

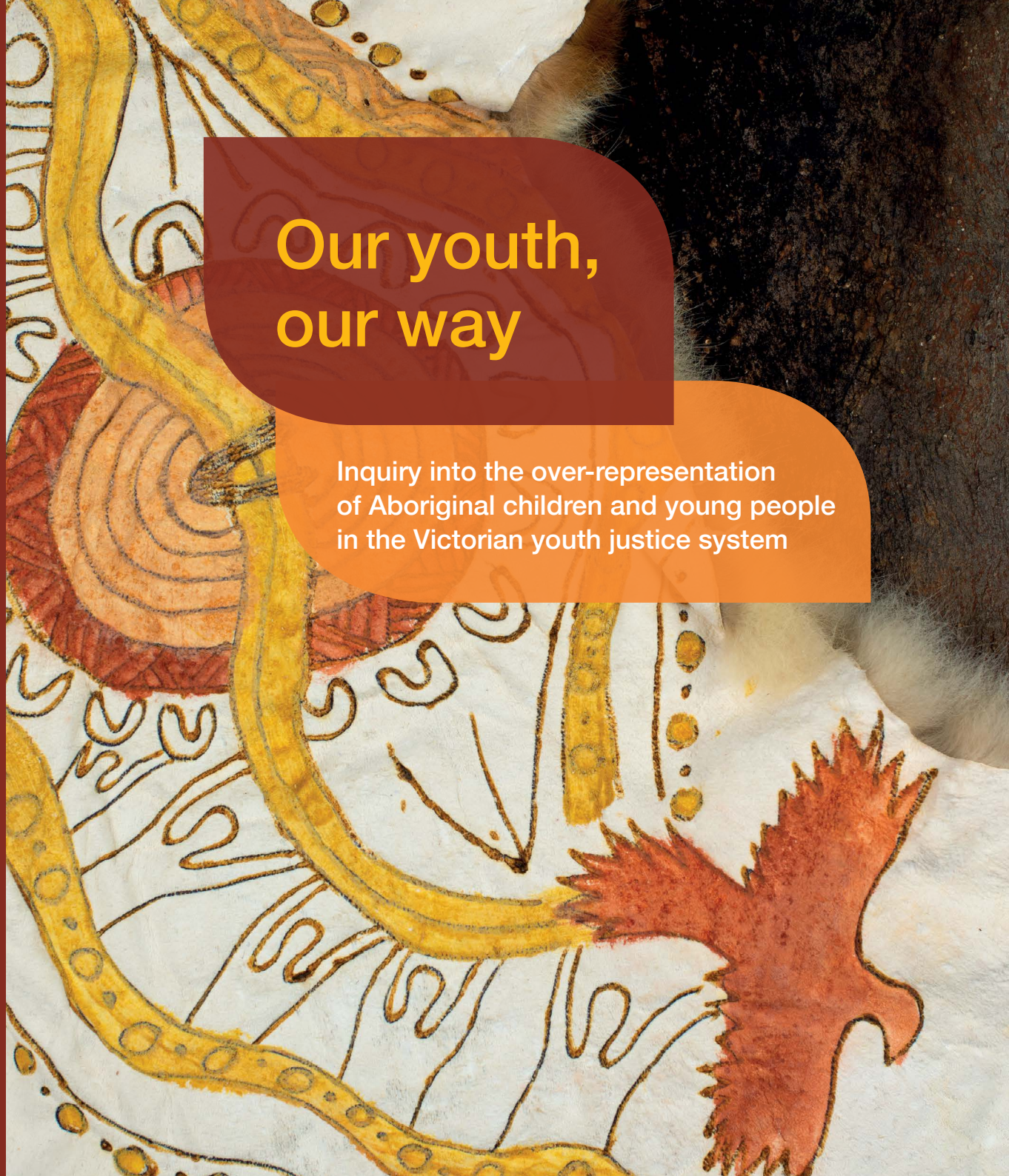
## Progress against past inquiries

This document provides an update on the Department of Justice and Community Safety's responses to our recommendations from *Our youth, our way: Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system* (2019) and the Commission's assessment of progress made in 2023-24.

The Commission will continue to annually assess and report on progress made against these recommendations.

## Our youth, our way

Inquiry into the over-representation of Aboriginal children and young people in the Victorian youth justice system



Progress against past inquiries: *Our youth, our way*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
1	<p>That the new <i>Youth Justice Act 2024</i>:</p> <p>a) enable the DJCS Secretary to authorise Aboriginal communities to design, administer and supervise elements of the youth justice system, including:</p> <ul style="list-style-type: none"> <li>– delivering cautions and alternatives to proceedings, including diversionary options</li> <li>– delivering family group conferencing and restorative justice group conferencing</li> <li>– determining the location and delivery of hearings (including Koori Court hearings)</li> <li>– determining the conditions of community-based youth justice orders</li> <li>– designing and administering community-based youth justice options, including alternatives to custody</li> </ul> <p>b) place a positive duty on the DJCS Secretary to develop strategic partnerships with Aboriginal communities, and report regularly on measures taken to improve outcomes for Aboriginal children and young people.</p>	Support-in-Principle	DJCS Victoria Police	<p>The <i>Youth Justice Act 2024</i> fully acquits this recommendation by:</p> <ul style="list-style-type: none"> <li>• establishing a new framework for the progressive transfer of functions and powers from the DJCS Secretary to registered Aboriginal community organisations</li> <li>• introducing a positive duty on the DJCS Secretary to develop strategic partnerships with Aboriginal communities</li> <li>• requiring the DJCS Secretary to develop an Aboriginal-led Early Diversion Group Conference model in collaboration with representatives of the Aboriginal community on justice-related issues. This model must be tailored to the particular needs of Aboriginal children by incorporating Aboriginal culture, knowledge and expertise</li> <li>• embedding Aboriginal representation on the Youth Parole Board and establishing an Aboriginal division of the Board to consider parole matters for Aboriginal children and young people requiring the DJCS Secretary to publish prescribed information relating to accountability measures that have been developed to improve outcomes for Aboriginal children and young persons each year.</li> </ul>	Completed	<p>The Commission welcomes passage of the <i>Youth Justice Act 2024</i>. We note the implementation dates for specific aspects of the legislation.</p> <p>The Commission will continue to monitor the impact of the legislation on Aboriginal children and young people through our legislated monitoring and oversight role, and as a regulator of Child Safe Standards and the Reportable Conduct Scheme in youth detention centres.</p>



**Progress against past inquiries: *Our youth, our way***

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
2	That the Victorian Government resource and develop the capacity of Aboriginal organisations to design, coordinate and deliver youth supports, including through a peak body or bodies for Aboriginal youth sector workers and organisations.	Support	DJCS	<p>In November 2023, DJCS held a workshop with service providers in the Northern Metropolitan region, in partnership with the Northern Metropolitan Regional Aboriginal Justice Advisory Committee (RAJAC). The workshop addressed concerns raised by community regarding escalation of offending among Aboriginal young people.</p> <p>Subject to resourcing, DJCS intends to extend this program of work into a state-wide Aboriginal Community Controlled Organisations (ACCOs) sector round table to:</p> <ul style="list-style-type: none"> <li>• support organisations for the gradual transfer of role and responsibilities of the care and management of Aboriginal children and young people to the ACCO sector, including workforce development, capacity building and sector development.</li> <li>• assist Aboriginal organisations in designing and innovating new programs and services.</li> </ul>	Progress made – ongoing systemic effort required	The Commission is pleased to note that DJCS has convened an ACCO sector roundtable in the Northern Metropolitan region and plans to hold regional roundtables with a final state-wide ACCO sector roundtable for the establishment of a peak body. While we look forward to the continuation of this initiative, there is further systemic work to be undertaken to address the intent of this recommendation.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
3	That the Victorian Government ensure that relevant agencies record data on Aboriginal and non-Aboriginal children and young people at each point in their journey through the youth justice system, using indicators developed and approved in partnership with the Aboriginal community.	Support	DJCS	<p>A <i>Wirkara Kulpa</i> Performance Framework (the Framework) is being finalised in partnership with the Aboriginal Justice Caucus to promote information sharing about Aboriginal children and young people's experiences in the youth justice system. The Framework will set justice-related targets and accountability measures to improve Aboriginal children and young people's outcomes. It is intended that the Framework annual report will be regularly circulated within DJCS Aboriginal governance structures. DJCS will explore the opportunity to provide public reporting of <i>Wirkara Kulpa</i> annual reports.</p> <p>Additionally, as part of <i>Wirkara Kulpa</i>, DJCS is implementing an initiative to share data and information to provide Aboriginal organisations with the full picture of the child and community trends to enable Aboriginal-led responses (Domain 4, Goal).</p> <p>Comprehensive Youth Justice data and comparative analysis is provided three times a year at each Aboriginal Justice Forum. The Youth Justice Data Report has been shaped by input from members of the Aboriginal Justice Forum. Higher level, regional-specific data snapshots are provided to each Regional Aboriginal Justice Advisory Committee biannually.</p>	Progress made – ongoing systemic effort required	The Commission looks forward to further progress against this recommendation with the development of the <i>Wirkara Kulpa</i> Performance Framework and continued collaboration with the Aboriginal Justice Caucus. We reiterate the importance of centring the voices of young people in this process and mapping client journeys through the youth justice system.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
4	That DJCS, in partnership with the Aboriginal community, establish a centralised mechanism for the regular publishing of accurate, cross-agency, linked data to provide a single, authoritative source of information on Aboriginal children and young people in the youth justice system and their outcomes.	Support	DJCS	See response to recommendation 3 above.	Not yet progressed	The Commission notes that this recommendation is a priority in Tranche 2 of <i>Wirkara Kulpa</i> , though we would like to see further movement on the establishment of a centralised mechanism that is accessible to the Aboriginal community and community organisations. We note however that the actions do contribute to better sharing of information about Aboriginal children and young people engaged in the youth justice system.
5	That DJCS partner with an Aboriginal organisation to pilot Kapiti Youth Support's Outcomes Measurement Model used in New Zealand.	Support-in-Principle	DJCS	In developing of the <i>Wirkara Kulpa</i> Performance Framework (the Framework), the Kapiti Youth Support Outcomes Measurement Model was used as reference material to guide the design of indicators and measures across <i>Wirkara Kulpa</i> 's 22 outcomes. The Framework project also utilised reference material localised to the Aboriginal context within Victoria, such as the Burra Lotjpa Dungaludja – Aboriginal Justice Agreement 4 (AJA4) Outcomes Measurement Model, and the Aboriginal Youth Justice Data Safari Outcomes Framework.  The Performance Framework builds upon already established performance indicator work designed in collaboration with the Aboriginal Justice Caucus. This includes the AJA4 Monitoring, Evaluation and Learning Framework, Koori Justice Unit Key Performance Indicator Matrix, and the Aboriginal Justice Indicators, as requested by the Aboriginal Justice Caucus during consultation.	Not yet progressed	We note the <i>Wirkara Kulpa</i> Performance Framework has not yet been endorsed by the Aboriginal Youth Justice Collaborative Working Group and are yet to see its alignment with the recommendation.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
6	That the Aboriginal Youth Justice Strategy prioritise early intervention and prevention strategies and justice reinvestment programs led by the Aboriginal community.	Support	DJCS Children's Court	<p><i>Wirkara Kulpa</i> prioritises early intervention and prevention in several of its actions:</p> <ul style="list-style-type: none"> <li>Increasing pre-charge diversion and cautioning opportunities through expansion of the Aboriginal Youth Cautioning Program and a tiered pre-charge diversion scheme in the <i>Youth Justice Act 2024</i>.</li> <li>Continuing to deliver the Community Based Aboriginal Youth Justice Program which provides a suite of Aboriginal-led early intervention, prevention, and diversion (including tertiary diversion) programs.</li> <li>Improving afterhours support via the Children's Court Weekend Online Remand Court to reduce unnecessary remand.</li> <li>Keeping Aboriginal children aged 10–13 out of the youth justice system by delivering early intervention family service and specialist family practitioners. DJCS have designed this program in partnership with the Aboriginal Justice Caucus and recently determined region-specific service locations. Programmatic service co-design and implementation is set to occur in early 2024.</li> </ul>	Completed	<p><i>Wirkara Kulpa</i> is the Aboriginal Youth Justice Strategy, the first for Victoria. A ten-year strategy, it is centred around five domains which focus on empowering families, protecting cultural connection, diverting young people from the youth justice system to reduce over-representation, and working towards Aboriginal-led responses, creating a system that's fair for Aboriginal children and young people.</p> <p>The Commission looks forward to greater investment in <i>Wirkara Kulpa</i> to reduce the over-representation of Aboriginal children and young people in the youth justice system.</p>

