Victorian Aboriginal Legal Service

Victorian Aboriginal Legal Service and Koorie Youth Council

Joint Submission to the Senate Inquiry into Youth Justice

February 2026

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EXECUTIVE SUMMARY

Aboriginal children are our future. They will be our Elders, our custodians of culture and our carers for culture and country. It is only right and just that the Federal Senate Inquiry into Australia's youth justice and incarceration system rightly includes the missing puzzle piece of this conversation – the young people themselves. Their experiences and their voices matter.

The last round of the Senate inquiry heard how Aboriginal children have been targeted by the state in an unbroken chain of harmful interventions since early colonisation that have removed them from their families, imprisoned them, repeatedly subjected them to state-sanctioned violations, and denied their humanity, culture and freedom – essentially victimising them for the failures of government service systems. Dozens of submissions detailed how from the age of 10, Aboriginal children are spit-hooded, assaulted, strip-searched routinely and inappropriately, subject to solitary confinement, denied healthcare and, as has been documented nationally, subjected to sexual abuse.

Aboriginal children and young people have been telling the government what needs to change, often at great personal cost to themselves, for generations. Our children bravely speak their truth time and time again as evidenced in in early inquiries like Bringing Them Home, the Royal Commission into Deaths in Custody, the NT Royal Commission into Don Dale, the Inquiry into the horrors of Tasmania's Ashley Youth Detention Centre, Yorrook Justice Commission and told their journeys and hopes for a better future to the Koorie Youth Council in the ground-breaking report Ngaga-dji.

Yet their voices are ignored by successive governments who choose to lock them up for political clout. Children's calls for Aboriginal-led solutions that work are not heeded; their cries for earlier intervention and support fall on deaf ears, and their desire for the system to change so that no child has to experience what they went through go unanswered.

The Committee heard evidence that prison traumatises children, compounds mental illness, disrupts their development, and means our children more likely to die earlier and from preventable causes. The Committee questioned experts during public hearings about why the Federal and Victorian Governments continually fail to implement evidence-based policy that would improve our children's lives, despite whole-of-government and bipartisan frameworks, like the Closing the Gap Agreement, have been in place for decades.

Despite this Inquiry making numerous findings that criminalising children goes against all best evidence, harms children, does nothing to keep communities safe and must not continue[1], youth justice systems in Victorian and across Australia have considerably worsened in the last year alone.

[1] The Senate Legal and Constitutional Affairs References Committee, *Australia's youth justice and incarceration system* (2025).

In 2025 the Victorian government, without warning or proper consultation, introduced inhumane, racist and regressive bail and youth sentencing legislation. This has and will result in the mass incarceration of Aboriginal children and exposes them to the risk of life sentences in higher adult courts for non-violent and poverty-related offending. The Victorian government also re-opened Malmsbury youth prison after promising it would be permanently closed, and invested $1.6 billion in prison and corrective responses.

These regressive youth justice changes spit in the face of this Inquiry's reports; whole-of-government and bipartisan frameworks, like the Closing the Gap Agreement; Wikara Kulpa, Victoria's Aboriginal Youth Justice Strategy, their own youth justice standards in prison; contradict publicly stated commitments they have made; fail to meet targets they have agreed to; and fail to implement hundreds of recommendations from inquiries they have initiated.

Australia's youth justice and incarceration system continues to be an ever-worsening national shame.

In Australia's recent Universal Periodic Review before the United Nations Human Rights Council, Australia was sharply criticised for its treatment of Aboriginal children and the lack of protection for human rights breaches, with 40 countries calling on Australia to raise the age of criminal responsibility.[2]

As our children and young people give evidence to the Inquiry and put themselves on the line yet again to tell us their stories, we ask the Committee to closely listen to their voices and make brave recommendations for transformational change sorely needed across the country. It is time we hear their voices and work swiftly to create an equitable future for Aboriginal children.

The Victorian Aboriginal Legal Service (VALS) and Koorie Youth Council (KYC) provide this joint submission to the second round of the Federal Senate Inquiry into Australia's youth justice and incarceration system. This submission must be read in conjunction with our earlier submissions to the Inquiry and correspondence with the Committee. Namely:

- VALS and KYC Joint Letter to the Committee in December 2025 and attachments
- VALS' October 2024 Submission
- KYC's October 2024 Submission
- KYC and Mounty Aboriginal Youth & Community Services joint submission

[2] United Nations General Assembly Human Rights Council Working Group on the Universal Periodic Review Fifty-first session, *Australia; Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights,* A/HRC/WG.6/51/AUS/2 (3 November 2025); Dechlan Brennan, *Human Rights Act a must as UN slams Australia's age of criminal responsibility* (webpage, 2026).

RECOMMENDATIONS

NATIONAL MINIMUM STANDARDS

Recommendation 1. The Federal Government should incorporate the National Minimum Standards into Australian law through a *National Children's Act* or other federal legislation.

Recommendation 2 (per VALS 2024 submission). National Minimum Standards should be consistent with international best-practice and not with current domestic practice, including the UNCRC, CAT, OPCAT and UNDRIP.

Recommendation 3. The Federal government should withdraw its reservation to Article 37(c) of the Convention on the Rights of the Child, which provides for the obligation to separate children from adults in prison.

Recommendation 4 (per VALS 2024 submission). National Minimum Standards should improve the standards of all jurisdictions and not allow scope for the reduction or diminishing of standards in any State or Territory.

Recommendation 5 (per VALS 2024 submission). At a minimum, National Minimum Standards around youth justice must include:

(a) arrest, detention or imprisonment must be a measure of last resort for children;
(b) raising the minimum age of criminal responsibility to 14 years without exceptions;
(c) raising the minimum age of detention to 16 years;
(d) children having access to culturally appropriate education, diversion and early intervention pathways;
(e) Prohibiting torture and cruel and degrading treatment against children in prison, including solitary confinement and isolation practices; routine strip-searching; and the use of spit hoods; and
(f) access to culturally safe and prompt healthcare in prison, including MBS and PBS access.

Recommendation 6. The federal legislation should make it clear that to the extent of any inconsistency between the laws of the States and the federal legislation, the laws of the federal legislation apply, and the law of the state has no effect.[3]

Recommendation 7. The inquiry should recommend a process by which States and Territories can assess the compatibility of proposed Bills with enforceable minimum standards and

[3] This is consistent with Section 109 of the Constitution which provides that "[w]hen a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid".

produce a statement of compatibility for compliance with the legislated national minimum standards.

Recommendation 8. The legislated national minimum standards should be reviewed every year to ensure they reflect international standards. Review should involve consultation with Aboriginal Community Controlled Organisations (ACCOs) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) to ensure the experiences of Aboriginal and Torres Strait Islander young people are reflected.

DIVERSION

Recommendation 9 (per VALS 2024 submission). The Federal government should support jurisdictions to properly resource ACCOs to develop decarceration models and implement place-based programs based on decarceration principles.

Recommendation 10 (per VALS 2024 submission). The Federal and Victorian governments should properly resource ATSILS to run and expand best practice youth-specific legal services, like Balit Ngulu, to meet the legal needs of Aboriginal and Torres Strait Islander children and young people.

Recommendation 11 (per VALS 2024 submission). Both the Victorian and Federal governments should be required to report annually on the percentage of government funding going to Aboriginal specific investments. Reporting should be broken down into funding provided to government departments and agencies, funding provided to mainstream services, and funding provided to Aboriginal organisations and individuals.

Recommendation 12. Governments must provide substantial, sustainable and long-term resourcing and investment to Aboriginal-led organisations to deliver Aboriginal-led alternative youth justice responses.

ENDORSING THE FOLLOWING RECOMMENDATIONS OF NATSILS SUBMISSION TO THE INQUIRY

Recommendation 13. The government take immediate and proactive steps to protect and promote the rights of Aboriginal and Torres Strait Islander children and prevent further harm as set out in paragraph 11 of the Early Warning and Urgent Action complaint to the United Nations Committee on the Elimination of Racial Discrimination by Professor Megan Davis and Associate Professor Hannah McGlade.

These steps include:

a) Full and prompt response to the National Children's Commissioner's Help Way Earlier report;
b) Ratification of the Optional Protocol to the Convention on the Rights of the Child;
c) Withdrawal of the reservation to article 37(c) of the Convention on the Rights of the Child, which requires that children not be detained with adults; and
d) Full implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), in particular by the Commonwealth Government ensuring robust National Preventive Mechanisms are operating in every state and territory.

Recommendation 14. Governments implement the recommendations of the Standing Council of Attorneys-General Justice Policy Partnership Bail and Remand Reform Working Group Final Report.

Recommendation 15. Implement Indigenous Data Sovereignty in youth justice by ensuring the Federal Government works in partnership with ACCOs, specifically ATSILS to lead national efforts in the collection, coordination, reporting and interpretation of youth justice data, consistent with Priority Reform 4 of Closing the Gap.

Recommendation 16. NATSILS calls for the Prime Minister to exercise leadership and call an emergency summit on youth justice, so that key decision makers in government can listen to the voices of Aboriginal and Torres Strait Islander legal experts and leaders in a setting where community-controlled organisations lead the discussion.

