, "Actually, you probably need to appear and be in this space directly," that is when I will appear in that matter.

However, I am required to be at all different levels of the spectrum, and so to do that, it needs to be sustainable. But it is building on a team, actually, to be able to do that direct work and also be able to do the systemic work.

MS BARRY: Thank you. And so of this 40, has there been any intervention that you have, you know, personally intervened in any court matters for children?

Ms Turnbull Roberts: Absolutely, yes.

MS BARRY: Okay. How many have you—

Ms Turnbull Roberts: If you would like me to take that on notice.

MS BARRY: Okay.

Ms Turnbull Roberts: I would like to give you the accurate number.

MS BARRY: No problem.

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

At present my office does not have a case management system that would allow us to automatically search electronic files to provide data regarding interventions. My office has been in discussions with the Justice and Community Safety Directorate since my commencement to try to progress this system.

Based on our manual review of case notes and correspondence in individual files I can confirm that I have intervened in court proceedings to provide individual advocacy for at least 15 Aboriginal children and young people, although I note that this may not reflect all the Court matters in which a representative of the Commissioner has attended.

For youth justice matters, my intervention has taken the form of attending court to support Aboriginal and Torres Strait Islander young people and providing written submissions to the presiding Magistrate setting out our knowledge of the young person and their cultural needs and recommendations in relation to bail or sentencing. For some Aboriginal and Torres Strait Islander young people this has involved multiple court attendances and submissions for bail and sentencing proceedings. Unfortunately, with very little intervention supports to address the ongoing rates of recidivism in the ACT whilst it may be 15 or so young people, it can be a regular pattern weekly to fortnightly depending on the circumstances. A case management system that my office has been requesting will allow for my commission to capture the data which will be useful for the committee and our office workflow.

For care and protection/ family policing matters my intervention has involved attending care conferences convened by the Deputy Registrar and providing views on proposed orders affecting Aboriginal and Torres Strait Islander children. I have directly sat with families impacted, attended conferences and continued to advocate for families when family policing / surveillance and / or other issues continue to impact parents and community. In addition, I have appeared in matter where enduring parental responsibility (EPR) (commonly known as forced adoptions and / or adoption without consent) for families where the department has put applications forward for Aboriginal children to be subject to Enduring parental responsibility where a parent has not given consent and highlight the serious implications of what this means. Using my powers and functions under the Act.

OFFICIAL

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