

Victorian Government Response to the Review of the Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017

Victorian Government response

The Victorian Government notes the Report of the review into the *Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017* (YJ Reform Act). The Report acquits section 492B of the *Children, Youth and Families Act 2005*. This review has been conducted in consultation with key justice agencies, community organisations including those representing culturally and linguistically diverse communities, the Aboriginal Justice Caucus and First People's Assembly, the Commission for Children and Young People, as well as young people with lived experience, amongst others. The Government notes that the review was guided by the advice of an independent Expert Advisory Group comprising of:

- Paul Grant (Chair): Former President, Children's Court of Victoria; Alternate Chair, Youth Parole Board; Former County Court Judge and Magistrate, including Supervising Magistrate for the Koori Court
- Tim Cartwright: Former acting Chief Commissioner, Victoria Police; Former Family Violence Implementation Monitor
- Professor Susan Sawyer AM: Chair, Adolescent Health, Department of Paediatrics, University of Melbourne; Director, Centre for Adolescent Health, Royal Children's Hospital and Murdoch Children's Research Institute
- Timothy Goodwin: Member of the Victorian Bar; Board Member, Victorian Human Rights and Equal Opportunity Commission; Former Junior Counsel Assisting the Royal Commission into the Protection and Detention of Children in the Northern Territory.

The Government thanks the review team for their work in producing this report and those who provided submissions and evidence to the review.

The Report provides insights into the significant reforms and "extraordinary change to the [youth justice] system" that has taken place since the YJ Reform Act was enacted. This includes the release of the 2017 review of Victoria's youth justice system conducted by Penny Armytage AM and Professor James Ogloff AM. This was the first systemic examination of youth justice services in Victoria since 2000. The Report also acknowledges the significant State Budget investments that have been provided to improve youth justice community and custodial services, including initiatives focused on diversion and early intervention, the release of the Youth Justice Strategic Plan 2020-30, which sets out Victoria's 10-year vision for how it will deliver a leading youth justice system, and the release earlier this year of *Wirkara Kulpa* – Victoria's first Aboriginal Youth Justice strategy. The Report notes the substantial investment through the recent 2022-23 State Budget of over \$390 million to continue to improve youth justice custodial services, including funding for the opening of the Cherry Creek youth justice facility. Cherry Creek will be a purpose-built facility to focus on rehabilitation. It is expected to begin accommodating young people in the first half of 2023, following practical completion expected in 2022.

In this context, the Report notes that:

- in the year ending December 2021, Victoria had the lowest number of youth alleged offender incidents (10-17 years) in a decade, and the lowest rate per 100,000 population over the same period
- in 2020-21, Victoria also had the lowest rate of total young people under youth justice supervision in Australia (7.3 per 10,000 young people aged 10-17)
- from 2018-19 to 2020-21, there was a significant downward trend in the number of assault incidents that occur from a child or young person directed to youth justice staff in custody.

The Report builds on this momentum and makes 20 recommendations identifying opportunities for further improvement. The recommendations cover areas such as improving access to diversion, realigning the legislation with current policy settings and strengthening opportunities for victims of crime



to engage in youth justice processes in a supported way. Many recommendations relate to legislative reform. Others require further data analysis or suggest further work be undertaken.

The Government is committed to continuing to deliver on a leading youth justice system in Victoria that reduces offending by children and young people, improves community safety and works to provide genuine opportunities for children and young people to turn their lives around. As expressed through *Wirkara Kulpa* – Victoria’s Aboriginal Youth Justice Strategy, this includes a vision that no Aboriginal child or young person is in the youth justice system, and that this is because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives.

The Government acknowledges the impact of colonisation to this day and is seeking ways to rectify past wrongs, including through truth-telling and the development of Treaty. The Government is seeking to create respectful and collaborative partnerships and develop policies and programs that respect Aboriginal self-determination and align with treaty aspirations. We acknowledge that Victoria’s treaty process will provide a framework for the transfer of decision-making power and resources to support self-determining Aboriginal communities to take control of matters that affect their lives. The Government commits to working proactively to support this work in line with the aspirations of the Traditional Owners and Aboriginal Victorians.

Finally, the Report acknowledges that community experiences and justice system operations have been severely affected by the COVID-19 pandemic for the last two years of the review period. The Report notes that the data in the Report must be read with this in mind. Given the relatively recent introduction of the reforms contained in the YJ Reform Act and the significant impact the pandemic has had on their operation for a substantial part of the review period, it is still too early to assess the full impact of these reforms. The Report also noted that given the condensed timeframes for the review, further consultation with key justice and community stakeholders is required to shape next steps. In this context, it is appropriate that the Government carefully consider the findings in the Report and undertake further work before adopting a final position on each recommendation – particularly those recommendations involving legislative reform. As indicated in the Report itself, where the review recommendations relate to legislative change, these recommendations will be further considered in a comprehensive way as part of the development of a new legislative framework for youth justice in Victoria.