DETAILED SUBMISSIONS

The voices and experiences of Aboriginal young people in Victoria

Children's experiences are the missing piece of the youth justice conversation – they hold the key to justice solutions that work. Governments continue to ignore their voices and instead implement short-sighted, knee jerk policy responses to youth justice issues. We centre their stories in this submission because listening to children is how we achieve better outcomes.

In 2018, the Koorie Youth Council released Ngaga-dji (hear me) – a report which captured the voices and experiences of Aboriginal children in Victoria's youth justice system. For many children, Ngaga-dji was the first time their voices were heard. Aboriginal children and young people told the Koorie Youth Council that all they want is to feel safe and loved. Their lived experience puts them in the best position to pinpoint the support needed when things go wrong and to design the solutions for their peers facing similar situations.

The stories within Ngaga-dji highlight how government systems continue to disempower Aboriginal children, whereas strength and healing come from the embrace of family, connection and community. Despite the report's influence in shaping Wirkara Kulpa, Victoria's Aboriginal Youth Justice Strategy, the themes raised by young people in Ngaga-dji remain in 2026.

We implore the committee to watch the powerful videos that were published alongside the Ngaga-dji written report.

The journeys of Binak* and Mirrim Nga-ango* have been shared here from the Ngaga-dji report. We would like to thank all the young people who were brave enough to share their stories to Koorie Youth Council and VALS.

Binak's* story

"In the old house Nan and me were a team. I did all the cooking and looked after the little ones and Nan did the cleaning and everything else. Our house was full of kids, cousins and noise. Nan welcomed everyone in that little house 'cos everyone needs a home and a family. Nan never had that so she tried to make it there, for anyone who needed it. Lots of our family needed a place to stay, and there are not many safe places to go 'round here. When my uncle moved away for work we ended up with four more little cousins here. They nagged and screamed and got up in the night but I loved looking aft er them, I was good at it. Sometimes they looked at me like I was their unbreakable superhero. Other times I felt heavy with all the jobs, like I was dragging my body around to do cooking, shopping, bath-time, then more cooking, shopping,

bath-time. Weed and booze made me feel light, like someone lifting a lead backpack off my shoulders.

I started getting to school late, never had time for homework, I'd nap during maths and get sent home for fighting at lunch. I got behind at school and no one cared, they just thought I wasn't trying, a lazy, bludger blackfulla. No one expected me to finish school anyway, so I stopped caring and stayed home helping Nan where I was wanted. When DHHS came I didn't really understand their words. They said stuff about Nan drinking, me stopping school, too many people in our house. It didn't matter what I screamed at them, they wanted to tell my story for me, decide for me, know what was best for me. That's easier than listening, isn't it? They said I'd be better off away from family.

They got it backwards, family was the one thing holding me together. Being taken from Nan and seeing the little ones separated was like watching bits of me being broken off and scattered across town. Resi is not a home. It's a house where they take all the kids doing bad shit and the kids who've had bad shit done to them and stick 'em together like fire with fire. I was put with kids I was trying to get away from, we'd smoked and stolen some stuff from Woolies together and I knew nothing good would come from hanging with them. They were always trying to get at me or get with me. Now I was stuck with them in this house and at school, bringing me down.

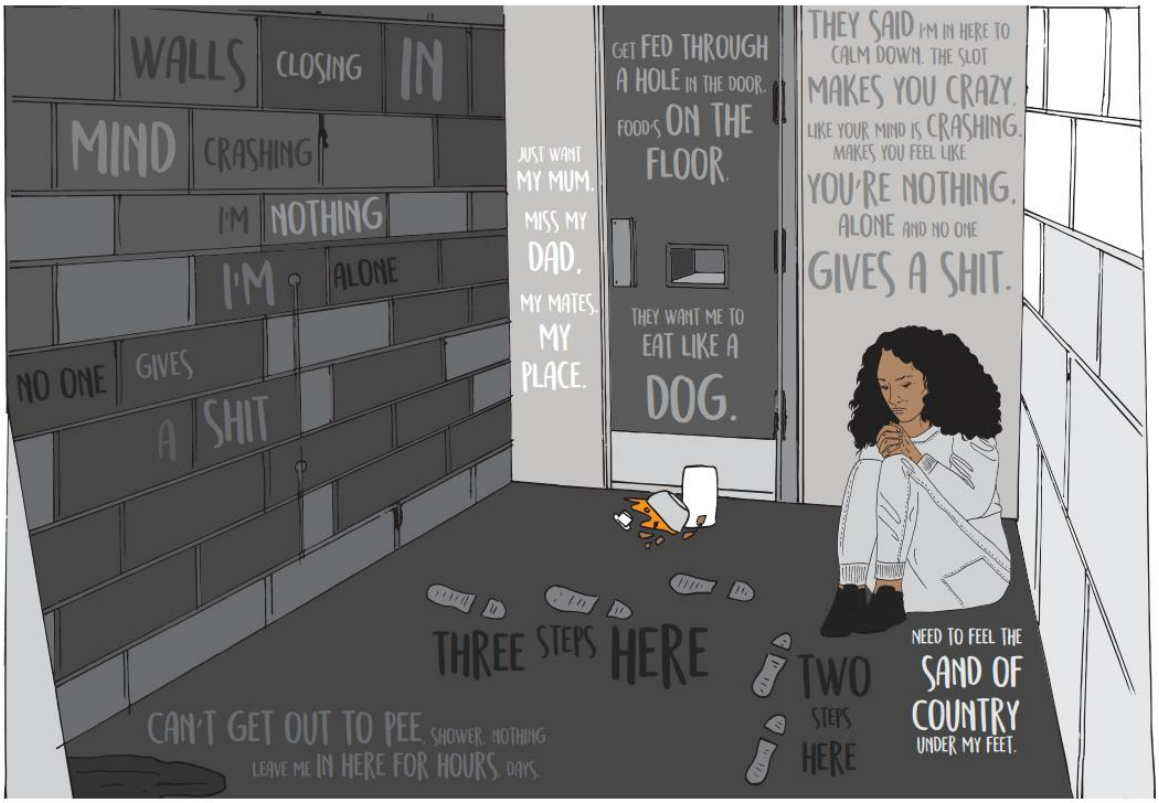
Cops were always at that resi unit, called around 'cos someone smashed a cup, stole another kid's phone or punched a wall. They became a joke, the 'big guns' called around when workers couldn't deal with something. Workers were scared of us bad kids. Cops caught us taking some chips from Woolies and I got a good behaviour bond that said I couldn't see the kids I offended with - the kids I lived with! My child protection order said that I couldn't see Nan, so wherever I was, sneaking away to Nan's or sitting in resi, I was doing something wrong. I was a bad kid. I tried just sticking to myself, hanging out alone, shutting out the other kids. Some days I hardly spoke to anyone. I was so lonely I thought "they may as well lock me up." That's the only future for kids like me. In resi I was no one's superhero, I became another lost kid in care. I had to squash and twist and stretch myself to be what everyone wanted: the good girl, the tough one, the bad girl, the dumb girl, the lost cause. There was no one to trust and no one who hung around long enough to get me. I watched as more bits of me were broken off and tossed away.

I felt a constant pull to be with Nan and the others. I'd sit in front of the TV at the resi unit thinking about them so much that I wouldn't even know what show was on. I closed my eyes and remembered Nan's hugs, singing with the young ones, rocking the bubs as they slowly drift ed to sleep. The more I thought about them the harder it was to just sit there, kids fighting and TV blaring around me. I'd take off as soon as the worker was distracted, running past the creeps who hang out the front of the resi unit. When I got to Nan's I'd make toasted sandwiches and she'd braid my hair and we'd fall asleep watching TV.

I got warrants out on me for seeing Nan. Cops would storm through the house and take me back to the resi unit. I watched Nan through the back window every time we drove off, panicking that this might be the last time I saw her. I pretended cops couldn't scare me as they got rougher each time, trying to get me to react, saying it was all Nan's fault. Police checked Nan's most days, waiting for me to come by. I got paranoid that they were watching me all the time. I started drinking and smoking more with the kids at the resi unit, took off to Nan's more and stopped caring what the cops did. I watched Nan get worn out with worry, I found new greys every time I did her hair. I tried to remind her to eat. One night the cops woke us up by pulling me off the couch to take me back to the unit. They pushed me like they knew I wouldn't push back and stand up for myself, stupid Aboriginal girl. They were so rough with Nan I thought she was gonna break. When they dropped me back at resi I was shivering, the image of Nan and the cops stuck in my head.

The other kids told me to come out with them, not going anywhere, just somewhere else. I wanted to be somewhere else too. I went with them and took off on some bikes they'd lift ed. As we rode we watched the cops' headlights get closer and closer till we could almost touch them. I started crying for the first time in ages, so many tears the road looked blurry. They chased us from the main street to the highway where we crashed. I remember one cop pulling me up from the grass before I passed out from the fear.