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
7	That the Victorian Government resource the establishment of a culturally-based, multi-service, accessible youth hub in each region to coordinate and provide holistic supports for Aboriginal children and young people. Youth hubs should be designed and developed in partnership with, and managed by, Aboriginal communities and organisations.	Support-in-Principle	DJCS	<p>Following endorsement by the Aboriginal Justice Caucus of the design of the Aboriginal Youth Justice Hubs program (the Program), DJCS has been connecting with and presenting to Aboriginal organisations to inform them of the Program.</p> <p>While initial planning allowed for up to ten Aboriginal organisations to participate in the program, DJCS received greater than expected interest. Therefore, funding has been adjusted to allow for more Aboriginal organisations to participate. This will allow the Program to reach more Aboriginal children and young people and cover a wider geographic area of Victoria. Co-design continues in partnership with the Aboriginal Justice Caucus and relevant Aboriginal organisations.</p>	Progress made – ongoing systemic effort required	<p>Aboriginal Youth Justice has led significant collaborative design work for the Aboriginal Youth Justice Hubs with input from ACCOs and members of the Aboriginal Justice Youth Collaborative Group.</p> <p>The Commission looks forward to further funding of ACCOs to implement this recommendation.</p>
8	That the <i>Children, Youth and Families Act 2005</i> be amended to increase the minimum age of criminal responsibility in Victoria to 14 years. This should not be subject to any exceptions.	Under review	DJCS	<p>On 13 August 2024, the government announced it will not proceed with plans to raise the Minimum Age of Criminal Responsibility (MACR) to 14 years old. This decision has been publicly criticised by the First Peoples' Assembly and other community leaders and organisations. The <i>Youth Justice Act 2024</i> will raise the MACR from 10 to 12 years old, without exception. The Act also codifies the common law presumption of <i>doli incapax</i> (that a child under 14 lacks the mental capacity to form criminal intent) and introduces a new presumption against custodial sentences for children under 14 (unless they have committed certain serious or violent offences and pose a serious risk to community safety).</p>	Limited progress made – ongoing systemic effort required	<p>The Commission is deeply disappointed in the Victorian Government's decision to abandon its commitment to raise the age of minimum criminal responsibility to 14 by 2027, despite compelling evidence for its support. The Commission will monitor the use of additional police powers now available under the <i>Youth Justice Act 2024</i> for 10 and 11 year olds.</p>

**Progress against past inquiries: *Our youth, our way***

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
9	That the Victorian Government, in partnership with Aboriginal organisations, develop and provide a range of culturally responsive and gender-specific programs and services that are tailored to meet the needs of Aboriginal children under the age of 14 years who are engaging in anti-social behaviour, and to address the factors contributing to the behaviour.	Support	DJCS	<p>Under <i>Wirikara Kulpa</i>, the Victorian Government is committed to providing a range of culturally responsive and gender-specific programs and services.</p> <p>For information regarding culturally responsive program details, please see the response to recommendation 17.</p> <p>For information on program development specific to 10–13 year olds, please see the response to recommendation 6.</p> <p>For information regarding service development specific to anti-social behaviour, please see the response to recommendation 72.</p>	Progress made – ongoing systemic effort required.	The Commission is pleased to see funding for culturally safe programs for Aboriginal children and young people. It is important that this funding is provided on an ongoing basis.



Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
10	<p>That the <i>Children, Youth and Families Act 2005</i>, the <i>Sentencing Act 1991</i> and the <i>Bail Act 1977</i> be amended to prohibit:</p> <ol style="list-style-type: none"> <li>children under the age of 16 years being sentenced to, or remanded in, youth justice custody</li> <li>children under the age of 18 years being sentenced to adult imprisonment</li> <li>the transfer of children under the age of 18 years from youth justice custody to an adult prison.</li> </ol>	Under review	DJCS	<p>The government is committed to ensuring that bail legislation strikes the right balance between supporting vulnerable children, and ensuring that the community feels safe and has confidence in the bail system. The <i>Bail Amendment Act 2023</i> introduced reforms to reduce the unnecessary remand of children and young people accused of minor, repeat offending and to give better effect to the principle of custody as a last resort.</p> <p>The <i>Youth Justice Act 2024</i> passed both houses of Parliament in August 2024. The Bill:</p> <ul style="list-style-type: none"> <li>codifies the common law presumption of <i>doli incapax</i> (that a child under 14 lacks the mental capacity to form criminal intent).</li> <li>introduces a new presumption against custodial sentences for children under 14 (unless they have committed certain serious or violent offences and pose a serious risk to community safety).</li> <li>maintains the age threshold of 16 at which young people may be transferred to adult custody for violent or disruptive behaviour – with additional safeguards for those aged under 18 – recognising the harm that this type of behaviour can have on the health and safety of others in custody and that a safe, secure and stable custodial environment is necessary for rehabilitative work to occur.</li> </ul>	No progress in the past year	<p>The Commission is deeply concerned about the safety and wellbeing of children and young people in custodial settings. We reaffirm our concern for those under 16 who are placed in custody and remain dedicated to ensuring that no child under 18 is sentenced to adult imprisonment or transferred from youth justice custody to the adult system.</p> <p>The Commission will also continue to monitor the impact of detention on Aboriginal children and young people as part of its legislated monitoring and oversight role, as well as through Child Safe Standards and the Reportable Conduct Scheme.</p>

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
11	<p>That the new <i>Youth Justice Act 2024</i> require youth justice system decision-makers:</p> <p>a) to prioritise early intervention and diversionary processes at all points on the youth justice system continuum</p> <p>b) to ensure that children and young people are subject to the least intrusive intervention that is necessary in the circumstances, including a decision not to take any formal action against the child or young person</p> <p>c) not to commence a criminal proceeding against a child or young person if there is another appropriate means of dealing with the matter.</p>	Support-in-Principle	DJCS	<p>Please see the response to recommendation 1 and recommendation 8 for more information about the <i>Youth Justice Act 2024</i>.</p> <p>The <i>Youth Justice Act 2024</i> fully acquits this recommendation by:</p> <ul style="list-style-type: none"> <li>establishing new guiding youth justice principles that apply to decision-makers at all stages of the youth justice continuum (except sentencing), requiring that responses to offending and alleged offending by children and young persons</li> <li>emphasising prevention, diversion and minimum intervention and ensuring the child or young person is subject to the minimum intervention that is necessary and appropriate in the circumstances with any deprivation of liberty being a last resort and for the minimum period appropriate</li> <li>introducing sentencing principles that will require that a sentence imposed on a child should be the minimum intervention required, with a custodial sentence imposed as a last resort and for the minimum period appropriate and necessary</li> <li>introducing a tiered pre-charge diversion scheme that aims to prevent formal contact with the criminal justice system where safe and appropriate. This includes requiring police to apply the lowest diversionary option suitable to respond to a child's offending. Only where a diversionary option is clearly inappropriate may the response progress to commencing a criminal proceeding against the child.</li> </ul>	Completed	<p>The Commission welcomes the passage of the <i>Youth Justice Act 2024</i>. The Commission has had opportunities during 2023–24 to engage with the Department of Justice and Community Safety on aspects of the Act and is satisfied that many aspects prioritise early intervention and diversion.</p>

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
12	That the Victorian Government pilot in at least two regions an integrated case management program for Aboriginal children and young people in the youth justice system, based on <i>A place to go</i> .	Support-in-Principle	DJCS	<p>The Aboriginal Intensive Case Management model has been developed and piloted by Goolum Goolum Aboriginal Cooperative. Goolum Goolum was provided funding for an additional Aboriginal Youth Justice worker through the Aboriginal Youth Justice Program to implement the program in the Grampians region.</p> <p>This program provides holistic Aboriginal-led intensive case management for high-risk and complex-needs Aboriginal children and young people on bail and community-based orders. It is a key action in <i>Wirkara Kulpa</i> and has been identified as a priority initiative by the Aboriginal Justice Caucus for implementation in more locations.</p>	Progress made	The Commission commends the DJCS for implementing the Aboriginal Intensive Case Management model in one region. We look forward to the expansion of this program under Tranche 2 of <i>Wirkara Kulpa</i> .
13	That Youth Justice ensure that the proposed Aboriginal Case Management Review Panels are chaired by a senior Aboriginal person, include senior representatives of relevant departments and service providers, adopt a strengths-based approach, give due weight to the views of the child or young person and place culture at their centre. The panels should be monitored at Secretary level by all relevant departments to ensure collaboration and accountability in relation to nominated actions, and to identify and address any systemic issues that arise. The panels should be established in consultation with the Commissioner for Aboriginal Children and Young People.	Support	DJCS	<p>In August 2021, the Aboriginal Youth Collaborative Working Group endorsed Shepparton as the first site for the implementation of the Aboriginal Case Management Review Panels (the Panels). The Panels commenced in early 2023, co-chaired by the Commissioner for Aboriginal Children and Young People and the Director for Aboriginal Youth Justice. Two Aboriginal young people consented to having their case plans reviewed by the Panel. Action plans were created to support the strengths of the young persons and address risks, which received positive results.</p> <p>The Panels will recommence shortly with improvements based on learnings and feedback from previous Panels. Panel members will include Aboriginal community members and senior executives from Aboriginal community organisations, community service providers including from the Department of Education and Department of Families, Fairness and Housing. Locations for next panel review are being determined.</p>	Limited progress made – action required	After conducting two Aboriginal Case Management Review Panels in Shepparton in February 2023, the Commission has been disappointed that no further panels were convened by the DJCS in 2024 and looks forward to the resumption of this initiative and implementing learnings from the previous panels.

**Progress against past inquiries: *Our youth, our way***

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
14	That Youth Justice establish regular regional Koori youth justice forums with local justice partners and social services.	Support	DJCS	<p>The 2020–21 State Budget allocated funding to the Koorie Youth Council (KYC) to develop a model for Aboriginal young people’s voice and participation in youth justice.</p> <p>The KYC Youth Voice Model commenced in July 2024 and will deliver a custodial program and online resource hub for Aboriginal children and young people. DJCS will explore opportunities to expand on this initiative with KYC and seek to deliver a regional Koori youth justice forum, noting KYC’s experience in hosting highly impactful Koorie Youth Summits.</p>	Limited progress made – action required	The response refers to a model for Aboriginal young people’s voice and participation in youth justice but does not indicate a clear plan for establishing regular regional Koori youth justice forums with local justice partners and social services. We note that the KYC Youth Voice Model may have influence on the implementation of this recommendation and regionally focussed youth justice forums. We look forward to further action on this recommendation.
15	That Youth Justice ensure that its staff are adequately resourced and trained to comply with practice guidelines focused on building trusting, stable and therapeutic relationships with Aboriginal children and young people. In particular, youth justice staff should be equipped to understand and respond to different behaviours in Aboriginal children and young people, and to apply a culturally safe and trauma-informed approach.	Support	DJCS	<p>All information provided by Youth Justice in October 2023 remains relevant. Additionally, a new Trauma Informed Practice program, designed in collaboration with the Australian Childhood Foundation, will be rolled out to Youth Justice custodial staff in 2025.</p> <p>Intergenerational Trauma is also referenced in both Youth Justice community and custodial Aboriginal Cultural Awareness Training (ACAT), which is a mandatory learning session delivered during induction.</p>	Completed	The response provided by the Department outlines several positive steps related to training and resources for youth justice staff.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
16	That Youth Justice review its policies, guidelines and training to ensure that they do not promote 'deficit discourse' with respect to Aboriginal children and young people and consider the adoption of a strengths-based framework for case management of Aboriginal children and young people.	Support	DJCS	<p>Youth Justice (YJ) is committed to reviewing policies, guidelines, and training to ensure cultural responsiveness with respect to Aboriginal children and young people.</p> <p>As part of an ongoing review of the Youth Justice Community Practice Manual, collaboration is occurring with the Youth Justice Principal Aboriginal Support Practitioner to shape strengths-based culturally responsive practice. Further, the Youth Justice Principal Aboriginal Support Practitioner has contributed to an Aboriginal strengths-based approach for:</p> <ul style="list-style-type: none"> <li>• development of Youth Justice Practice Guidelines.</li> <li>• development of the Family Violence MARAM training package.</li> <li>• development of the Enhanced Bail Supervision and Support operating model.</li> </ul> <p>For information regarding induction training, please see recommendation 15.</p>	Progress made	The Commission has seen a positive shift towards a strengths-based framework for case management of Aboriginal children and young people. We look forward to seeing further progress on this recommendation, specifically addressing concerns about 'deficit discourse' under Tranche 2 of <i>Wirkara Kulpa</i> .



Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
17	That the Victorian Government, in implementing the expansion of the Community-based Koori Youth Justice Program announced in March 2021, ensure that the program has sufficient capacity to provide holistic support for Aboriginal children and young people in the youth justice system, including through increased brokerage funding and an appropriate gender distribution among Koori Youth Justice workers (see recommendation 21).	Support	DJCS	<p>The Aboriginal Youth Justice Program is delivered through 15 funded agencies across Victoria. The suite of programs provides preventative, early intervention and holistic case management services for Aboriginal children and young people at risk of Youth Justice involvement, subject to a Youth Justice order, or Children’s Court Youth Diversion Order (CCYD).</p> <p>Funding for brokerage support was provided to funded agencies for 2023 which supported Aboriginal children and young peoples’ engagement in cultural activities; purchase of exercise and sporting equipment; delivery of cultural camps; delivery of school holiday programs and activities; and enrolment in courses, programs, or activities to assist with pro-social engagement.</p> <p>DJCS has made concerted efforts to continue supporting Aboriginal Youth Justice programs. Continued funding with minimal adjustments has been secured until December 2025 for funded agencies that had lapsing contracts ending 30 June 2024.</p>	Significant progress made	The expansion of the Community-based Aboriginal Youth Justice Program has been an important step towards better supporting Aboriginal children and young people. The Commission looks forward to the implementation of this recommendation through <i>Wirikara Kulpa</i> .

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
18	That Youth Justice develop a framework to identify an Aboriginal child or young person's most trusted worker and give them a central role in planning and decision making concerning the child or young person's care. DFFH should commit to the same framework for Aboriginal children and young people for whom DFFH has joint responsibility with Youth Justice. This should be reflected in the revised protocol between Child Protection and Youth Justice (see recommendation 40).	Support	DJCS	<p>As part of <i>Wirkara Kulpa</i>, DJCS will work to deliver a 'trusted worker' approach that identifies a trusted worker for every Aboriginal young person in Youth Justice so that they have a key role in youth justice case management and decision making (Domain 1, Goal 1). This initiative is scheduled to begin in Tranche 2 of the <i>Wirkara Kulpa</i> Implementation Plan, which commenced in July 2024.</p> <p>DFFH continues to work with DJCS to finalise the Child Protection and Youth Justice MoU and practice guidance. The practice guidance which sits under the MoU promotes collaboration between Child Protection and Youth Justice including culturally safe practice to support Aboriginal children and young people engaged with both programs. The guidance also speaks to collaborative practice between the two organisations in order to support children and young people and their families where appropriate to reduce the child or young person's contact with the youth justice program.</p>	Limited progress made	The Commission is disappointed to see limited progress towards developing this framework. We look forward to seeing further collaboration between DFFH and DJCS to streamline planning and case management processes in Tranche 2 of <i>Wirkara Kulpa</i> .
19	That Youth Justice ensure that Aboriginal children and young people have meaningful input into, and influence on, the decisions that affect them in the youth justice system. This should include working with the Koorie Youth Council or another Aboriginal youth organisation to develop Youth Justice youth participation principles and implementing regular and ongoing training for staff on effective youth participation.	Support	DJCS	<p>Please see the response to recommendation 14 for an update on the development of Koorie Youth Council's (KYC) Youth Voice Model.</p> <p>DJCS will explore opportunities to build on this initiative with KYC to develop youth participation principles and staff training on effective youth participation.</p>	Significant progress made – ongoing systemic effort required	The Commission commends DJCS and the Koorie Youth Council in their development of a youth voice model. We look forward to funding of this model to see the impact on amplifying the voices of Aboriginal children and young people in the youth justice system.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
20	That the Victorian Government fund and partner with the Koorie Youth Council to design, implement and lead a whole-of-government Aboriginal youth engagement strategy.	Support-in-Principle	DJCS	Please see the response to recommendation 14 for an update on the development of Koorie Youth Council's (KYC) Youth Voice Model.  DJCS will explore opportunities to build upon the current initiative with KYC to inform a whole-of-government Aboriginal youth engagement strategy.	No progress in the past year	Whilst the Commission is pleased to see that progress has been made on a Youth Voice Model in partnership with the Koorie Youth Council, we look forward to seeing this work inform a whole-of-government youth engagement strategy and the further involvement and resourcing of the Koorie Youth Council in its development.
21	That DJCS ensure that the youth justice system is responsive to the specific needs of all Aboriginal children and young people, including young women, young people with disability and LGBTQI+ young people. This should include:  a) resourcing more Aboriginal-led, designed and delivered programs for Aboriginal girls and young women b) employing more female Koori Youth Justice workers c) ensuring that all children and young people entering Youth Justice supervision or youth justice custody are screened for disability, referred for a further assessment if the result indicates the likelihood of a disability, and assisted to access appropriate supports d) ensuring that disability screening and assessment tools and processes are culturally appropriate e) implementing specific training for all youth justice staff in relation to working with LGBTQI+ children and young people f) reviewing policies, procedures and accommodation options to ensure that the needs of transgender and gender-diverse children and young people are met, including by amending databases so that they can accurately record gender descriptors.	Support	DJCS Children's Court	DJCS is implementing this recommendation in the following ways:  a) As part of <i>Wirikara Kulpa</i> , DJCS will deliver more specialist support for Aboriginal girls and women in custody and in the community that help to address trauma and family violence. This initiative is scheduled to begin in Tranche 3 of the <i>Wirikara Kulpa</i> Implementation Plan, Tranche 3 will commence in 2026. Please see recommendation 47 regarding the Barooka Redevelopment Project.  b) As noted in recommendation 17, DJCS has been successful in employing more Koori Youth Justice workers through the Aboriginal Youth Justice Program.  c) DJCS currently conducts timely disability screening for all young people who enter custody within a 14-day period using the CAIDS-Q.  d) The Clinical Disability Manager and Aboriginal Principal Practitioner will continue to collaborate on the efficacy and appropriateness of assessment tools to ensure that Youth Justice is using appropriately evidenced-based tools for Aboriginal young people.  <i>continued next page</i>	Progress made – ongoing systemic effort required	The Commission notes many aspects of this recommendation were incorporated into <i>Wirikara Kulpa</i> . We look forward to further work being done to implement this recommendation to appropriately support trans and gender-diverse children and young people, and specific programs for Aboriginal girls and young women. We note the need for funding to ensure this recommendation is implemented to meet the needs of all Aboriginal children and young people in the youth justice system.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
21				<p><i>continued from previous page</i></p> <p>e) Between Nov 2023 and Feb 2024, Youth Justice engaged Transgender Victoria to deliver LGBTIQ+ inclusive practice training sessions to over 130 youth justice staff across Parkville and Cherry Creek youth justice precincts. Work is continuing to integrate LGBTIQ+ inclusive practice training into foundational training for new staff.</p> <p>f) Youth Justice has drafted a new Operating Policy, <i>Working with LGBTIQ+ young people</i>. This policy was developed in consultation with the Youth Justice LGBTIQ+ Expert Advisory Group.</p> <p>The policy is being reviewed to ensure it aligns with all legal obligations and the charter of Human Rights. It includes guidance on custodial placement considerations for LGBTIQ+ young people, to ensure the needs of transgender and gender-diverse children and young people are met.</p> <p><i>continued next page</i></p>		

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
21				<p><i>continued from previous page</i></p> <p>The Youth Justice Client Relationship Information System was updated in August 2022 to include data fields for:</p> <ul style="list-style-type: none"> <li>• 14 Gender descriptors including:                             <ul style="list-style-type: none"> <li>– Woman</li> <li>– Man</li> <li>– Gender Questioning</li> <li>– Trans Man</li> <li>– Trans Woman</li> <li>– Trans Unspecified</li> <li>– Non Binary</li> <li>– Brother Boy</li> <li>– Sister Girl</li> <li>– Gender Queer</li> <li>– Gender Fluid</li> <li>– Agender</li> <li>– Other</li> <li>– Prefer not to say</li> </ul> </li> <li>• Eight Pronoun descriptors including:                             <ul style="list-style-type: none"> <li>– He/him</li> <li>– She/Her</li> <li>– They/them</li> <li>– Ze/hir</li> <li>– Ze/zir</li> <li>– Xe/xem</li> <li>– Other</li> <li>– Prefer not to say</li> </ul> </li> </ul>		



Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
22	<p>That DJCS work with DFFH, DET and other agencies, and in partnership with the Aboriginal community, to implement mandatory pre-charge family group conferencing, based on the New Zealand model, for all children and young people whom police are considering charging, and for whom a warning, caution or other less intensive diversionary process is not appropriate.</p> <p>Without limiting the purposes of the pre-charge family group conference, its primary purpose should be to provide:</p> <ul style="list-style-type: none"> <li>a) integrated and coordinated welfare responses to address the holistic needs of children and young people and the underlying causes of their offending behaviour</li> <li>b) a formal mechanism for family involvement in planning and decision-making regarding appropriate interventions and supports for the child and their family.</li> </ul>	Support-in-Principle	DJCS	<p>The <i>Youth Justice Act 2024</i> (the Act) acquits this recommendation by introducing a pre-charge early diversion group conference (EDGC) model to reduce unnecessary contact with the formal criminal justice system, where a warning or caution is inappropriate. This model is based on the Family Group Conference model in New Zealand.</p> <p>The legislated objectives of EDGCs include engaging parents and persons of significance in a child's life and any organisations or agencies that have responsibility for a child to address the underlying causes of the child's conduct and support the child's rehabilitation and positive development.</p> <p>The Act also requires the DJCS Secretary to develop an Aboriginal-led EDGC model in collaboration with representatives of the Aboriginal community on justice-related issues.</p>	Significant progress made – ongoing systemic effort required	The Commission is pleased that family group conferencing and restorative approaches were included in <i>Wirkara Kulpa</i> as well as the <i>Youth Justice Act 2024</i> .
23	That DJCS convene a working group of Aboriginal organisations to design Aboriginal-led family group conferences for Aboriginal children and young people, informed by Iwi-led conferences in New Zealand.	Support	DJCS	Please see the DJCS response to recommendation 22 for update on work related to Aboriginal-led family group conferences.	Significant progress made	The Commission is pleased that family group conferencing and restorative approaches were included in <i>Wirkara Kulpa</i> as well as their inclusion into the <i>Youth Justice Act 2024</i> .

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
24	<p>That Youth Justice strengthen family and community connection for Aboriginal children and young people in custody by:</p> <ul style="list-style-type: none"> <li>a) expanding the definition of ‘family’ for Aboriginal children and young people in all practice guidelines, instructions and procedures to include extended family, kin and Aboriginal community members</li> <li>b) implementing a generous visits program to increase the frequency and flexibility of visits, leave, and phone and virtual contact</li> <li>c) providing adequate information to children and young people and their families about visits and other contact opportunities, and proactively planning regular visits and communication with family</li> <li>d) amending practice guidelines and procedures to ensure that contact (including through phone calls) is not linked to, or limited by, children and young people’s behaviour or ranking in behaviour management systems</li> <li>e) continuing the availability of video visits post COVID-19 to enable more frequent contact, or to facilitate contact when physical visits are not possible.</li> </ul>	Support	DJCS	<p>DJCS is implementing this recommendation in the following ways:</p> <ul style="list-style-type: none"> <li>a) The integration of an expanded definition of family for Aboriginal children and young people into operating procedures. The procedure will also specifically mention ‘Sorry Business’ and its importance.</li> <li>b) A visits program for young people in custody comprising a combination of in-person visits, virtual visits, phone and temporary leave for eligible young people. For example, there were over 550 personal visits scheduled during July.</li> <li>c) All young people are provided an induction booklet on admission to custody which outlines visits entitlements and the process for having visits and phone contact with family approved.</li> </ul> <p>Upon entering custody, Aboriginal young people are allocated an Aboriginal Liaison Officer (ALO). The ALO ensures kinship ties for Aboriginal children and young people are maintained, and with the consent of the young person, the ALO will contact their family and maintain communication with them, supporting the young people and their families to stay in contact throughout the young person’s time in custody.</p> <p style="text-align: right;"><i>continued next page</i></p>	Significant progress made	The Commission is pleased to see many elements of this recommendation incorporated into the Planned Leave procedure due for rerelease in December 2024. We look forward to new guidance for the ACE Behaviour Management Model to ensure that contact is not linked to or limited by behaviour management systems.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
24				<p><i>continued from previous page</i></p> <p>d) Contact with family through visits and phone calls is recognised in the YJ ACE Consequences and Rewards model as an entitlement which cannot be withheld. Standard visiting hours are available to all young people regardless of their ACE level. There are several procedures relevant to this recommendation that are being updated.</p> <ul style="list-style-type: none"> <li>• A Young Person Telephone System and Approved Contacts procedure has been drafted. This will be updated to strengthen advice about phone calls not being limited by children and young people's behaviour. This update will be finalised and published on the Custodial Operating Manual in November 2024.</li> <li>• The Planned Leave Procedure is being drafted to include Sorry Business and other cultural activities to support children and young people's family and community connect. This procedure will be finalised and published on the Custodial Operating Manual in November 2024</li> <li>• Other relevant policies and procedures will be updated to reflect this action as part of the manual review and update process and as part of the <i>Youth Justice Act 2024</i> reforms.</li> </ul> <p>e) Virtual visits have continued to be available to young people post-COVID.</p>		