I woke up with a cop standing over me, the same one I pissed off at Nan's. I was in a cell, my hands in cuff s and everything aching. There was a toilet in the corner but I was too embarrassed to go in the open like that, especially aft er cops took the toilet paper out. I was in so much pain I couldn't sleep that night. Cops said I couldn't have a blanket or see a doctor about my pain. They told me I'd never see my family again, that I was going to juvi. I couldn't hear much aft er that. When they interviewed me the next day my head was all over the place I just said what they told me to, agreed with their words I didn't understand. I walked into Koori Court ready to be locked up. I looked at the lawyer I'd met five minutes before, waiting to hear the same old stuff , but the Elders asked me to talk up. They listened to everything about home, school, Nan, resi, the cops, the crash. It was the first time I told my story where people heard me. They asked me what I needed and what my family needed. I felt a spark of trust light up again. An Uncle at Koori Court told me that my family and culture are healing, that Nan and me have lots going on and need support so I can get to school, out of trouble and Nan can have a break. Family supports help me, Nan and the little ones. They lift the burdens and give me time to find out who I am, stand up for myself, get into TAFE and learn culture. There are no cultural programs for girls in this town, so an Aunty from Koori Court is teaching me to weave, sharing stories with me. They might seem like little things but they're bringing all my pieces together. Weaving me back into something unbreakable."



** Illustration of 'The Slot' reproduced from Ngaga-dji*

Mirrim Nga-ango's* story

"It's weird to want to open my eyes in the morning, not try to sink back to sleep. I want to see my room, my paintings, my posters, remind myself that I am home. This is where I learnt what home means. I've always lived between houses, never had a place where I felt safe all the time. I was uncomfortable, on edge everywhere, even with mates and family. This Healing Centre taught me that home is community and culture, it's Aunties and Uncles and workers, it's unconditional welcome.

I always lived between houses so I could hide from whatever I needed to, never standing still. First person I ran from was Dad, his strap and his rage. He'd always say sorry, cry just a little bit, make my favourite dinner and say he'd never do it again. He hated himself for hurting me and

promised to be better. Dad was also the first person I ran towards when I was sad because Mum was always locked up, when kids called me them names, when I couldn't get to sleep.

I've been in trouble since before I was born. It's in my blood, my family. My dad stole a fucking car to get Mum to hospital to give birth to me. Mum was born in prison. Growing up, no one I knew had a job. Dad went for so many he lost count. Most of my family's been inside, starting with juvi. We were stuck living on a disability pension, so I learnt how to fend for myself really young. I'd find my own feed, run from place to place to find a spot to sleep that wasn't too bloody cold. That was my normal. Same for most of my mates - we all slept between houses and streets.

Dad's rage grew as I grew. Mum had been locked up for longer than ever and Dad had been to so many funerals he stopped talking about 'em. I was always on edge at home. I started to feel Dad's anger in me too but I kept it locked away. I guess my dad passed on his anger to me like he passed on his eyes and hair. I absorbed so much of his loneliness and hurt over the years that it had to come out somehow, I couldn't stop it. I tried to be quiet at Dad's house to keep on his good side, so when I got to school I felt my anger boiling me up like a kettle till it overflowed and I got dangerous. I started snapping at people, couldn't concentrate. I'd sit on those little plastic seats so scared, so angry. I used to walk into the classroom and see the teachers thinking that I was just gonna give 'em trouble. Last grade I finished was Grade Three, I had a nice teacher that year. Every school I've been to kicked me out. Expelled in Grade One, Grade Two, Grade Four and Year Seven. At one school they told me to come in from 9am-11am. At the next one they said, "Just come in on Tuesdays." I got so behind it was impossible. They didn't want me, so it was better for everyone that I stopped trying. I never got reading and writing so there was no point in staying. Most of my mates dropped out too.

I can't remember a time when my life was in control. I guess because I've always struggled to push my fucking anger down. Started smoking weed real young, 'round ten, to stop my anger from boiling over, keep calm. The crowd I smoked with didn't care if I screamed or got a bit rough. They let me get my anger out. I felt like they wanted to hang with me, lots of 'em were my cousins. We'd steal from Coles for something to do in this hole of a town. I reckon if we had a basketball we wouldn't have off ended for fun. Most other times we just stole for a feed. Once the cops picked me up and I asked 'em "how else can I get food, huh? It's two years till I'm old enough to work so how am I meant to feed myself without a paycheck?" Court said if I did a ropes course with cops I wouldn't get in trouble. Why? I don't know how they thought climbing some bloody trees would change me. It's like trying to fix a broken leg with a band-aid. Most of the time cops picked me up I didn't know what my charges were or nothing, or what kind of behaviour bond thing I was on. My family didn't come to help me do the interviews with those dogs, so I always had to wait till the next day. I spent hours going crazy in the cell. I stopped

caring, got numb. I didn't get all those bullshit cop and lawyer words so I'd just say what they told me to, take their cordial and crackers and get a lift back to Dad's.

After a while I wanted to feel something. I needed harder drugs to feel safe, strong, in control. My anger got bigger, stronger than me. It was impulsive, erratic, it would make me do things I didn't want to, my head said "STOP!" but I had no control. I couldn't stop. It was like watching something else take over my body. There were other times I'd have such a big hit I didn't even remember what happened, like it turned off my mind. I don't know if I did some of the things I was charged for because I can't remember, I went down for them anyway.

Round that time I had some fellas try and get me off drugs. A couple of old people in suits who'd maybe smoked one joint in high school, read about drugs in a textbook and decided they could fix me. They didn't get me, my story. I pushed them away because I knew they wouldn't stick around anyway. Someone else tried to get me to stop stealing and hanging out with the brotherboys, tried to get me to appointments while I was sleeping under a fucking bridge, avoiding the strap from Dad and finding money for my drug debt.

When I stayed at Dad's house I'd watch for cops all night with a table jammed up against the door. I stared at the curtains waiting for the headlights to shine through. One night those dogs came for me. Lights, sirens, everything. I slid under the bed as they slammed through the house, my hiding spot from Dad. Cops found me and dragged me out. My fear and anger boiled over. Cops threw me in the back of the van so hard that my head hit the grate. I started gagging from the stink. The seat was sticky with blood or spew or piss from whoever was in there before me, I freaked. When we got in the cell those dogs knelt me in front of the bed and threw my head into the mattress again and again and again. When it was over they left me overnight without a blanket or anything. I'd pissed these cops off for years so I felt like I deserved it.

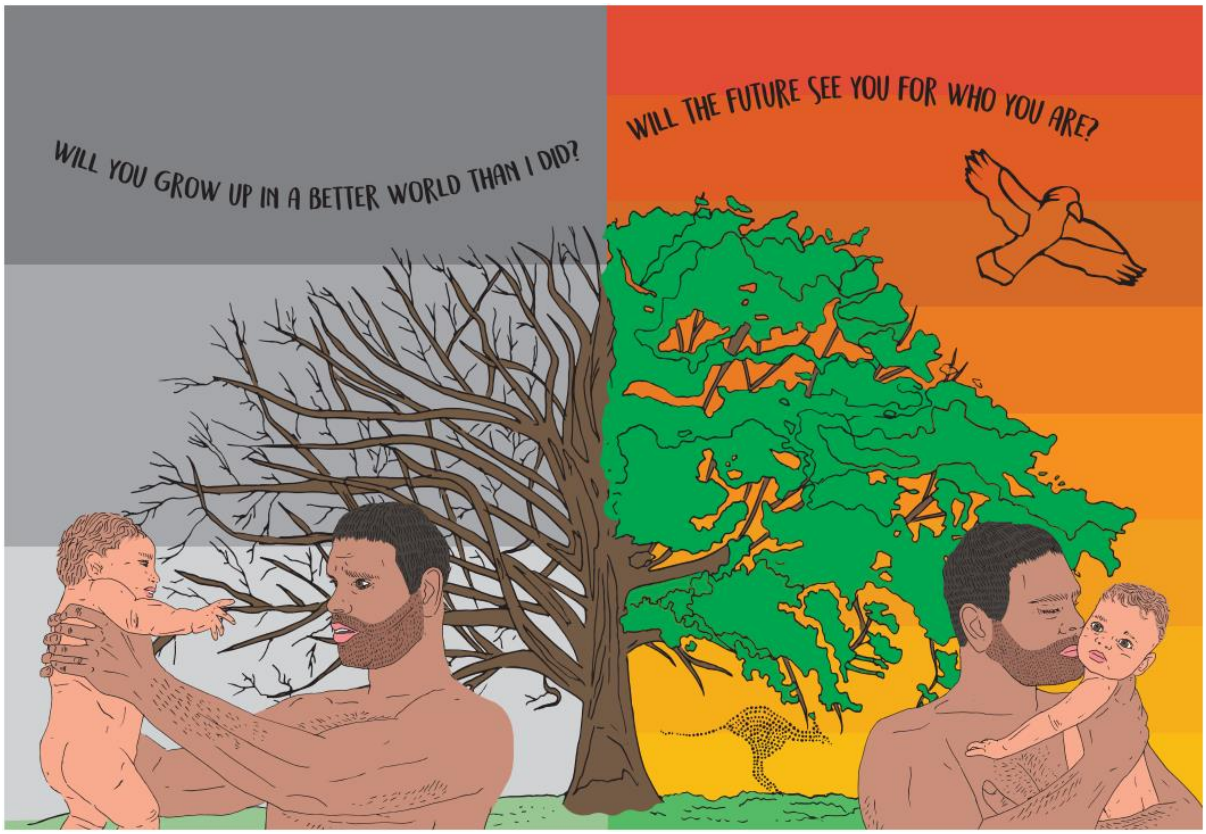
At court I got a lawyer who was kinda cool, he actually listened, explained stuff till I got it through my thick head. I'd been running for so long, avoiding court. Now I was here I dreaded the outcome. I walked into court and my stomach dropped, my whole body was shaking. It was all so intense I really thought my body would give up on me and I'd die. Didn't understand the magistrate's dictionary words. My lawyer tried to explain but all I could hear was my pulse thudding in my ears. At the end I heard the judge say I was free! I walked out of the dock to leave and got tackled by cops, I'd got the words confused.

My first night in the lock-up they made me take off all my clothes and sleep naked in a suicide blanket. A guard watched me the whole time, watched each bit of clothing fall to the ground. They told me it was because I was Aboriginal, to make me feel safe. You've gotta be tough in there, otherwise you're meat. Lots of bigger boys had been in on remand for months, years, so they were used to it. My first day inside a kid left with a broken collarbone, I heard it snap. I got

tough, made people scared of me to survive and hide that I was shit-scared myself. I heard it's good to get a name as being tough there before you go into adult prison.

The worst days were when I'd dream I was out. Then I'd wake up and be locked in and it was so real. I'd lie in bed staring at the empty wall, the tiny window in the cell door. I'd listen to others banging on their doors, waiting to be unlocked. Sometimes they'd be quiet and that's even scarier. Are they ok? Dosed up on behaviour meds? I'd wake up thinking about who I'd have to get today to stop them getting me. Who'd be wearing long sleeves to cover what they'd done to themselves the night before? Who'd be strip-searched? We all went in there damaged, but that place really fucks you up for good. At my next court date I had a judge I'd seen five years before, "Why are you still here?" she asked. I had that same good lawyer, he was a blackfulla too. He knew my story and told me to talk up to the judge. "The Court's job is to help you stop off ending, we haven't done that very well yet," the judge said. She made a deal with me to try one more thing as long as I didn't give up on it. "You don't belong in prison," she said. So that's how I ended up at this place, this centre surrounded by bush and the kind of air that makes you want to breathe deep.

This is the first time I've left court and had somewhere to be, something to stay clean for. What I needed was to feel loved and be safe - to feel home. Now I have a place to be, open space, people who give me a reason to care about shit. I'm learning to read and write. Dad visits sometimes too. Home is full of culture, I look at the art, listen to stories and feel part of something bigger than I ever imagined. I never did this kind of cultural stuff before, when you have fair skin people don't think you need it or something, 'not a real Aboriginal'. There's a big ghost gum here I sit under and paint. I've never sat still for longer than five minutes but I can focus on one canvas all day under that tree, thinking about all the culture that's been in this place, letting the calm and peace into my body. I try not to think about where I'd be without that tree, this family, this place. Finding home saved my life."



** Illustration reproduced from Ngaga-dji*

Youth Justice reform in Victoria

The Victorian Government continues to pursue punitive, carceral responses that cause harm to young people and the wider community, rather than support them. In 2025, the Victorian Government made significant legislative changes to bail and sentencing, in the name of 'community safety'. 'Community safety' and the demonisation of young people from various communities became the target of dangerous media and political rhetoric. The legislative changes profess to target a "core group of young offenders engaged in serious and repeated offences of a specific type".[4]

The Aboriginal community, legal experts and sector advocates strongly voiced opposition to these laws. We knew that they would have a disproportionate impact on our children who are

[4] Second reading speech, Justice Legislation Amendment (Community Safety) Bill 2025; Second reading speech, Bail Amendment Bill 2025.

already overincarcerated and criminalised at shameful rates. The offences and cohorts they target are largely children aged 14 to 17 years of age, engaging in property related offending. Offending behaviours that are typically of the nature captured by these amendments is driven by a variety of factors including developmental immaturity, socialisation and general disengagement from school and supports. By targeting this cohort, these reforms compound these issues and vulnerabilities, and have a far reaching and devastating impact on the most vulnerable children in our communities, including Aboriginal children, children in out of home care, children who are disengaged from education, and children who may have a disability or mental health issues.

The Victorian government remains more concerned about losing votes in this environment. Headlines are dominated by a moral panic about 'community safety', when in fact the rise in youth offending is the result of an unaddressed cost of living crisis, lack of mainstream and culturally safe drug and alcohol services, increased rates of homelessness and poverty, disengagement from education, and a lack of early intervention and diversion programs.

In passing these laws, the government failed to identify any specific needs and vulnerabilities of the alleged "core group" of offenders, and whether these punitive bail and sentencing reforms will effectively target the underlying reasons for the behaviours of concern. This approach fails to capitalise on an opportunity to understand what is driving this specific type of offending, what are the factors behind this ''small cohort'' of children engaging in repeated offences of a particular type and what are the targeted solutions which can be employed to discourage this identified behaviour. In passing these amendments, the Victorian government will not achieve its objective of prioritising community safety and will instead harm Aboriginal children at unprecedented rates.

It is clear the intention of the reform was not to genuinely address offending behaviours, but rather to put children who are deemed 'too difficult' in prisons, and to win votes at the upcoming state election. Children who are engaging in these behaviours are hurt – they have been harmed by the systems that were meant to support them, and instead of being locked-up and subjected to the harms of prison they need to be supported to heal in a way that is safe. For Aboriginal children this means culturally safe supports and reconnection with culture and community.

It is a damning reflection on our government that these laws fall short of our international and human rights obligations. Article 40 of the Convention on the Rights of Children (CRC) outlines that that every child ought to be treated in a way that promotes their sense of dignity and worth,

considering age, the desirability of promoting the child's reintegration and the child assuming a constructive role in society.[5]

Laws targeting increased contact with the legal system and incarceration do not promote a sense of dignity, self-worth or foster a child's re-integration and contribution to society. They do the opposite and they serve the cruel and racist purpose of criminalising Aboriginal children. Prisons are inherently harmful and do not promote healing and rehabilitation. The government knows that time in custody and prison is criminogenic, yet it seems that incarcerating vulnerable young people is the only approach the government will invest in.

A case study from VALS Balit Ngulu Practice

George*

George is a 15 year old, who was remanded by police for aggravated carjacking charges. The police were slow in organising the paperwork and made an error in bringing George to the wrong Court. This meant George spent the night in jail for the first time.

George entered an immediate plea, on an agreement by prosecution that George played a lesser role in the offending. George displayed significant remorse and the court accepted the reasons for offending included substance misuse, which required treatment. The Magistrate placed George on a 6-month Youth Supervision Order, without conviction.

Had this occurred in March 2026, George would not have been able to enter the plea at the literal first opportunity and would have been uplifted to the County Court. They would have spent possibly an entire year on bail, drawing significant additional resourcing across both the Children's and County Courts for what was ultimately dealt with more efficiently and appropriately in the Children's Court.

This story demonstrates the combined impact of the bail and sentencing laws that resulted in the unnecessary incarceration of an Aboriginal child.

PART A: CHANGES TO YOUTH SENTENCING

The *Justice Legislation Amendment (Community Safety) Act 2025* ("the sentencing amendments") was passed on 9 December 2025, shortly after the Victorian Premier's announcement of her intention to pursue "adult time for violent crime" laws on 12 November

[5] United Nations Human Rights Office, *Convention on the Rights of the Children* (2 September 1990).

2025.[6] These changes were rushed through Parliament without any consultation with the legal, Aboriginal, or community services sectors. The amendments deeply conflict with Wirkara Kulpa, the Victorian Government's first youth justice strategy, making it almost impossible to implement. Under Wirkara Kulpa, the government committed to treating children with care and respect, with the Aboriginal community involved in leading and building a culturally strong and safe youth justice system.

The sentencing amendments deeply erode fundamental tenants of the youth justice system through removal of sentencing principles, introducing life sentences for certain offences and elevation of some matters out of the Children's Court jurisdiction and into a higher court.

While all laws have not yet come into effect, we are already seeing more punitive outcomes in the Children's Court as a result of these legislative reforms. VALS practice experience is that children are being given higher sentences and fewer community based therapeutic opportunities including diversions. This is having a particularly acute impact on children who are at risk of imprisonment and need additional support to comply with challenging court orders and conditions due to circumstances involving poverty, lack of stable housing and mental health related barriers. In essence, we are seeing these laws target those children that government support systems fail which is having a devastating impact on our most vulnerable community members, whose capacity to flourish is being neglected and destroyed.

Removal of fundamental principles from the youth sentencing process

Barely a year after passing the landmark *Youth Justice Act 2024*, the Victorian government backtracked and removed its fundamental youth sentencing principles in the 2025 sentencing amendments. This includes:

- Removing the principle that a custodial sentence for young people is a last resort and should be for the minimum period appropriate and necessary; and
- Removing recognition that efforts to support rehabilitation and positive development are the most effective method to reduce reoffending.