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
25	That the Victorian Government fund holistic family support programs, including through services delivering multi-systemic therapies, to address disadvantage experienced by the families of Aboriginal children and young people in the youth justice system. These programs should be available in every region and designed and led by Aboriginal organisations. They should be available through youth justice family group conferencing, in addition to other avenues.	Support	DJCS	<p>Youth Justice currently funds two family therapeutic support programs, Functional Family Therapy, and Multi-Systemic Therapy. DFFH fund Putting Families First. Functional Family Therapy operates within the North and West metropolitan regions, whilst Multi-Systemic Therapy functions in the South and East metropolitan regions. Putting Families First operates in the Brimbank-Melton and Goulburn areas, whilst also partnered with Rumbalara Aboriginal Co-operative in the Hume region.</p> <p>DJCS has connected with family therapeutic service providers to discuss strengthened application in the Victorian Aboriginal context. Further scoping work is occurring in relation to <i>Wirkara Kulpa</i> initiative: Keep families safely together by developing a new, Aboriginal-led culturally safe family therapeutic alternative to Multi-Systemic Therapy (MST) and provide access to Aboriginal young people in youth justice who are also parents (Domain 2, Goal 2).</p>	Significant progress made – ongoing systemic effort required	The Commission was pleased to see significant investment in the Putting Families First trial in 2021–22. We look forward to seeing the continued expansion and adequate funding of this interdisciplinary service model in every region in Victoria.
26	<p>That Youth Justice improve its support for Aboriginal children and young people and their families by:</p> <p>a) updating its practice guidelines to ensure that they clearly address the impact of family disadvantage on Aboriginal children and young people's ability to comply with Youth Justice obligations, and direct youth justice staff to facilitate or provide necessary family supports</p> <p>b) ensuring that its practice guideline on working with families addresses the situation of young people with their own caring responsibilities.</p>	Support	DJCS	<p>A dedicated Youth Justice Manuals team has been established to review and update the policies and procedures in the Custodial Operating Manual and Community Practice Manual on a biennial basis. DJCS staff in dedicated Aboriginal positions are members of the manual working groups and are leading the development of practice instructions for working with Aboriginal children, young people, their families and communities.</p> <p>As part of the review and update process, information will be strengthened in the policies and procedures to address these recommendations.</p>	Significant progress made	The Commission commends the commitment of DJCS to updating operational policies and procedures to improve the support provided to Aboriginal children and young people, and we await the outcomes of this work.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
27	That youth justice family group conferencing include consideration of Aboriginal children and young people's family circumstances, home environment and caring responsibilities, with a view to identifying and facilitating all necessary family supports.	Support	DJCS	Please see the DJCS response to recommendation 22 for update on consideration of Aboriginal children and young people's circumstances within Aboriginal-led family group conferencing.	Progress made	The Commission is pleased that family group conferencing and restorative approaches have been included in <i>Wirkara Kulpa</i> and looks forward to seeing the development of a more holistic approach in family group conferencing.
28	That the new <i>Youth Justice Act 2024</i> require youth justice system decision-makers at all points on the youth justice continuum, including police, judicial officers and youth justice staff, to: <ol style="list-style-type: none"> <li>recognise that strong connections with culture, family and community are essential for Aboriginal children and young people to thrive</li> <li>have regard to the need to strengthen connection to culture, family and community in decision-making affecting Aboriginal children and young people.</li> </ol>	Support-in-Principle	DJCS	The <i>Youth Justice Act 2024</i> fully acquits this recommendation by: <ul style="list-style-type: none"> <li>establishing guiding youth justice principles specific to Aboriginal children and young people, including principles recognising that strong connections with family, kin, community, culture, Country and Elders are the foundations needed for Aboriginal children and young persons to thrive</li> <li>including a statement of recognition acknowledging that inequality, and structural and institutional racism, caused by colonisation and laws, policies and systems which explicitly excluded and harmed Aboriginal people and culture, have led to the over-representation and the continuation of systemic injustice</li> <li>establishing sentencing principles specific to Aboriginal children establishing specific custodial rights and principles for Aboriginal children, which aim to create a youth justice custodial system that treats Aboriginal children and young people in custody in a way that promotes and protects their cultural rights and right to self-determination.</li> </ul>	Completed	The Commission welcomes the passage of the <i>Youth Justice Act 2024</i> . We note the implementation dates for specific aspects of the legislation.  The Commission will continue to monitor the impact of the legislation on Aboriginal children and young people through our legislated monitoring and oversight role, as well as in our capacity as regulator of the Child Safe Standards and the Reportable Conduct Schemes in youth detention centres.



Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
29	That the new <i>Youth Justice Act 2024</i> require the DJCS Secretary to ensure that every Aboriginal child and young person under Youth Justice supervision has a cultural support plan.	Support-in-Principle	DJCS	<p>The <i>Youth Justice Act 2024</i> (the Act) fully acquits this recommendation by requiring the DJCS Secretary to offer every Aboriginal child or young person subject to a community-based sentence or custodial sentence the opportunity to develop a cultural support plan, and to give the child the support they need to develop their plan. An Aboriginal child being held in custody on remand, or on bail, may also be offered the opportunity to develop a plan.</p> <p>The Act's requirement for the Secretary to offer Aboriginal children or young persons the opportunity to develop a cultural support plan maintains the agency of the child or young person in the choice to create a cultural support plan.</p>	Completed	<p>The Commission welcomes the passage of the <i>Youth Justice Act 2024</i>. We note the implementation dates for specific aspects of the legislation.</p> <p>The Commission will continue to monitor the impact of the legislation on Aboriginal children and young people through our legislated monitoring and oversight role, as well as in our capacity as regulator of the Child Safe Standards and the Reportable Conduct Schemes in youth detention centres.</p> <p>We note that whilst the <i>Youth Justice Act 2024</i> allows the offering of a cultural support plan, connection to culture is an important for Aboriginal children and young people both during their time in detention and when they return to community, and DJCS should take appropriate steps to ensure this is being supported for all Aboriginal children, irrespective of where there is a specific cultural plan in place.</p>

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
30	That Youth Justice review and update its approach to cultural support planning, with a view to improving practice and accountability in complying with practice guidelines and strengthening the role of families. The review should consider the need for additional resourcing for Aboriginal organisations to develop and implement high-quality cultural support plans for children and young people in the youth justice system.	Support	DJCS	<p>DJCS has commenced work on the Cultural Support Plan project. Inside Policy was engaged from July 2023 to May 2024 to conduct consultations and assess how Youth Justice and Child Protection can better work together to undertake cultural support planning for shared clients. A key objective of this project is to consolidate cultural support planning into a single plan for each Aboriginal child or young person client. Further, the project seeks to implement appropriate monitoring and quality assurance for delivery of cultural support plans.</p> <p>A final report was provided by Inside Policy in May 2024 with a set of recommendations, which are currently being reviewed by DJCS. Work is ongoing to improve practice and accountability whilst strengthening the role of families in cultural support planning.</p> <p>As part of <i>Wirkara Kulpa</i>, DJCS will work to include families at every stage of their involvement with the justice system, including by giving families clear information about what to expect from Youth Justice, and what is expected from them (Domain 1, Goal 1). This initiative is scheduled to begin in Tranche 2 of the <i>Wirkara Kulpa</i> Implementation Plan, which commenced in July 2024.</p> <p>Decisions regarding cultural support plan processes and protocols, including the engagement of families and young people, will be decided in partnership with Aboriginal stakeholders within the Cultural Support Plan sub-working group of the Youth Collaborative Working Group, and the Aboriginal Justice Caucus.</p>	Significant progress made – ongoing systemic effort required	The response provided by DJCS demonstrates progress and a commitment to improvement. The Commission looks forward to further progress on this recommendation in partnership with the Cultural Support Plan sub-working group of the Youth Collaborative Working Group.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
31	That DJCS ensure that the families of Aboriginal children and young people are meaningfully involved in the Youth Justice cultural support planning process, whether by means of family group conferencing or through the strengthening of existing processes.	Support	DJCS	See the above response to recommendation 30 for information regarding cultural support plans. See the response to recommendation 22 for information regarding family group conferencing.	Progress made – ongoing systemic effort required	The response provided by DJCS demonstrates progress and engagement, and the Commission looks forward to further progress on this recommendation in partnership with the Cultural Support Plan sub-working group of the Youth Collaborative Working Group.
32	That DJCS, DFFH and DET work together and with Aboriginal organisations to develop protocols for the sharing of cultural support plans with the young person's consent. An Aboriginal child or young person should only have one cultural support plan across all agencies.	Support	DJCS	Cultural planning is an important tool to support Aboriginal children and young people involved with Child Protection. Cultural plans are developed within the context of the child or young person's involvement with Child Protection and some aspects may not be relevant in the Youth Justice context. Seeking consent from the young person to share the cultural plan promotes agency and self-determination for that young person. DFFH will continue to look for opportunities to work with DJCS where cultural plans can be developed jointly such as through care team meetings, where the child or young person is agreeable to this.  Decisions regarding cultural support plan processes and protocols, including the engagement of families and young people, will be decided in partnership with Aboriginal stakeholders within the Cultural Support Plan sub-working group of the Youth Collaborative Working Group, and the Aboriginal Justice Caucus.	Progress made – ongoing systemic effort required	The Commission notes the provision under the <i>Youth Justice Act 2024</i> to ask an Aboriginal child or young person for a cultural plan. We are yet to see specific work towards an agreed approach between the DJCS and DFFH for how this will work for Aboriginal children and young people engaged with Child Protection. Given the overrepresentation of Aboriginal children and young people in both systems, this is an important issue that needs to be led by both departments.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
33	That the Victorian Government implement systems to ensure that there is appropriate monitoring of the quality and implementation of cultural support plans, and the involvement of the young person and their family in the development of plans.	Support	DJCS	See the above response to recommendation 29. Decisions regarding cultural support plan processes and protocols, including the engagement of families and young people, will be decided in partnership with Aboriginal stakeholders within the Cultural Support Plan sub-working group of the Youth Collaborative Working Group, and the Aboriginal Justice Caucus.	Progress made – ongoing systemic effort required	The Commission remains concerned about the quality and implementation of cultural support plans. We look forward to further progress in integrating the involvement of young people and their families into the development of these plans.
34	That the Victorian Government monitor and publicly report on the implementation of the Framework to reduce criminalisation of young people in residential care, including a focus on its effectiveness at reducing the criminalisation of Aboriginal children and young people.	Support	DFFH	Completed	Completed	The Commission is satisfied that this response adequately addresses the recommendation. It is critical that the Victorian Government publicly report on the implementation of the Framework. We also note recommendation 23 of the <i>Yoorrook for Justice</i> report of September 2023 which highlighted the importance of implementation and monitoring of the Framework to Reduce Criminalisation of Young People in Residential Care.
35	That DJCS support the development, including via adequate resourcing, of a crossover list between the Family Division and the Criminal Division of the Children's Court, beginning with regional headquarter courts, to strengthen the court's ability to identify and meet the needs of Aboriginal children and young people, and holistically address the underlying causes of their offending behaviour.	Support-in-Principle	Children's Court of Victoria	No longer relevant as per CCYP assessment.	Not completed – no longer relevant.	The Commission is of the view that this recommendation should be assessed as 'not completed – no longer relevant'. The recommendation relates to Finding 17 and 'crossover children' (children with both Child Protection and Youth Justice involvement). This recommendation involves sharing of information prior to the determination of court proceedings which could unfairly prejudice decision makers and judicial officers. Also, the intended outcome (courts and decision makers better meeting the needs of Aboriginal children and young people) can be better met through the implementation of other recommendations, and through <i>Wirkara Kulpa</i> .

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
36	<p>That the Victorian Government ensure that sentencing legislation requires judicial officers to consider the impact of various factors on a child or young person’s behaviour, including:</p> <ul style="list-style-type: none"> <li>a) the systemic racism, increased disadvantage and postcolonial and intergenerational trauma experienced by Aboriginal children and young people, including any culturally inappropriate responses that may have worsened the effects of trauma</li> <li>b) any experience of trauma, including the effect of that trauma on the child or young person’s development and capacity to avoid problematic behaviour, and the relationship between trauma and any mental illness, neurological difficulties or developmental issues</li> <li>c) removal from family, home, community and school, or other disruption to the child or young person’s living situation or education</li> <li>d) any experience of out-of-home care, particularly foster care and residential care, including the number of placements and carers, and the need for the child or young person to have safe, stable and secure living arrangements</li> <li>e) the child or young person’s age, including developmental age, when they first offended and at their current offence and sentence.</li> </ul>	Support-in-Principle	DJCS	<p>The <i>Youth Justice Act 2024</i>, which was introduced to Parliament on 18 June 2024 and is expected to be passed by 29 August 2024, establishes sentencing principles that will help to ensure that judicial officers consider the impact of various factors on a child or young person’s behaviour, including the child’s individual characteristics and vulnerabilities. There are specific sentencing principles for Aboriginal children. In addition, the Children’s Court will have the ability to receive submissions during sentencing on the unique and system background factors affecting a child.</p> <p>The government continues to support-in-principle recommendation 36, and will continue to monitor and review sentencing legislation to ensure it is in line with community expectations and needs.</p>	Completed	The Commission is pleased to see new sentencing principles enshrined in the <i>Youth Justice Act 2024</i> , including Aboriginal-specific sentencing principles.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
37	That the Victorian Government continue to build on its commitment to improve early intervention and family preservation services, with new investment over time informed by monitoring of recently funded and other existing programs.	Support-in-Principle	Department of Families, Fairness and Housing (DFFH)	The 2024–25 State Budget provided \$198 million over two years to continue earlier intervention and diversion supports that keep families together and out of the statutory system. This includes funding for the Family Preservation and Reunification Response, Early Help Family Services, Putting Families First, Family Group Conferencing and other Family Services aimed at diverting families from statutory services.	Completed	The Commission welcomes the increased investment in early intervention and family preservation services. We look forward to monitoring the impact and continued investment in these initiatives as we continue to advocate for further resourcing for early intervention and prevention.
38	That the Victorian Government, in implementing the recommendations from the Commission's <i>In our own words</i> inquiry, particularly recommendation 16, work with Aboriginal organisations to identify and develop alternatives to residential care that meet the needs of Aboriginal children and young people with complex trauma and challenging behaviours.	Support-in-Principle	DFFH	Round 9 of the Innovation and Learning fund provided \$2.3 million to Aboriginal Community Controlled Organisations (ACCOs) to develop and test new initiatives and ways of working. Through this, the Victorian Aboriginal Child and Community Agency (VACCA) and the Victorian Aboriginal Children and Young People's Alliance were successful in securing funding to scope an Aboriginal residential care model to inform further work.  This work will build on learning from the current delivery of residential care through ACCOs, including two and three bed therapeutic care and the Keep Embracing Your Success residential care model.	Progress made – ongoing systemic effort required	We welcome the Victorian Government's announcement in August of funding through the Innovation and Learning Fund for the Victorian Aboriginal Children and Young People's Alliance to scope an Aboriginal designed residential care model.  The Commission continues to monitor the broader work around therapeutic options for children and young people in care through recommendation 16 of our <i>In our own words</i> inquiry.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
39	That DFFH work in partnership with the Aboriginal Children's Forum, the Aboriginal Justice Forum and relevant departments to develop a strategy to divert Aboriginal children in out-of-home care from entering or progressing in the youth justice system.	Support-in-Principle	DFFH	<p>The Vic Pol and DJCS MoU references the diversion programs and promotes each department to work together to support young people to have an opportunity to engage in any recommended program that will reduce the risk of the young people remaining involved with Youth Justice.</p> <p>Planning is underway for a joint forum in 2025 involving relevant departments and stakeholders which will include developing a strategy to divert Aboriginal children in out-of-home care from entering or progressing in the youth justice system.</p> <p>DFFH notes that through implementation of the Framework to reduce criminalisation of young people in care, a review was undertaken to ensure all Aboriginal children and young people in residential care in contact with police were considered as part of the Aboriginal Youth Cautioning Program, through Victoria Police. The Program is available for all Aboriginal children and young people to avoid engagement with the criminal justice system.</p>	Limited progress made – ongoing systemic effort required	<p>The response refers to an MOU between Victoria Police and DJCS but lacks any reference to DFFH's involvement and partnership. We note it is essential for DFFH, DJCS and Victoria Police to collaborate to address this important issue.</p> <p>The Commission notes the commitment of DFFH to embed the Framework to reduce criminalisation of young people in residential care into practice. We emphasise the importance of ensuring that all children in out-of-home care are supported to minimise their contact with the youth justice system.</p>



Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
40	<p>That:</p> <ul style="list-style-type: none"> <li>a) DJCS and DFFH urgently review and update the Protocol between child protection and youth justice</li> <li>b) DFFH provide clear guidance to Child Protection workers in both the Child Protection Manual and the Protocol between child protection and youth justice to clarify their obligations to perform their statutory duty to the children and young people they work with throughout any contact with the youth justice system. Similar guidance should be provided to contracted agencies.</li> </ul>	Support-in-Principle	DJCS DFFH	<p>DJCS and DFFH are committed to finalising the Child Protection/Youth Justice MOU, with several outstanding matters still being worked through.</p> <p>Consultation with ACACs will be conducted in July/August, and subject to the outcomes of that work, the MOU will be ready for sign off shortly afterwards.</p> <ul style="list-style-type: none"> <li>a) DFFH and DJCS continue to work together to finalise the MoU.</li> <li>b) This recommendation remains in progress. DFFH and DJCS continue to work together to finalise the MoU.</li> </ul> <p>To deliver the intent of the recommendation to enhance collaboration the department is continuing to progress work to develop a Child Protection/Youth Justice MOU and accompanying practice guidelines. Consultation and feedback have been received by Youth Justice and Child Protection operational areas and is currently being collated and addressed.</p> <p>Further consultation with internal DFFH stakeholders is also underway. Engagement with Aboriginal Children in Aboriginal Care providers to review and provide input into the draft will commence shortly, noting they will also be invited to be signatories.</p> <p>The MoU will include joint governance arrangements that will give effect to the intent to improve collaboration across child protection and youth justice for young people that are shared clients.</p>	Progress made – ongoing systemic effort required	The Commission notes the strengthening of Child Protection/Youth Justice protocols. The Commission looks forward to the implementation of the protocols to ensure children and young people in the child protection system have appropriate wrap around supports when navigating the youth justice system.

**Progress against past inquiries: *Our youth, our way***

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
41	That DFFH ensure that Child Protection is properly supporting children and young people involved in both the youth justice and child protection systems, preferably by establishing a senior 'crossover' role in each division or by another mechanism that achieves the same outcome.	Support-in-Principle	DFFH	<p>To deliver the intent of the recommendation to enhance collaboration, DFFH is continuing to progress work to develop a Child Protection/Youth Justice MOU and accompanying practice guidelines. Consultation and feedback have been received by Youth Justice and Child Protection operational areas and is currently being collated and addressed.</p> <p>Further consultation with internal DFFH stakeholders is also underway. Engagement with Aboriginal Children in Aboriginal Care providers to review and provide input into the draft will commence shortly, noting they will also be invited to be signatories.</p> <p>The MoU will include joint governance arrangements that will give effect to the intent to improve collaboration across child protection and youth justice for young people that are shared clients.</p>	Progress made – ongoing systemic effort required	The Commission notes the strengthening of Child Protection/Youth Justice protocols. However, the response received does not specifically mention establishing a senior 'crossover' role or a similar mechanism.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
42	<p>That the Victorian Government require and resource Child Protection to provide an appropriate level of support to children and young people throughout their contact with the youth justice system, including by:</p> <ul style="list-style-type: none"> <li>a) rostering Child Protection staff to the Children’s Court</li> <li>b) empowering the Criminal Division of the Children’s Court to compel Child Protection workers and/or contracted agency staff to attend hearings and to provide the court with reports concerning children and young people under Child Protection’s care</li> <li>c) ensuring that Child Protection workers and/or contracted agency staff visit and support children and young people in custody, actively engage with youth justice staff and attend hearings, appointments, assessments and meetings as advocates for children involved with both Youth Justice and Child Protection.</li> </ul>	<p>Partially Support-in-Principle</p> <ul style="list-style-type: none"> <li>a) Do not support</li> <li>b) Support-in-principle</li> <li>c) Support</li> </ul>	DFFH DJCS	<p>From September 2026, the <i>Youth Justice Act 2024</i> will give the Court discretion to order the DFFH Secretary or ACCO authorised under section 18 in respect of a child:</p> <ul style="list-style-type: none"> <li>• to attend any criminal proceeding in relation to the child and give any information and assistance required</li> <li>• to provide a report to the Court and to other parties to the proceeding, with any information the court requires</li> <li>• to provide information the Court requires to DJCS, for inclusion in court report or provision to court by DJCS.</li> </ul>	Progress made – ongoing systemic work required	<p>We note that the <i>Youth Justice Act 2024</i> partially addresses this recommendation. However, collaboration between DFFH and DJCS is critical in ensuring positive outcomes for Aboriginal children and young people in the youth justice system. We look forward to the implementation of strengthened Child Protection/Youth Justice protocols.</p>

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
43	That the Victorian Government establish Aboriginal community-controlled crisis accommodation for Aboriginal children and young people in every region, informed by the model provided by Nungurra Youth Accommodation Services.	Under review	Homes Victoria	<p>Aboriginal Housing Victoria through the Victorian Aboriginal Housing and Homelessness Forum drafted the Blueprint for an Aboriginal-specific Homelessness System in Victoria. The Blueprint outlines principles, an approach, and requirements for a future Aboriginal homelessness system. The Blueprint's vision is an Aboriginal specific, integrated homelessness support system that is person centred, culturally safe and under pinned by self-determination.</p> <p>The Blueprint Steering Committee which is guiding the implementation of the Blueprint is in the process exploring budget priorities at their regular meetings over the next few months. This recommendation continues to be considered as part of that process. This process ensures that self-determination is at the centre and decisions are community driven.</p> <p>The Blueprint Steering Committee which is guiding the implementation of the Blueprint has been considering best-practice and evidence-driven approaches to supporting children and young people experiencing homelessness. The Blueprint Steering Committee has not prioritised crisis accommodation based on evidence and instead, in late 2024 confirmed its priorities for children and young people to include the establishment of:</p> <ul style="list-style-type: none"> <li>two new youth foyers, one in metropolitan Melbourne and one in regional Victoria for 40 young people experiencing homelessness</li> </ul>	Progress made – ongoing systemic work required	The Commission acknowledges the shifting direction in government responses to Aboriginal youth homelessness towards transitional and longer-term support housing. The Commission is pleased to hear that work is underway to establish these much-needed housing options, and encourages Homes Victoria to continue to progress this work with urgency.

*continued next page*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
43				<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> <li>two new congregate supported housing accommodation options, one in metropolitan Melbourne and one in regional Victoria, to support 40 women with children who are escaping family violence to recover their experience of homelessness in a holistic, therapeutic congregate setting.</li> </ul> <p>The department has been working with the Blueprint Steering Committee on business cases to support investment in capital for these priority areas, including through upcoming national housing grant funding rounds.</p>		

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
44	That the Victorian Government establish at least four Aboriginal community-controlled youth foyers across the state, with consideration given to three regional locations and one metropolitan location.	Support-in-Principle	Homes Victoria	<p>There are currently three Aboriginal specific youth accommodation and support models. One has been completed and two are in development in Victoria, which are scheduled for completion in mid-2025.</p> <ul style="list-style-type: none"> <li>The Village 21 Models, which will be located in Frankston (completed), Shepparton and Bairnsdale, are designed to meet the needs of Aboriginal young people aged 18–21 who are exiting care, post care, or are at risk of homelessness.</li> <li>The support provided at the new facilities will be delivered by Victorian Aboriginal Child and Community Agency, Rumbalara Aboriginal Co-operative and Gippsland and East Gippsland Aboriginal Cooperative Aboriginal Co-operative.</li> </ul> <p>The Blueprint Steering Committee which is guiding the implementation of the Blueprint for an Aboriginal specific Homelessness System in Victoria will be exploring budget priorities at their regular meetings over the next few months. Youth foyers are a key deliverable in the blueprint for a specific Aboriginal Homelessness system across Victoria.</p>	Significant progress made – ongoing systemic effort required	The Commission commends the Victorian Government for its commitment to establish two Aboriginal specific youth accommodation facilities. We look forward to the commencement of the Village 21 Models, located in Mooroopna and Bairnsdale and further investment in Aboriginal specific youth foyers.