The removal of the principle of detention as a last resort for children is a direct violation of Article 37(b) of the Convention on the Rights of the Child which states that the "arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time."[7]

[6] Premier of Victoria, *Adult time for violent crime* (Webpage, 2025).
[7] United Nations Human Rights Office, *Convention on the Rights of the Children* (2 September 1990).

These amendments are also inconsistent with the guiding youth justice principles and key rights-based principles enshrined in the *Youth Justice Act 2024,* such as section 203 which gives the highest priority to rehabilitation and positive development of the child.

Aboriginal children are deeply affected by incarceration because of the resulting violent dislocation and disconnection from family, community, culture and country. Aboriginal children need to remain with their families and community to allow them to develop in healthy and strong ways. Connection to family, community, culture, country and kin are all protective factors for young Aboriginal people.

The fundamental tenant of the principle of prison as a last resort recognises that rehabilitation is rarely fostered in custodial settings, and that young people must be given every opportunity to remain in the community. Contact with prisons results in increased contact with the legal system in future. Locking up children does not work to reduce offending behaviours; instead it causes deep trauma and harm.

We are equally appalled about the removal of the sentencing principle that enshrines an evidence-based approach to reducing re-offending for children. Inclusion of this principle in the *Youth Justice Act 2024* is based on proven, empirical evidence and social science that therapeutic interventions are more effective at reducing recidivism in young people than punitive approaches.[8] Ignoring this evidence represents a deep failure of policymaking.

Removing these protective and evidence-based principles will impact the reasoning of judicial officers in deciding what 'community safety' looks like and will allow them to ignore therapeutic objectives which foster positive development of a child. These reforms will result in more imprisonment for children, particularly those who are on the cusp of imprisonment, or children who the court considers have been given "enough chances". This ignores that Aboriginal children are more likely to experience structural barriers and harms, and who need continued access to strengthened supports.

VALS and KYC are deeply concerned that the removal of these fundamental principles emboldens judicial officers to view children and their offending behaviours solely through the lens of economic or direct harm caused to the community, rather than through a holistic lens considering their humanity, circumstances and potential to flourish, particularly when supported through targeted and evidence-based reforms. They see children not through the lens of potential

[8] Liddle M, Boswell G, Wright S et al, Trauma and Young Offenders: A Review of the Research and Practice Literature, Beyond Youth Custody, 2016, accessed 19 December 2023.

but rather as unredeemable problems that must be locked and hidden away. They fail to see the harm that this lens has on community safety both in the short and long term.

Introduction of life sentences for certain offences

The reforms increase the maximum sentences for aggravated home invasion and aggravated carjacking from 25 years to life imprisonment. If found guilty of these offences, children could be sentenced to life in prison. This penalty is equivalent to offences of murder. The reforms additionally increase the maximum period of imprisonment for the charges of *intentionally causing serious injury in circumstances of gross violence* and *recklessly causing serious injury in circumstances of gross violence* by 5 years.

The government has justified these changes on the basis that higher maximum penalties will ensure that people who commit these offences will face appropriately strong consequences.[9]

This reasoning goes against all the evidence which demonstrates that increased contact with the legal system and longer periods of imprisonment undermine healing, connection to culture, community and family, and is likely to entrench a child in the legal system.[10]

We are deeply concerned about this movement encouraging higher sentences which move away from child centred and rights-based principles. It is fundamentally inconsistent with the evidence demonstrating that children are not deterred or improved by harsher sentences and more time in prison and nor is it an effective avenue through which to deter further offending.[11]

Automatic uplift of designated offences to a higher, non-specialised court

The sentencing amendments automatically uplift certain alleged offences committed by children from the Children's Court to the County Court. VALS and KYC are deeply disturbed by the intention of these amendments to move children aged 14-17 years old away from magistrates who have specialisation in child development and to depart from a therapeutic and age-appropriate court system fit for young people whose cognitive development, capacity to consider risk and consequence is developmentally different to adults.[12]

Impact of an inappropriately trained and unspecialised court on outcomes for children

The County Court is predominantly an adult court, responsible for hearing more serious criminal matters than the Magistrates' Court, including sexual cases, drug offences and assault and injury

[9] Second reading speech, Justice Legislation Amendment (Community Safety) Bill 2025.
[10] Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 314-317.
[11] Ibid, p 316-319.
[12] The National Institute of Mental Health, The Teen Brain: 7 Things to Know.

offences. These offences are serious adult criminal activities that are often accompanied by lengthy periods of imprisonment. While therapeutic principles under the *Sentencing Act 1991* (Vic) are considered in this court, a therapeutic lens is not embedded in the core way that a person's actions are assessed and deterrence is addressed.

The County Court is fundamentally ill-equipped to treat children in the way that is required by the Children's Court under the guiding youth justice principles of s18 of the *Youth Justice Act 2024*. These principles importantly recognise that children and young people are to be treated differently to adults in a way that recognises that they are developmentally distinct from adults and have a unique capacity for rehabilitation and positive development when properly supported. Uplifting children's matters to an adult court will mean that these sentencing principles under the *Youth Justice Act 2024* cannot be properly applied and, in effect, sentence children as adults. Again, we note the inconsistency of this with international human rights mechanisms such as the CRC.

We are deeply concerned that a child subject to County Court proceedings under these amendments will have to go through a much lengthier, complex and formal process than they would in the Children's Court. This is unacceptable for children who are on remand, who will be required to wait a longer period of time before their matter proceeds to sentence and an even longer time if they wish to contest the charges at trial given the lengthy wait time in the County Court. This prolonged contact with the system will compound harms of adult sentencing and guarantee that generational incarceration continues unabated.

These amendments erode the well-founded principle that therapeutic interventions are more effective at reducing recidivism in young people than punitive approaches; an approach likely to be adopted by an inappropriately trained and unspecialised Country Court bench.

Risk of capturing minor and non-violent offending

In a short-sighted and dangerous response to the youth crime moral panic, these reforms will capture young Aboriginal children who have partaken in minor and non-violent offending. The offences of aggravated burglary and armed robbery are eligible for elevation to the Country Court if the conduct is 'serious and repeated' for children aged 15 to 17 years old, however there is no further guidance on what constitutes "serious and repeated". Both these offences can capture minor and non-violent offending. For example, VALS has seen a child client charged with an aggravated burglary where they have gone into a gym where they are not a member and stolen car keys and a car. We are also aware of aggravated burglary being charged where children have stolen cookies from across the counter at Subway.

The amendments do not adequately guard against capturing offending which does not reflect the objective seriousness of matters typically placed in the County Court.

The impact of group dynamics, development and socialisation on offending behaviours

Even when committing serious offences, children must be treated as children. Many of the Aboriginal children and young people that we assist face intersectional issues such as unstable housing and family support, undiagnosed disabilities and mental health, alcohol and drug substance use and structural and systemic forms of racism. These factors deeply impact the development of children and their decision making.[13] The solution to discouraging group related offending is not through legal interventions, but through increasing social supports to address the complex and interwoven reasons that children end up in such situations – there is wealth of research and evidence that support this. Early intervention is the answer to these issues, not locking children up.

Offences of the type captured by these amendments, such as home invasion, aggravated carjacking, typically occur in group settings and can capture children who have been socialised in the wrong way, are caught up in the wrong crowd or tag along with friends due to feelings of peer pressure. Children who grow up in unsafe homes or unsafe environments and who may end up in out of home care, can find safety in other groups of children who have similar experiences. Being part of group dynamics can foster feelings of inclusion and belonging, particularly in the aftermath of Covid-19 and the associated restrictions which resulted in a decline in social cohesion and inability for children to form connections.

It is crucial to recognise that children do not have a fully developed form of intention to commit an offence as the prefrontal cortex, which is responsible for skills like planning, prioritising, and making good decisions, does not finish developing until a person is in their mid-20s.[14]Children can find themselves in circumstances tied to offending due to the nature of spontaneous, evolving and under-considered actions by other children in the group. It is important to acknowledge that a lot of children don't want to engage in offending behaviours but want to feel included.

These amendments miss a key opportunity for reform by way of understanding the complex and myriad reasons which pull children into group dynamics that can lead to offending behaviours. Importantly they also ignore scientific understanding around child development, including the

[13] Commission for Children and Young People, Our youth, our way: inquiry into the over- representation of Aboriginal children and young people in the Victorian youth justice system, Summary and recommendations (2021) 151-154; Meurk C, Steele M, Yap L, Jones J, Heffernan E, Davison S, et al. Changing direction: mental health needs of justice-involved young people in Australia. Sydney: Kirby Institute (2019); Sentencing Advisory Council, 'Crossover kids': vulnerable children in the youth justice system. Reports 2 and 3, Sentencing Advisory Council, Melbourne, (2020).

[14] The National Institute of Mental Health, The Teen Brain: 7 Things to Know.

capacity to make informed decisions and understand the consequences of their decisions, the impact of trauma and mental health and neurodevelopmental conditions. These circumstances are diverse and dynamic and present an opportunity for reform which takes an approach towards early intervention and alternative forms of accountability such as through restorative justice options, diversion options and other cultural interventions.