**Progress against past inquiries: Our youth, our way**

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
45	That DJCS fast-track plans to introduce mandatory, ongoing mental health training for Youth Justice community staff to enable them to identify, understand and respond to trauma and mental health concerns experienced by Aboriginal children and young people.	Support	DJCS	<p>Work is progressing to deliver the Youth Social and Emotional Wellbeing Strategy in 2024.</p> <p>A key priority area of the Youth Social and Emotional Wellbeing Strategy is ensuring that culturally appropriate responses are available to support the health, mental health, AOD, education, disability and other social and emotional wellbeing needs of Aboriginal children and young people in contact with the Youth Justice system.</p> <p>For information regarding trauma-informed training, please see the response to recommendation 15.</p>	Progress made – ongoing systemic effort required	The response demonstrates a strong commitment to trauma-informed and ongoing mental health training for youth justice staff. The Commission commends the work of DJCS and members of the AJC Social and Emotional Wellbeing sub-working group on their development of a Youth Social and Emotional Wellbeing Strategy.
46	That the Victorian Government resource Aboriginal organisations to provide in-reach mental health support for Aboriginal children and young people in youth justice custody, and facilitate transitional and post-release mental health treatment for Aboriginal children and young people.	Support in principle	DJCS	<p>Work is progressing to deliver the Youth Social and Emotional Wellbeing Strategy (the Strategy) in 2024.</p> <p>Supporting Aboriginal Community Controlled Organisations to provide in-reach supports to Aboriginal children and young people in Youth Justice custody is being explored as part of developing the Strategy.</p>	Progress made – ongoing systemic effort required	This recommendation is being addressed through the development of the Aboriginal Social and Emotional Wellbeing Strategy. The Commission looks forward to the implementation of this Strategy.
47	That the Victorian Government work with the Aboriginal community to design and establish at least two healing centres for Aboriginal children and young people, in addition to Bunjilwarra and Baroona. Consideration should be given to establishing a dedicated healing centre for Aboriginal girls and young women, and another for Aboriginal children and young people under the age of 16 years.	Support-in-Principle	DJCS	<p>Due to factors including Covid-19 restrictions and floods, the Baroona Redevelopment Project was delayed. However, work has since recommenced to redevelop the Baroona service model and provide culturally responsive therapeutic healing within Echuca.</p> <p>Following the implementation the Baroona Redevelopment Project, DJCS may explore opportunity for additional healing centres for Aboriginal children and young people.</p>	No progress in the past year	The Commission is disappointed in the delay in the planned expansion of Baroona Youth Healing Service. We look forward to further consideration and adequate funding for two additional healing centres to meet the needs of Aboriginal children and young people in Victoria.



Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
48	<p>That the Victorian Government:</p> <p>a) resource additional strengths-based cultural mentoring programs for Aboriginal children and young people across the state, designed in partnership with local Aboriginal communities and in accordance with youth participation principles</p> <p>b) in expanding the Aboriginal Youth Mentoring Program under the Aboriginal Youth Justice Strategy, establish dedicated programs for Aboriginal girls and young women, and for Aboriginal children and young people in custody.</p>	Support	DJCS	<p>DJCS is committed to providing strengths-based cultural mentoring programs for Aboriginal children and young people. Included within the suite of culturally responsive programs and services offered within the Community-based Aboriginal Youth Justice Program are gender-specific programs and activities such as the Lil Lubblies program provided by the Ballarat and District Aboriginal Cooperative, the Deadly Daughters program provided by Anglicare Victoria, and the Koori Women's' Football Carnival hosted by BDAC. For more information regarding the Community Based Aboriginal Youth Justice Program, please see the response to recommendation 17. For information regarding the Youth Through Care program, please see the response to recommendation 75.</p> <p>Work is also occurring to provide in-reach Elder support for Aboriginal children and young people in youth justice custodial centres, as part of implementation for action 18–46 of Burra Lotjpa Dunguludja – Aboriginal Justice Agreement 4.</p> <p>There are several initiatives under <i>Wirkara Kulpa</i> that support mentoring programs for Aboriginal children and young people in custody and community. DJCS will:</p> <ul style="list-style-type: none"> <li>• provide more strengths-based mentoring programs for young people in custody and community through Aboriginal organisations and Elders (Domain 1, Goal 2).</li> </ul> <p style="text-align: right;"><i>continued next page</i></p>	Progress made	The Commission notes the current mentoring programs currently provided to Aboriginal children and young people in Parkville and Cherry Creek. Strengths-based cultural mentoring programs must be further resourced and expanded to meet demand.

**Progress against past inquiries: *Our youth, our way***

*continued*

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
48				<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> <li>engage Aboriginal leaders, Aboriginal community organisations and businesses to deliver leadership development opportunities for Aboriginal young people in community and in custody (Domain 1, Goal 2).</li> </ul> <p>Both initiatives are scheduled to begin in Tranche 2 of the <i>Wirikara Kulpa</i> Implementation Plan, which commenced in July 2024.</p>		

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
49	<p>That the Victorian Government improve Aboriginal children and young people's engagement in education by:</p> <ul style="list-style-type: none"> <li>a) expanding the Navigator program to include children aged 10 years and above</li> <li>b) ensuring targeted educational support for Aboriginal children and young people in the youth justice system, whether through the expansion of the LOOKOUT program, the Youth Justice Education Pathway Coordinator role, the Education Justice Initiative program or the role of Parkville College</li> <li>c) resourcing the expansion of the Out Teach program to another region, with consideration given to it being led by an Aboriginal organization</li> <li>d) expanding the Aboriginal Early School Leavers program to enable more Aboriginal organisations to provide material support to Aboriginal children and young people in contact with the youth justice system</li> <li>e) considering the expansion of referral pathways to the Aboriginal Youth Support Service from education providers</li> <li>f) regularly publishing data on the suspension of Aboriginal children and young people from Victorian government schools</li> <li>g) implementing mandatory reporting of informal expulsions and requiring parents or guardians to provide information regarding the student's departure from school, in line with the Victorian Ombudsman's 2017 recommendations</li> <li>h) strengthening efforts to tackle and eliminate racism in schools.</li> <li>i) strengthening efforts to tackle and eliminate racism in schools.</li> </ul>	<p>Support in principle</p> <p>a–e) Support-in-Principle</p> <p>f) Support-in-Principle</p> <p>g–h) Support</p>	Department of Education (DE)	Reporting no longer relevant, captured in subsequent inquiry.	Not completed – retired and monitored through another inquiry	

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
50	That DET consult Aboriginal children and young people and work in partnership with Aboriginal communities to design and deliver additional schooling options embedded in culture for Aboriginal students, taking into consideration the example of Worawa College.	Support-in-Principle	DE	<p>The <i><u>Strengthening Aboriginal Self-Determination in Education</u></i> report was publicly released at the Marrung Ministerial Roundtable on 29 May, 2024. This report captures the experiences and insights shared at the Campfire Conversations held throughout 2022 to 2023.</p> <p>A key aspect of the report is the conceptual framework, which provides a high-level synthesis of the themes that emerged through the Campfire Conversations, as well as framing the direction of the department's ongoing work in Koorie education.</p> <p>The conceptual framework highlights the following Core Connections as crucial for a student's educational achievement, wellbeing, and sense of self-determination: family, community, identity, culture, and sense of belonging. The Core Connections have been placed in the centre of the framework to ensure that approaches to supporting Koorie students are grounded in these connections.</p> <p>In the 2024–5 State Budget the Victorian Government committed \$51 million over four years to improve education and wellbeing outcomes for Victoria's First Nations students through strengthening self-determination and cultural safety in schools. This funding will support the development of initiatives, supports, and resources aligned to the Reform Directions outlined in the report, to be co-designed with community in line with the principles of self-determination.</p>	Completed	The response addresses the recommendation by demonstrating a proactive approach to consulting Aboriginal communities and involving young people in the reform process. The Campfire Conversations and the Koorie Young People Advisory Group are significant steps toward designing culturally appropriate educational options. The Commission looks forward to the implementation of recommendations stemming from the Campfire Conversations final report.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
51	That DET review the supports provided to Aboriginal children and young people, including the Koorie Engagement Support Officer (KESO) role, with a view to increasing direct support for Aboriginal children and young people in schools, and prioritising access to educational support for Aboriginal children and young people in the youth justice system.	Support-in-Principle	DE	Reporting no longer relevant, captured in subsequent inquiry.	Not completed – retired and monitored through another inquiry	This recommendation will be monitored through the Commission's 2023 <i>Let us learn</i> inquiry. However, the Commission is disappointed that the Department of Education is yet to address the recommendation to review the role of KESOs.
52	That DE develop and fund an ongoing identified Aboriginal education support role for Parkville College at each youth justice centre. The role should have a particular focus on directly assisting Aboriginal students in the classroom and with planning transition into education or employment pathways in the community.	Support	DE	<p>Parkville College is guided by culturally responsive pedagogy, which seeks to foster critically conscious independent learners. Educators prioritise relationships and class content that is driven by culturally responsive resources that seek to focus on student voice. The Model's Practice Principle of 'connection to community and culture' places an intentional connection with family and community, situating learning in the context of culture and centring students in their transitions.</p> <p>The importance of culture and community also guides application of Parkville College's High Impact Engagement Strategies (HIES). The HIES resource has enabled educators to begin developing a specific set of skills to provide students with strong, secure and culturally safe learning spaces.</p> <p>The Cultural Education programs at Parkville College are designed to provide further cultural and educational support to students who come from communities that are overrepresented within the youth justice system. Parkville College's cultural education teams deliver weekly or fortnightly programs that are aligned with the Parkville College pedagogy, which is student focused, culturally responsive and strength based.</p> <p style="text-align: right;"><i>continued next page</i></p>	Completed	The response provided by DE adequately addresses this recommendation.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
52				<p><i>continued from previous page</i></p> <p>The cultural education programs have a holistic approach to their delivery. In addition to an intensive support case load (outreach), cultural education teams also support the development of cultural competency for teachers and leaders across the school. This includes supporting teachers in the planning, delivery and ongoing assessment of culturally responsive curriculum.</p> <p>DJCS is currently rolling out Chromebooks for young people to enhance education within the precincts via modern day technology. The Chromebooks will contain a number of applications, including software such as Excel, Word, PowerPoint for young people to complete their school work. The Chromebooks also contain several websites which have been approved for educational purposes, such as 'Swinburne', and other websites to assist with job searches like 'Seek', along with other ad-hoc websites to improve future outcomes for young people.</p> <p>The Chromebooks will also include a SharePoint website including information about the Youth Justice Precincts, and the Moodle Learning Management System, which will be used for courses and qualifications.</p> <p>The importance of culture and community also guides application of Parkville College's High Impact Engagement Strategies (HIES). The HIES resource has enabled educators to begin developing a specific set of skills to provide students with strong, secure and culturally safe learning spaces.</p> <p><i>continued next page</i></p>		

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
52				<p><i>continued from previous page</i></p> <p>Department of Education (DE) has secured fixed term funding for the continuation of its Youth Justice Education Pathway Coordinators (YJEPCs). The Youth Justice Education Pathway Coordinators work with Parkville College's Transition Team, DE local area and regional staff, schools and flexible learning options to enable seamless and effective transitions back into an education/training setting in their community for young people entering and transitioning from custody to provide essential follow up and monitoring of their progress. As part of this, YJEPCs ensure that appropriate cultural supports are activated for Aboriginal young people, including through DE's Koorie Education Workforce.</p>		
53	That the Victorian Government expand partnerships with community organisations and implement a strategy to create more employment opportunities in a variety of fields for Aboriginal children and young people in contact with the youth justice system, with priority for those leaving custody.	Support-in-Principle	DE DJCS	<p>As part of <i>Wirkara Kulpa</i>, DJCS will work to improve vocational learning support and living skills to Aboriginal young people to increase their employment prospects, including through introducing on country work arrangements in partnership with Traditional Owners. (Domain 1, Goal 2)</p> <p>This initiative is scheduled to begin in Tranche 2 of the <i>Wirkara Kulpa</i> Implementation Plan, which commenced in July 2024.</p>	Limited progress made – action required	<p>The Commission notes that it is a priority under Tranche 2 of <i>Wirkara Kulpa</i> to improve vocational learning support and living skills for Aboriginal young people to increase their employment prospects. We look forward to further action from DJCS and DE to address this recommendation.</p> <p>The Commission will also continue to monitor the experiences of Aboriginal children and young people in accessing these employment opportunities, particularly through Vocational Education and Training programs through our Independent Visitor Program.</p>



Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
54	<p>That the Victorian Government commission an independent and properly mandated body with specialist knowledge and expertise in relation to children and young people to undertake an urgent review of the experiences of Aboriginal children and young people with Victoria Police. This review should:</p> <p>a) include an examination of police powers and the exercise of discretion in the investigation and processing of Aboriginal children and young people suspected of offending, including cautioning, diversion, arrest, summons, custody and complaints processes</p> <p>b) be empowered to make recommendations for improved police practice and policy in relation to Aboriginal children and young people.</p>	Under review	DJCS	<p>The Victorian Government expects the highest standards of conduct from Victoria Police.</p> <p>The maintenance of public confidence in police, and the effectiveness and legitimacy of the often complex and challenging work of policing, depends on holding officers who do the wrong thing to account.</p> <p>In 2022, the Government tasked the DJCS to undertake the systemic review of police oversight (review) to acquit recommendation 61 of the Royal Commission into the Management of Police Informants and undertake the policy response to the final report of the Parliament's IBAC Committee Inquiry into the external oversight of police corruption and misconduct in Victoria.</p> <p>The review is now complete.</p> <p>A key issue that was considered by the review is governance models for police oversight, including which types of matters should more appropriately be investigated by an independent agency, rather than Victoria Police.</p> <p>The Government is considering all the evidence and feedback from the systemic review of police oversight consultation, and from the Yoorrook Justice Commission, and is developing reforms to Victoria's police oversight system to ensure that it is robust, transparent, and better meets the needs of complainants and victims of police misconduct.</p> <p>Government is progressing work to reform Victoria's police oversight system, and I anticipate that the Government will have more to say about these matters later this year.</p>	No progress in the past year	<p>The Victorian Government responded to this recommendation with 'under review'. The Commission notes that there has been no further work on this recommendation.</p> <p>We strongly urge the Victorian Government to implement the recommendation, noting that in September 2023, the Yoorrook Justice Commission's <i>Yoorrook for Justice</i> report recommended that the Victorian Government establish and adequately resource a new independent police oversight authority, headed by a statutory officer who has not been a police officer, with specific powers for oversight.</p>