Summary of the amendments: Justice Legislation Amendment (Community Safety) Act 2025

The *Justice Legislation Amendment (Community Safety) Act 2025* makes a range of changes so that when children are charged with designated offences, they can be automatically uplifted from the Children's Court to the County Court.[15] These changes include:

- Offences of home invasion, aggravated home invasion, aggravated carjacking, and intentionally or recklessly causing serious injury in circumstances of gross violence will have to be heard in the County Court if the accused child is 15 to 17 years old – without exception.
- Offences of aggravated burglary and armed robbery are elevated to the Country Court if the conduct is 'serious and repeated' for children aged 15 to 17 years old.
- If a child who commits the above offences is 14 years old, the matter will be heard in the County Court unless certain circumstances apply. These circumstances include the accused child's cognitive impairment or mental illness, substantial and compelling reasons why the matter should be heard by the Children's Court, or when it is in the victim's best interests for the matter to proceed in the Children's Court.
- The trial and sentencing of children aged 14 to 17 years old for carjacking will also be heard in the County Court unless these circumstances apply.

Stories of our children

Here are some real-life stories of our children, who are also clients of VALS. These stories highlight how the systems have failed our children time-and-time again, and how responsive, supportive and holistic responses are a much better way to reduce offending and improve community safety.

Lily*

[15] Second reading speech, Justice Legislation Amendment (Community Safety) Bill 2025.

Lily, a young Aboriginal child was charged with aggravated burglary and aggravated home invasion. Balit Ngulu (VALS' Youth Legal Practice) assisted her. Lily was charged with these offences despite only having played a secondary role, being the 'look out' at the time of the offending. Lily was particularly vulnerable, as many young children in contact with the youth justice system are.

Our Balit Ngulu lawyers strongly advocated for Lily and to keep her out of youth detention. The charges were ultimately reduced to reflect the actual nature of her involvement, and she received a non-custodial sentence. The holistic legal and social supports provided by Balit Ngulu meant that Lily received a sentence that was appropriate in the context of the offending behaviour, and she was diverted from the criminal legal system

Lily has not had any further contact with the criminal legal system since.

Under the proposed amendments of the Bill, both of these charges would have put Lily in the County Court where she would be facing a life sentence at her young age, despite having no prior convictions. Lily would have been committed to the County Court, exposed to the adult jurisdiction which lacks the understanding and protective factors of the children's jurisdiction. She would have undoubtedly been exposed to the harms that exist for children in custody, and been further entrenched within the criminal legal system.

Oscar*

At the time Oscar came into contact with the criminal legal system he was already living with significant trauma – something no child should have to navigate alone. Through Balit Ngulu, Oscar received holistic legal and social support and he has not had any further contact with the criminal legal system since.

As a young child, Oscar was removed from his parents' care and taken away from his family home. During this time, the state intervened and Oscar was placed in out-of-home care which we know causes further harm to young people. Kids in residential care experience criminalisation at the hands of the state. The government knows this and that is reflected in the Framework to Reduce the Criminalisation in Care.

Oscar experienced displacement and instability, moving between foster homes before finally being placed with his current carers who have provided him with a safe, supportive and stable home environment – something all kids should experience.

Oscar was charged with offences including aggravated carjacking and aggravated burglary. Balit Ngulu made an application to have Oscar's matters remain in the Children's Court, which was granted. This reflects the fact that the young person is just that – a child.

The court process was extremely traumatic for Oscar, and sending matters to the County Court would have caused far more distress and trauma. The Children's Court has had the appropriate therapeutic effect. Oscar received a sentence that was reflective of his circumstances and experiences, and the fact that he is a child. Oscar is now doing well and has not had any further contact with the criminal legal system.

Had Oscar been subjected to the jurisdiction of the County Court his future could have been a very different story, forgoing the opportunity to be a teenager and pursuing his love for sport.

PART B: CHANGES TO BAIL LAWS

The Victorian Government has made regressive and detrimental amendments to the *Bail Act 1977* (Vic) which impact the youngest and most vulnerable members of our community in heartbreaking ways. In doing so, it walked back the deeply considered reforms prompted by the passing of Veronica Nelson. Following the inquest into Veronica Nelson's passing and with hard-fought advocacy of her family, particularly her mother Aunty Donna Nelson and her late partner Uncle Percy Lovett, a suite of legislative reforms necessary to prevent further Aboriginal deaths in custody. Current Premier, Jacinta Allan, has consistently and proudly stated that Victoria now has the toughest bail laws in the country, and that the previous bail law changes were in hindsight "wrong".[16] Boasting about bail laws that are a known risk to the life and safety of Aboriginal people is deeply offensive to Veronica and her family, and all other people who have lost their lives in similar circumstances.

The new amendments have been passed through the *Bail Amendment Act 2025* in March 2025 and the *Bail Further Amendment Act 2025* in August 2025. These amendments introduce a suite of regressive changes to the bail laws, including introducing the "high degree of probability test", expansion of the reverse onus test and re-introduction of bail offences, which have made bail much more difficult to obtain, further erode the common law doctrine of presumption of

[16] Premier of Victoria, *Toughest Bail Laws in Australia Pass Parliament* (2025), media release, https://www.premier.vic.gov.au/toughest-bail-laws-australia-pass-parliament; and Bail changes after Veronica Nelson's death were "wrong," Victorian Premier says. https://nit.com.au/12-03-2025/16757/bail-changes-after-veronica-nelsons-death-were-wrong-victorian-premier-says.

innocence, embed pre-trial detention as the norm, and drive up incarceration of Aboriginal young people.

While the amended bail laws purport to address the government's primary concern around community safety from "repeat and serious offending", in particular people committing serious crimes while on bail, the government has failed to specify the specific concerns relating to this targeted cohort in terms of age, socio-economic circumstances, vulnerabilities, and how these proposed bail reforms purport to increase community safety.[17]

Instead, what we have seen since these laws were introduced in March 2025, has been a 46% bail refusal rate for Aboriginal people, compared to a 6% rate for non-Indigenous people. In 2024, our dedicated youth legal practice, Balit Ngulu, reported consistent averages of 1.5 young person being held on remand per month. Since April 2025, Balit Ngulu reports a consistent average of 4-5.6 young people being remanded per month, with the highest being 8 young clients remanded in a single month. This reflects an approximate 270% increase in the number of young clients who are being remanded. We believe we are not yet seeing the full impacts of Tranche 2 bail amendments, and we predict further increases on the numbers of children being remanded.

Victoria's corrections system is stretched to breaking point. Prisons are full and this, coupled with the crisis of staffing shortages, has meant rolling lockdowns in youth prisons and especially women's prisons. There were periods where children in Parkville Youth Justice Centre were not being fed breakfast and lunch multiple times. Data from the Victorian Department of Justice and Community Safety confirmed that across an 8-day period on one ward, 71% of mealtimes were impacted due to lockdowns. In total, there were 46 instances over 8 days where the Department was unable to guarantee that children had been fed breakfast, lunch, or dinner. Lockdowns also cause missed school, missed legal and medical appointments and cancelled family contact and visits.

We are gravely concerned for the welfare and safety of Aboriginal children being held in detention and not being afforded basic rights including access to healthcare, cultural support, legal assistance and open air.

High degree of probability threshold

The bail amendments raise the threshold for granting bail to children accused of committing certain offences including aggravated home invasion, aggravated carjacking, armed robbery, aggravated burglary, home invasion, and carjacking. These amendments make the threshold for being granted bail unreasonably high by requiring the bail decision maker to overcome the test

[17] Second reading speech, Bail Amendment Bill 2025.

that the child is not an "unacceptable risk" of further offending and be satisfied that there is a high degree of probability that the accused would not commit a specified Schedule 1 offence while on bail. This is harsher than the test which applies for murder and rape. The 'high degree of probability' test is proving almost impossible for bail applicants to satisfy; so much so that VALS is concerned it is tantamount to automatic detention.

Offences which can involve low level conduct such as aggravated burglary are now subject to the 'high degree of probability' test. This is inappropriate and disproportionate as Aggravated burglary charges also include Aggravated burglary with intent to steal and Aggravated burglary with intent to damage. These offences do not involve violence, in many instances are poverty driven, and often do not reflect a high level of harm against the community. This charge can be satisfied by a person coming into a house requesting a glass of water, and stealing a phone on the way out.

Disproportionate impact of overcharging and up charging on Aboriginal children

This bail test is profoundly unfair and stringent in the context that many offences will resolve in different ways, due to the police practice of overcharging and up charging. VALS regularly sees clients overcharged by police and prosecutors and there is ample evidence of the misuse of police discretion to unfairly charge and prosecute Aboriginal people.[18] These amendments particularly capture group related offending where multiple children may be initially charged with the same suite of offences which are rarely proven against all of them due to complicity and varying degree of involvement. VALS has represented children charged with home invasion charges for entering the office of their residential care facility, which were later withdrawn in favour of a charge of trespass. Under these laws, that child would not have been granted bail. These amendments are likely to see children being held on remand for longer periods than they are ultimately sentenced. The children and young people most impacted will likely be in out-of-home care, particularly residential care as the State systemically fails to support them and instead criminalises them.