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
55	That the Victorian Government prioritise investment in Aboriginal-led diversionary programs across Victoria that meet the needs of Aboriginal children and young people, drawing on relevant interstate and New Zealand examples.	Support	DJCS Victoria Police	For information regarding Aboriginal-led diversionary programs, please see the response to recommendations 17 and 48.  For information regarding pre-charge diversion within the <i>Youth Justice Act 2024</i> , please see the response to recommendations 1 and 22.  For information regarding partnership with the Aboriginal Community Controlled Organisation sector to lead further development of diversionary programs, please see the response to recommendation 2.	Significant progress made – ongoing systemic effort required	The Commission welcomes the inclusion of pre-charge diversion and cautioning opportunities in the <i>Youth Justice Act 2024</i> .
56	That the Victorian statutory Children’s Court diversion scheme be amended to maximise opportunities for children and young people to obtain diversion. This should include introducing a presumption in favour of diversion, removing the requirement for prosecutorial consent to diversion, and reviewing current exclusions under section 356B of the <i>Children, Youth and Families Act 2005</i> for certain road safety offences.	Support-in-Principle	DJCS	The <i>Youth Justice Act 2024</i> replicates the existing CYFA provisions, including those relating to prosecutorial consent for diversion and <i>Road Safety Act 1986</i> offences.	Progress made – ongoing systemic effort required	The Commission was pleased to note the emphasis on early intervention and diversion in the <i>Youth Justice Act 2024</i> . We look forward to the progress of legislation through Parliament and implementation.  However, the provisions relating to prosecutorial consent for diversion and <i>Road Safety Act 1986</i> offences have been incorporated into the new <i>Youth Justice Act 2024</i> unchanged.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
57	That the <i>Bail Act 1977</i> be amended to exclude children and young people from the operation of the 2017 and 2018 amendments, including the requirement to show exceptional circumstances or compelling reasons.	Under review	DJCS	<p>The <i>Bail Amendment Act 2023</i> addressed those aspects of the 2017 and 2018 amendments that were leading to the unnecessary remand of those accused of minor, repeat offending. It does this by ensuring that all accused persons (including children) will no longer be 'uplifted' to a more stringent reverse-onus test when accused of lower-level offences on bail or other orders, and explicitly prohibits remand for certain summary offences.</p> <p>The <i>Bail Amendment Act 2023</i> also strengthened the list of child-specific bail considerations to emphasise the unique vulnerabilities of children and better promote the principle of custody as a last resort.</p> <p>Further changes to the application of reverse onuses to children are not expected to result in substantive change to current practice. Courts typically find that a child satisfies any applicable reverse onus test simply by virtue of them being a child.</p> <p>The government will continue to closely monitor child bail outcomes. The statutory review of the <i>Bail Amendment Act 2023</i> reforms will also provide an opportunity to consider these issues.</p>	No progress in the past year	<p>The Commission is disappointed that the <i>Bail Act 1977</i> was not amended to exclude children and young people from reverse onus provisions. These reforms are necessary to ensure children and young people are not subject to unnecessary periods in custody.</p> <p>Further, the Commission remains deeply concerned about the trial of electronic monitoring bracelets in certain circumstances and its impact on children and young people who are on bail. The Commission has previously commented on the lack of evidence for the effectiveness of these measures, and the potential to stigmatise children or young person involved with the youth justice system.</p>

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
58	<p>That the <i>Bail Act 1977</i> be amended to expand sections 3A and 3B to require decision-makers, in making determinations under the Act, to take into account:</p> <ul style="list-style-type: none"> <li>a) the systemic racism, increased disadvantage and postcolonial and intergenerational trauma experienced by Aboriginal children and young people, including any culturally inappropriate responses that may have worsened the effects of trauma</li> <li>b) any experience of trauma, including the effect of that trauma on the child or young person's development and capacity to avoid problematic behaviour, and the relationship between trauma and any mental illness, neurological difficulties or developmental issues</li> <li>c) removal from family, home, community or school, or other disruption to the child or young person's living situation or education</li> <li>d) any experience of out-of-home care, particularly foster care and residential care, including the number of placements and carers, and the need for the child or young person to have safe, stable and secure living arrangements</li> <li>e) the child or young person's age, including developmental age, at the time of the alleged offence.</li> </ul>	Under review	DJCS	The government will monitor the impact of these reforms.	Completed	The reforms to the <i>Bail Act 1977</i> in March 2024 included amendments to section 3A and 3B and were welcomed by the Commission.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
59	That the Victorian Government fully resource a 24-hour bail system for children and young people across Victoria, whether this is a Children's Court bail and remand service, or otherwise involves access to specialised and trained decision-makers who have expertise in working with children and young people, and Aboriginal children and young people. The 24-hour bail system should also include access to corresponding support services.	Under review	DJCS	The Children's Court Weekend Online Remand Court remains active, hearing afterhours bail and remand applications to reduce unnecessary after-hours remands of young people, including Aboriginal young people, wherever possible and appropriate.	Progress made – ongoing systemic effort required	The Commission commends the expansion of after-hours bail services and urges further investment and resourcing for a 24-hour bail system for children and young people.
60	To reduce the likelihood of remand and increase compliance with bail orders, that the Victorian Government: <ul style="list-style-type: none"> <li>a) increase the number of roles in the Koori Intensive Support Program to enable statewide access</li> <li>b) resource and, in partnership with Aboriginal organisations, establish therapeutic, home-like supported bail accommodation options across Victoria.</li> </ul>	Support-in-Principle	DJCS	DJCS continues to deliver the Koori Intensive Support Program (AISP). These roles service the Hume, North Metro, Gippsland, South Metro, and Barwon South West regions. <i>Wirkara Kulpa</i> prioritises delivery of culturally responsive residential bail support via action to expand the Baroona Redevelopment Project to provide more residential bail support and healing programs for Aboriginal girls and young women. For more information, please see the response to recommendation 47.  Under <i>Wirkara Kulpa</i> , DJCS will explore on-country alternatives to remand to keep Aboriginal children and young people close to their families and communities. This initiative scheduled to begin in Tranche 2 of the <i>Wirkara Kulpa</i> Implementation Plan, which commenced in July 2024.	Progress made – ongoing systemic effort required	We are concerned that the Victorian Government has not yet addressed the recommendation to enhance support for Aboriginal children and young people in the youth justice system. We urge the government to implement these measures to reduce remand rates and improve compliance with bail orders through the establishment of roles in the Koori Intensive Support Program.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
61	That the Victorian Government work towards having no Aboriginal child or young person on remand. As a step towards this, the Victorian Government should provide community-based alternatives to custody for Aboriginal young people on remand. In particular, DJCS should invest in establishing a minimum of two small, home-like facilities that provide therapeutic and culturally appropriate care for Aboriginal children and young people on remand.	Support-in-Principle	DJCS	DJCS has made a concerted effort to reduce the number of Aboriginal children and young people on remand, including through delivery of the Children's Court Weekend Online Remand Court and improvement on afterhours services.  Under <i>Wirkara Kulpa</i> , DJCS will explore on-country alternatives to remand to keep Aboriginal children and young people close to their families and communities. This initiative scheduled to begin in Tranche 2 of the <i>Wirkara Kulpa</i> Implementation Plan, which commenced in July 2024.	No progress in the past year	The Commission welcomes the inclusion of this recommendation in <i>Wirkara Kulpa</i> and urges the Victorian Government to take immediate steps to provide community-based alternatives to custody. We urge the Department of Justice and Community Safety to prioritise this critical initiative to reduce unnecessary detention.
62	That the Victorian Government resource the expansion of the fully specialised Children's Court, commencing with rural and regional headquarter courts, to support the court's work with Aboriginal children and young people. Specialisation for all magistrates undertaking Children's Court work should include training in child and adolescent development, trauma, adolescent mental health, cognitive and communication deficits, and Aboriginal cultural safety.	Under review	Children's Court of Victoria	This recommendation continues to be actively considered by Government alongside recommendations 18 and 19 of the <i>Yoorook for Justice</i> Commission which address the need for specialist children's court statewide and the expansion of Marram-Ngala Ganbu subject to resourcing.	No progress in the past year	While the Commission is pleased with the commitment in <i>Wirkara Kulpa</i> to this recommendation, we are disappointed that the Victorian Government has not yet addressed the recommendation to expand the fully specialised Children's Court. We urge the government to prioritise this recommendation to better support Aboriginal children and young people in the court system.
63	That the Children's Koori Court be expanded to sit at more locations and with greater frequency at existing locations.	Support-in-Principle	Children's Court of Victoria	The new purpose-designed specialist Dandenong Children's Court commenced operations in June 2023. All criminal and Children's Koori Court matters previously heard at the Dandenong Magistrates' Court are now heard by specialist Children's Court magistrates at the new court. The court is the first in Australia to have an extraction fan system incorporated into the design of the Koori Court room to allow for smoking ceremonies to be held in the courtroom without the need to disable the entire facilities fire systems.	Limited progress made – action required	We note that it is a priority of the Children's Court of Victoria to refresh the Children's Koori Court Model to ensure it continues to be tailored to meet the needs of Aboriginal young people and look for opportunities for expansion to more location across the state. We look forward to further progress on this recommendation.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
64	That the Victorian Government review the role of Elders in the Children's Koori Court process with a view to strengthening Elder participation and self-determination. This should include consideration of the role of Elders in New Zealand's Rangatahi Courts and Queensland's Youth Murri Courts, and the ability to conduct hearings in more culturally appropriate spaces.	Support-in-Principle	Children's Court of Victoria	The Government acknowledges the crucial role that Elders play in the Children's Koori Court in ensuring the cultural safety of the justice system for Aboriginal children. This recommendation will be given further consideration subject to resourcing, noting the significant reform underway as a result of the <i>Youth Justice Act 2024</i> .	No progress in the past year	Elders play an important role in the outcomes and cultural safety of the Children's Koori Court. The Commission reiterates our recommendation that this position must be reviewed and strengthened to enable greater self-determination.
65	That the Victorian Government ensure that Balit Ngulu is resourced to provide specialist legal services statewide for Aboriginal children and young people on an ongoing basis.	Support-in-Principle	DJCS	Funding for Balit Ngulu was extended in the 2024–25 Victorian State Budget for another four years. Balit Ngulu currently services Melbourne and Shepparton.	Significant progress made – ongoing systemic effort required	The Commission strongly urges the Victorian Government to adequately resource and expand Balit Ngulu across the state. This service is necessary to uphold the legal rights of Aboriginal children and young people in Victoria.
66	That the Victorian Government develop and implement measures to increase the capacity of mainstream legal assistance providers to ensure culturally and age-appropriate services are delivered to Aboriginal children and young people.	Support	DJCS	<p>The State Government continues to invest in mainstream Community Legal Centres to support children and young people, including Aboriginal children and young people, through the following programs:</p> <ul style="list-style-type: none"> <li>• Invisible Hurdles Health Justice Partnership (HJP) and Youth and Family Violence Project based in the Upper Murray region</li> <li>• Adolescents Using Violence in the Home</li> <li>• Youth Employment Justice Program based in Melbourne's western suburbs</li> <li>• Sporting Change, a program focused on children in Melbourne's south-eastern suburbs.</li> </ul> <p>The implementation of the First Nations Cultural Capability Framework is likely to drive conversations about how the framework can support mainstream legal services for Aboriginal children and young people.</p>	Progress made – ongoing systemic effort required	The Commission commends the Victorian Government's commitment to self-determination and working in partnership with the Aboriginal legal sector. While the government has invested in mainstream programs to support Aboriginal children and young people it is vital that this is informed by the First Nations Cultural Capability Framework being led by the Victorian Aboriginal Legal Service.



Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
67	That the <i>Children, Youth and Families Act 2005</i> be amended to include a presumption against the use of restrictive conditions in supervised community orders, except where necessary and achievable in the individual circumstances of the child or young person.	Support-in-Principle	DJCS	<p>The <i>Youth Justice Act 2024</i> was passed on 16 August 2024. The Act includes new sentencing principles and a new framework for the use of restrictive conditions on supervised community orders that ensures restrictive conditions are used only where necessary and achievable.</p> <p>The sentencing principles in the Act require that a sentence is the minimum intervention required in the circumstances and that the child or young person is capable of complying with the restrictive condition. The Court will also be required to seek the views of the child or young person on the conditions, including any matters that may affect their compliance.</p> <p>For information regarding the <i>Youth Justice Act 2024</i>, please see the response to recommendations 1, 8, 11, 28, 29, and 56.</p>	Completed	The Commission welcomes the passage of the <i>Youth Justice Act 2024</i> and the sentencing principles that will limit the use of restrictive conditions in supervised community orders for children and young people.

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
68	<p>That DJCS:</p> <ul style="list-style-type: none"> <li>a) work with Aboriginal communities in Victoria to establish a community steering committee to guide and monitor the design and implementation of cultural services and programs in youth justice centres</li> <li>b) validate its risk assessment tools for use with Aboriginal children and young people</li> <li>c) ensure that all Aboriginal children and young people have access to culturally safe youth offending programs in custody, preferably delivered by Aboriginal organisations</li> <li>d) establish a dedicated, permanent indoor cultural space at the Malmsbury youth justice centre secure site</li> <li>e) evaluate the recent improvements to cultural spaces in youth justice centres and continue to improve these spaces to provide access to culturally enriching environments</li> <li>f) ensure that custodial placement decisions prioritise, where possible, placing Aboriginal children and young people with at least one other Aboriginal child or young person</li> <li>g) give every Aboriginal child or young person remanded or sentenced to custody a cultural connection package, preferably tailored to their needs and cultural connection. This care package should not be connected with behaviour management and incentive programs.</li> </ul>	<p>Partially support</p> <ul style="list-style-type: none"> <li>a) support</li> <li>b) support</li> <li>c) support</li> <li>d) under review</li> <li>e) support</li> <li>f) support</li> <li>g) support</li> </ul>	DJCS	<ul style="list-style-type: none"> <li>a) Under the Aboriginal Justice Forum framework, the Youth Collaborative Working Group is comprised of Aboriginal Justice Caucus members, Aboriginal organisation representatives, Government staff, and relevant independent statutory bodies/agencies. The Youth Collaborative Working Group supports the development and implementation of initiatives that meet the particular needs of Aboriginal children and young people at risk of, or in contact with the justice system, including cultural services and programs in Youth Justice centres.</li> <li>b) Validation of the risk assessment tools for Aboriginal young people is planned as part of ensuring that the LS/YLS assessment tools are calibrated appropriately. Youth Justice is committed to validating this tool for use with Aboriginal Young People.</li> <li>c) Aboriginal children and young people have access to culturally responsive youth offending programs in custody through the Youth Through Care program and programs in community through the Aboriginal Youth Justice Program. For more information on these programs, please see the response to recommendation 75 and recommendation 17 respectively.</li> </ul>	<p>Progress made – ongoing systemic efforts required</p>	<p>The Commission notes that several actions to address this recommendation are in progress. We look forward to seeing the outcomes from this work, particularly the development and implementation of the <i>Aboriginal Social and Emotional Wellbeing Strategy</i>.</p>

continued next page

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
68				<p><i>continued from previous page</i></p> <ul style="list-style-type: none"> <li>d) While Malmesbury has been decommissioned, the new Cherry Creek Youth Justice Precinct has a Multi-faith and Cultural Centre. This centre offers a variety of spaces for culturally specific programs and activities for Aboriginal young people, and young people from culturally and linguistically diverse backgrounds and faiths. The cultural spaces include a dedicated building for cultural and multi-faith staff and visitors, gardens with a yarnning circle and picnic style seating, and a foot washing room next to the multi-faith space.</li> <li>e) An evaluation of cultural spaces in Youth Justice Centres will be undertaken in the first half of 2025. This will inform future improvements to these spaces.</li> <li>f) Custodial placement decisions always strive to place Aboriginal children and young people with at least one other Aboriginal child or young person where compatibility exists.</li> <li>g) All Aboriginal children and young people admitted to custody are provided with cultural connection packages including possum skins and have access to art therapy packs which strengthens cultural identity. Provision of these items is not linked to behaviour management or incentive programs such as ACE, however items may be limited where suicide and self-harm or other safety risks exist.</li> </ul>		

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
69	That DJCS review the Aboriginal Liaison Officer program to assess how it can meet the competing needs and demands placed on the program, with a view to strengthening it. The review should include an assessment of the training needs of, and remuneration for, the Aboriginal Liaison Officer role.	Support	DJCS	A review of the Aboriginal Liaison Officer role was undertaken by an external consultant in 2022. Following this review, changes to the accountabilities and remuneration for the ALO positions will be proposed in late 2024. Training in restorative practices and working with families will be provided to ALO staff.	Progress made	The Commission is pleased to see progress on the review of the Aboriginal Liaison Officer role within youth justice centres. We look forward to seeing positive outcomes for staff and youth justice clients.
70	That DJCS: <ul style="list-style-type: none"> <li>a) urgently progress the implementation of the Youth Justice custodial workforce plan, and monitor the extent to which it is reducing the use of isolation and lockdown</li> <li>b) ensure that culturally supportive therapeutic spaces as an alternative to separation, isolation or seclusion rooms are established in youth justice centres</li> <li>c) immediately introduce care packages for all children and young people experiencing isolation or lockdown to relieve stress, boredom and psychological damage.</li> </ul>	Support	DJCS	<p>Under <i>Wirkara Kulpa</i>, DJCS will work to reduce the use of isolation in youth justice custodial facilities, as part of the Custodial Services operating philosophy, and continue to report to the Aboriginal Youth Justice Forum on the extent of use and publish data on a quarterly basis (Domain 5, Goal 2).</p> <p>a) The Youth Justice Custodial Workforce Plan is being implemented and progress monitored through a Custodial Workforce Working Group, with the majority of items already actioned.</p> <p>Parkville Youth Justice Precinct transitioned to a new workforce model in October 2023, which is also in place at Cherry Creek. Under the new model, the roles, responsibilities and classifications of Youth Justice Workers and Unit Supervisors have been elevated and additional training provided, incorporating new job requirements focused on improving the rehabilitation of young people in custody. This new approach aims to support improved outcomes for young people, with flow on benefits for staff remuneration and precinct safety and stability.</p> <p>Implementation of the uplifted workforce model has resulted in a significant improvement in attraction and recruitment activities, increasing workforce numbers and capacity across both precincts.</p> <p style="text-align: right;"><i>continued next page</i></p>	Progress made – ongoing systemic	<p>With the opening of Cherry Creek in September 2023, the Commission has welcomed the efforts of the Victorian Government to ensure custodial staff have the appropriate training and staffing numbers. We continue to monitor the use of isolation and lockdowns as part of our monitoring and oversight role. We also note the inclusion of sensory rooms at Cherry Creek as a way of de-escalating children and young people's behaviours in youth justice custodial settings.</p> <p>The Commission will continue to monitor the use and impact of lockdowns for operational and staff based reasons through the Commission's oversight and monitoring of youth justice.</p>

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
70				<p><i>continued from previous page</i></p> <p>There has been a 36% reduction in security based and behaviour-based isolations between quarter one of 2023–24 (July to September and quarter two of 2023–24 (October to December) – this follows the introduction of the new workforce model at both Cherry Creek and Parkville.</p> <p>b) Utilisation of culturally supportive spaces as an alternative to isolation remains a work in progress. Access to the Indigenous Garden at Parkville has been hindered due to infrastructure upgrades to accommodation spaces due for completion by the end of 2024. The way the cultural and therapeutic spaces are utilised in Cherry Creek continues to evolve during the early stages of site operations.</p> <p>c) Aboriginal children and young people have access to cultural support during periods of isolation or lockdown. This support will be strengthened as more ALO positions are filled in 2024–25.</p>		

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
71	That the Victorian Government ensure that the body designated as the National Preventive Mechanism for youth justice facilities is a body with specialist expertise in children and young people including child development, working with vulnerable children and young people, and Aboriginal children and young people.	Support-in-Principle	DJCS	<p>The Victorian Government supports the principles of OPCAT.</p> <p>Victoria is seeking a commitment from the Commonwealth to provide sufficient and ongoing funding to establish a National Preventive Mechanism in Victoria.</p> <p>Implementation of this recommendation into action is contingent on the outcomes of funding negotiations with the Commonwealth.</p> <p>The Victorian Government strives to protect all people deprived of liberty, including children and young people, from torture and other cruel inhuman, or degrading treatment or punishment.</p> <p>If funding negotiations are successful, National Preventive Mechanisms established in Victoria will be designed to meet the needs of children and young people in places of detention.</p>	Not yet progressed	The Commission notes that the Victorian Government is seeking funding for the establishment of a National Preventative Mechanism in Victoria. We reiterate our recommendation that this body must have specialist expertise in children and young people, including Aboriginal children and young people.
72	That DJCS urgently develop a strategy to provide improved, consistent and therapeutic responses to children and young people at risk of suicide or self-harm in youth justice centres. The strategy should include specific elements to ensure a culturally safe and improved response to Aboriginal children and young people.	Support	DJCS	<p>Addressing the unique needs of Aboriginal children and young people in the Youth Justice system at risk of suicide or self-harm is a key priority area of the <i>Youth Social and Emotional Wellbeing Strategy</i>.</p> <p>Work is progressing to deliver the <i>Youth Social and Emotional Wellbeing Strategy</i> in 2024.</p>	Completed	The Commission commends the work of DJCS and members of the AJF Social and Emotional Wellbeing sub-working group on their development of a <i>Youth Social and Emotional Wellbeing Strategy</i> . We note that a priority area is trauma informed healing, recovery and other suicide and self-harm prevention initiatives that strengthen social and emotional wellbeing.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
73	That DJCS fast-track plans to equip custodial staff with the training and skills they need to undertake trauma-informed, evidence-based and person-centred interventions. This should include support to understand the trauma often experienced by, and complex needs of, children and young people in custody, and to anticipate, de-escalate and respond effectively to challenging behaviours without resorting to the use of force. Training should also include a specific focus on intergenerational trauma.	Support	DJCS	Please see the response to recommendation 15.	Completed	The Commission acknowledges that DJCS has training initiatives in place to equip custodial staff with the necessary skills for trauma-informed, evidence-based, and person-centred interventions.
74	That the Victorian Government work towards having no Aboriginal child or young person in custody. As a step towards this, the Victorian Government should work with Aboriginal communities to establish three small, home-like facilities for Aboriginal children and young people serving custodial sentences. These facilities should have no more than six beds. Although these facilities would be secure, they must allow for Aboriginal children and young people to connect with their culture and community.	Support-in-Principle		<p><i>Wirkara Kulpa's</i> vision is to see no Aboriginal children or young people under youth justice supervision because they are strong in their culture, communities, and families, living safe, happy, thriving, and resilient lives.</p> <p>DJCS has made concerted efforts to reduce the number of Aboriginal children and young people under Youth Justice supervision. Based on current results, Youth Justice has achieved and exceeded its Burra Lotjpa Dunguludja – Aboriginal Justice Agreement 4 milestone of reducing the number of Aboriginal children under youth justice supervision on an average day by 43 young people by 2022–23 (i.e., a target of 89 young people). In 2022–23, there were 44 Aboriginal children and young people aged 10–17 under youth justice supervision on an average day, meaning that there has been a reduction of 78 Aboriginal children and young people since 2016–17.</p>	No progress in the past year	The Commission notes the significant reforms aimed at reducing the number of children in custody and ensuring culturally safe interventions. We would like to see further commitment to alternative forms of accommodation and the establishment of secure, home-like facilities for Aboriginal children and young people serving custodial sentences.

Progress against past inquiries: *Our youth, our way*

continued

Rec #	Recommendation	Government position Feb 2022	Lead department or agency	Department update	Commission assessment	Commission comment
75	That the Victorian Government work with the Commonwealth Government to ensure that all Aboriginal children and young people who leave youth justice custody have access to culturally appropriate and reliable community-based support for as long as required. This may include intensive case management, housing, employment and training, and mental health, drug and alcohol and cultural support services.	Support		<p>The Youth Through Care program continues to operate and work in collaboration with Aboriginal Liaison Officers in custody to provide culturally responsive holistic support for Aboriginal children and young people transitioning out of Youth Justice supervision.</p> <p>Goolum Goolum Aboriginal Co-operative also continues to operate the Aboriginal Intensive Case Management program, which includes referral support for substance use.</p> <p>For further information regarding mental health, please see the response to recommendation 72.</p> <p>Several initiatives under <i>Wirkara Kulpa</i> will also support young people who leave youth custody, these include to:</p> <ul style="list-style-type: none"> <li>• Improve vocational learning support and living skills to Aboriginal children and young people to increase their employment prospects, including through introducing on country work arrangements in partnership with Traditional Owners (Domain 1, Goal 2).</li> <li>• Provide more housing options for Aboriginal children and young people that keep them connected to their family and community (Domain 2, Goal 2).</li> </ul>	Progress made – ongoing systemic effort required	The Commission notes the success of the Youth Through Care program, currently funded for three years. We underscore the importance of recurrent funding and assisting young people to find stable housing post-release, as well as employment and training opportunities available to young people leaving custody.