This provision has a discriminatory impact on Aboriginal people and also other vulnerable cohorts of people, including children and young people, people with disabilities and people who are targeted by systemically racist policing practices, including Aboriginal people.

The impact of these laws on extending contact with the legal system

VALS is further deeply concerned that bail can only be granted by a court under these amendments.[19] Even in the most compelling circumstances, including when the child is between

[18] Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p 256-257.
[19] Section 13 (3)(2), *Bail Act 1977* (Vic); Victoria Police Manual, *Bail and Remand*.

12 – 14 years of age or without prior convictions, which would likely result in police bail, they must be brought before the court. This increases a child's contact with the criminal legal system, commencing at arrest, being processed at the police watchhouse, and potentially being held overnight in police custody or at a Correctional facility until their application can be heard by a Magistrate.

VALS has represented very young children who have had no previous contact with police who due to these amendments are experiencing prolonged contact with the system, only to be immediately granted bail by a magistrate. VALS are deeply disturbed by this meritless and damaging contact with the legal system, incarceration and loss of liberty endured by Aboriginal kids. The evidence makes it clear that contact with the system at an early age can further entrench young people in the system, rather than help break them free.

This is compounded by the fact that Aboriginal young people are over policed, over-surveiled by police, and subjected to racist and discriminatory policing practices.[20] Aboriginal people continue to experience racial profiling; in 2024, Aboriginal people were sixteen times more likely to be searched by Victoria Police than White people, yet less than one in four searches resulted in finding illicit items.[21] A report from the Centre Against Racial Profiling found, based on Victoria Police's own data, that searches in a *designated area* had only a 1% success rate for finding illicit items.[22] A person search in a *designated area* can be conducted without any reasonable belief of offending behaviour or warrant – in other words, it is conducted at the discretion of police and can be based purely on their personal assumptions and biases.

Data collected by the Redfern Legal Centre highlights that First Nations children were starkly overrepresented in police searches, with 8.7% of searches on children being on First Nations children, despite this group making up only 0.06% of all children in NSW.[23] The overrepresentation of First Nations children is starkest in the ten-year-old age group, with 54% of searches in this age group conducted on First Nations children.

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[20] Yoorrook Justice Commission, *Yoorrook for Justice* (2023), p254-255.

[21] Centre Against Racial Profiling, The Racial Profiling Data Monitoring Project – Key findings (webpage): https://www.racialprofilingresearch.org/keyfindings-2024

[22] Centre Against Racial Profiling, *A Tale of Two Cities: An Analysis of the Impact of Designated Area Powers in Victoria 2019-2024* (2026), p1.

[23] Redfern Legal Centre, *NSW Police Person Searches: A Disproportionate Impact*, p4.

This shows that Aboriginal young people are more likely to experience contact with the legal system regardless of their actions. This leads to greater criminalisation and increases the disproportionate impact that these laws have on Aboriginal people.

These amendments are not only racist, discriminatory and utterly damaging to the prosperity of children, particularly Aboriginal children in Victoria, but they also undermine the *Bail Act* 1977 (Vic) which is meant to balance the protection of community safety with the fundamental rights to liberty and presumption of innocence.

A case study from VALS Balit Ngulu Practice

Brad*

Brad* is a 14 year old with autism and a significant history with the Department of Families, Fairness and Housing (DFFH), including being removed from family at a young age. Brad was charged with an armed robbery that is now categorised as a schedule one offence following the bail amendments in March 2025.

Brad had never been in custody before, had no criminal history, and did not have any outstanding cases. Ordinarily, a child in this situation would be bailed before reaching court. However, because of s13(3)(a) of the Bail Act the police and a bail justice are no longer permitted to grant bail for this offence. Due to the timing of Brad's arrest, Brad could not be brought to court on the day. As a result, an exceptionally vulnerable Aboriginal child spent the night in police custody.

The magistrate accepted that Brad demonstrated exceptional circumstances and did not agree with the police they were an unacceptable risk. Brad was granted bail, and after 5-weeks of compliance with bail the matter finalised in the Koori Court. The Elders and Magistrate in the Koori Court were impressed with Brad's candour and openness, and listened with concern about Brad's experience of custody.

Diminished considerations relation to Aboriginality

The bail amendments significantly diminish the obligation of a bail decision maker to turn their minds to section 3A of the *Bail Act 1977* (Vic) when applying the 'high degree of probability' test. The test limits the consideration and applicability of section 3A in those circumstances because it requires the bail decision maker to focus only on the purported risk of reoffending and the

paramountcy to be given to 'community safety' in the guiding principles. The Bill's Statement of Compatibility confirms that this makes consideration of section 3A irrelevant or less relevant.[24]

Section 3A contains key considerations about a bail applicant's Aboriginality which a bail decision maker must consider, as per Coroner McGregor's recommendations after Veronica Nelson's passing. The Supreme Court of Victoria has interpreted section 3A to mean that Aboriginality is a significant and crucial consideration in all bail decisions, and one that is no "less than a radical transformation to the decision-making process".[25] The Court notes that section 3A should inform every aspect of the process, and encourage decision makers to not contribute to over-incarceration without "good reason to do so".

To ensure the protections of section 3A continue to be genuinely considered and applied in all bail decisions for Aboriginal people, the *Bail Act 1977* (Vic) must be amended to include the factors of section 3A in the guiding principles.

Capture of low-level conduct under bail test

We are similarly concerned by the amendments to introduce new offences to Schedule 2 of the *Bail Act 1977* (Vic), which mean that children charged with certain offences will need to show a compelling reason justifying their release on bail.

These offences include theft of motor vehicle and using that vehicle in a way that endangers public safety, reckless conduct endangering persons or life and offences which involve carrying certain weapons.

We are once again concerned that the established two-step 'show compelling reason' test, unnecessarily captures many low-level offences that would not even result in a sentence of imprisonment.

While the "show compelling reasons" bail threshold is lower than a "high degree of probability" threshold, and police bail can be granted, we are concerned that the elevation of these offences into a higher threshold for bail will make it much more difficult for children charged with these offences to be granted bail. These amendments are once again likely to have a discriminatory impact on Aboriginal people and also other vulnerable cohorts of people, including children and young people, people with disabilities and people who are targeted by systemically racist policing practices, including Aboriginal people.

[24] Statement of Compatibility, Bail Amendment Bill 2025.
[25] Re Terei [2024] VSC 294, p 57.

The effect of re-introduced recently repealed offences on increased incarceration

These amendments have re-introduced previously repealed bail offences of "committing an indictable offence while on bail" and "breach of bail conditions" which means children will face the reverse-onus 'show compelling reasons' bail test.

In the Inquest into the death of Veronica Nelson, Coroner McGregor recommended an urgent review of the *Bail Act 1977* (Vic) with a view to repeal any provision having a disproportionate adverse effect on Aboriginal people.[26] This included the recommendation to repeal these now re-introduced offences.

For vulnerable individuals whose lives are already marked by uncertainty or unpredictability, there is increased likelihood of non-compliance with conditions of bail. The same can be said of non-compliance by First Nations people with bail conditions that are culturally inappropriate or bail requirements that clash with cultural obligations.

Coroner McGregor stressed that repeated bail offences are not serious offences, presenting no risk to community safety and are unlikely to attract a prison sentence, yet they routinely result in remand.[27] Low-level, non-violent offending is frequently directly linked to social circumstances including homelessness, long term unemployment, mental illness, drug or alcohol dependence, displacement or Aboriginality.

VALS and others in the legal sector have observed an increase in the remand applications by Victoria police and are deeply concerned that the re-introduction of these charges are resulting in more Aboriginal children in police custody and on remand.

While the reforms attempt to address the issue of over criminalising Aboriginal children and other vulnerable cohorts through 'carving out' a range of lower-level indictable offences from the uplift, the offences of breach of bail are likely to capture people with these same vulnerabilities which highlight why kids need pro-social and community driven supports, rather than carceral responses.

Diversion and alternatives to carceral legal intervention

As discussed in our previous submission, the ultimate goal of decarceration is to provide strong support systems to get people out of prison and keep them out. This concept prioritises reducing the harm caused by the criminal legal system. Diversion from the youth justice system is a critical

[26] *Inquest into the Death of Veronica Nelson* (Coroners Court of Victoria, Coroner Simon McGregor, 30 January 2023).
[27] *Inquest into the Death of Veronica Nelson* (Coroners Court of Victoria, Coroner Simon McGregor, 30 January 2023) 367.

part of addressing the over-incarceration of Aboriginal children in youth detention and moving towards decarceration. VALS and KYC were deeply disappointed in the Victorian Government's decision in October last year to re-open the Malmsbury Youth Justice Centre, which had been found dangerous and not fit for purpose for children and young people. This decision ignored the will and effort from local community and sector organisations to heal, decolonise and decarcerate the site.

There is substantial evidence that therapeutic interventions are more effective at reducing recidivism in young people than punitive approaches.[28] Children in the youth justice system often have complex needs, and have invariably been let down by the adults and systems in their lives. We should not be punishing our children for the failures of others. Children must be given a chance to learn from their mistakes and grow up to be healthy, safe, contributing members of our communities.

It is important to note that alternatives to the criminal legal system still include strong accountability for children who engage in negative behaviours, but that accountability is designed to help children learn rather than punish them. Conditions in youth detention re-traumatise children, compound mental illness, further disrupt their development and make reoffending more likely. For Aboriginal children, detention also removes them from their families, communities, Country and culture.

Responses to offending behaviour must focus on healing, by prioritising diversion at every stage of the legal process and connecting people to integrated, culturally safe services, that will support them to heal from trauma and address underlying reasons for behaviour, including health, education, housing, and other needs. Under international human rights law, Australia is required to divert children and young people away from judicial proceedings, wherever appropriate and desirable.[29]

Alternative forms of accountability can be found in restorative justice options, diversion options, family focused interventions like family coaching which provides intensive in-home therapy, cultural interventions such as cultural camps and programs that connect the child to a broader community, civil law options, child protection options. Alternative justice options include a focus on rehabilitation, as no child should be categorised as being beyond rehabilitation or community support, no matter what their harmful behaviour is.

[28] Liddle M, Boswell G, Wright S et al, Trauma and Young Offenders: A Review of the Research and Practice Literature, Beyond Youth Custody, 2016.
[29] United Nations Convention on the Rights of the Child, Article 40(3)(b).

A case study from VALS Balit Ngulu Practice

Alex*

Alex is a 16-year-old Wiradjuri child. Alex had one court matter, being a burglary from January 2025. This was their first time before the Court.

At the time of offending, Alex was living in regional Victoria and rarely attending school. They were enrolled at a special education school. They were surrounded by peers who had a negative influence on them, and who were themselves well-entrenched in the criminal justice system. Alex has been diagnosed with ADHD and autism, and they were experiencing poor mental health.

Whilst the court matters were on foot, Alex relocated to regional NSW, a few hours from their hometown. Because this was Alex's first offence the police must issue a caution. Because Alex had permanently relocated and was not intending on moving back to Victoria, police considered that a caution was not a viable option. Instead, VALS sought leave for Alex to appear online at a regional Victorian Children's Court for an application for a same-day diversion.

The diversion application was successful, and since their relocation to NSW, Alex has been working part-time with their brother in law and has noticed an overall improvement in their mental health. They have had no further criminal offending since the offending in January 2025. The Court was satisfied that Alex had taken the appropriate steps to rehabilitate from their offending and discharged their court matters on the same date as the application for diversion.

Youth justice responses require tailored and intensive wrap-around supports for the child and their family, while the child is in the community, not a facility. The focus should be on providing a wrap-around service, addressing the underlying causes of offending, assisting the family and child to navigate systems from which they have been excluded or unable to navigate on their own (for example, housing support, Centrelink, education), building a solid and extensive support network in the community (where the child will ultimately always return) to ensure that the chances of reoffending are reduced.

VALS' Balit Ngulu program is one example of a self-determined response that reduces the overincarceration of Aboriginal children and creates the conditions in which Aboriginal children and empowered and thrive in their culture.

Balit Ngulu

Balit Ngulu, which means 'Strong Voice' in Woiwurrung, is VALS' youth justice service for Aboriginal children and young people with criminal matters in the Melbourne metropolitan,

Greater Shepparton areas (including Echuca) and Hume region. Early intervention is the primary focus of the program and diverting young people away from the criminal justice system remains a key priority. Young people have support from dedicated youth lawyers, Aboriginal Community Engagement (ACE) workers and a recently established pathways program called *Strong Voice, Strong Futures*.

ACE workers provide holistic case management, supporting young people with non-legal needs. ACE workers provide wrap-around support and coordination for our young clients to ensure they have all the supports they need in order to flourish. This includes social and emotional wellbeing supports, cultural supports, and referrals to programs as required (for example, AOD support). *Strong Voice, Strong Futures* Youth Pathways Coordinators provide support to re-engage with education and employment by developing relationships with clients and supporting them to meaningfully engage in education, training and employment.

This wraparound model remains central to the Balit Ngulu approach, recognising that legal issues are often intertwined with broader systemic and social challenges. Balit Ngulu has continued to demonstrate a strong commitment to delivering wraparound culturally safe legal services to Aboriginal and Torres Strait Islander children and young people.

Our Balit Ngulu practice continues to achieve positive outcomes together, deterring young people away from the criminal legal system through advocacy for non-court dispositions such as Police cautions, Aboriginal Youth Caution program and also Children's Court Youth Diversion Program. This is possible because of the referrals and supports established in the community, largely led by our Aboriginal Community Engagement (ACE) workers and Youth Pathways Coordinators.

A case study from VALS Balit Ngulu Practice

Sam*

In February 2025, Sam*, a 15-year-old young person, was referred to Balit Ngulu after being charged with multiple serious offences. Although Sam had no prior convictions, they had previously completed a Children's Court Youth Diversion in late 2024.

Following intake, Sam was connected with our Balit Ngulu Aboriginal Community Engagement (ACE) worker. The ACE worker quickly established a strong and trusting relationship with Sam, which led to high engagement over the following months. Together, they identified key goals, with Sam expressing a strong desire to return to school as a priority.

Re-engaging Sam with education required significant advocacy. The ACE worker established a care team and led the coordinated effort involving the school, Koori Education Support Officer, and Sam's family. Despite initial resistance from the school, persistence to develop a plan led to Sam successfully enrolling in their preferred school. This outcome was a major milestone for Sam and a testament to the ACE worker's dedication and culturally safe approach.

The support provided by Balit Ngulu was deeply appreciated by both Sam and their family and was formally acknowledged by the Magistrate in the Koori Court. The Magistrate commended the work of the ACE worker, expressing hope that more young people could access similar support and that ACE workers could remain engaged with young people for longer periods.

In the end, Sam was sentenced to a five-month Good Behaviour Bond. The Magistrate recognised Sam's genuine efforts to make positive life changes and engage in pro-social activities such as school. Since the finalisation of their matter, Sam has had no further contact with police.

Before closing Sam's file, the ACE worker ensured they were connected with ongoing community supports, reinforcing Balit Ngulu's commitment to long-term positive outcomes for Aboriginal and Torres Strait Islander young people.

There are various early intervention, diversion and non-carceral responses across Victoria. Whilst these programs achieve fantastic outcomes for people in contact with the criminal legal system, they are constrained by funding. To improve accessibility and availability of impactful programs like this, the government needs to urgently invest in self-determined solutions.

Bunjilwarra Koori Youth Alcohol and Drug Healing Service

Bunjilwarra is a purpose-built alcohol and other drug residential rehabilitation and healing service for Aboriginal young people. The service is run by the Victorian Aboriginal Health Service (VAHS), with the support of local Aboriginal and non-Aboriginal health services.

Bunjilwarra provides a culturally and clinically safe residential rehabilitation program in the form of a therapeutic community for Aboriginal young people who require treatment to manage their alcohol and drug use problems, and to build resilience. Bunjilwarra allows young people to heal in a space that is both culturally safe and clinically therapeutic.

The program focuses on providing a safe environment for young people to develop and improve life skills, recover from addiction, reconnect with culture, maintain strong family relationships, and work in collaboration with practitioners to develop a recovery plan. Bunjilwarra provides integration with primary healthcare, local support services and transition planning to ensure that participants are able to safely and confidently transition into community after discharge.

Yallum Yallum

Yallam Yallam is a culturally led, community-controlled justice model for Aboriginal and Torres Strait Islander people, focused on restorative justice, personal growth, and addressing the root causes of offending, with ongoing evaluation and community-driven feedback to refine and strengthen its impact.

The model is a process for referring willing community members of any age to an Elders and Respected Persons Council known as Yallum Yallum. The group of Elders and Respected Persons are brought together to provide guidance and form an agreement with participants during their engagement with the program to strengthen their cultural connection and identity and explore, address and repair harm related to their behaviour. The process aims to provide an alternative that diverts people away from further involvement in the criminal justice system, and addresses the overrepresentation of Aboriginal people in the justice system.

The program has strong positive outcomes, which is evidenced in the overall healing and rehabilitation that participants experience.

We encourage the committee to read about Rodney's experience with Yallam Yallam, and how the program supported him to heal and rehabilitate.

Dungulayin Mileka – Massive Murray Paddle

Dungulayin Mileka is a program coordinated by the Victorian Aboriginal Community Services Association Ltd (VACSAL) that brings Victorian Aboriginal young people and members of Victoria Police together to participate as a team in the Massive Murray Paddle event. It has been operating since 2002. The young people who engage in the program are aged 13-17 years and are referred by an ACCO or identified by police, youth justice workers or family or community members. Participants are supported throughout the program by positive peer influences, program staff, community members and Elders, with the goal of building positive relationships and trust between young people and police and increasing cultural connection, community engagement and participation. This is an example of supporting and strengthening young people in contact with the youth justice system rather than punishing them.

Lotjpadhan Restorative Justice Project

Established by Aunty Lois Peeler, the Lotjpadhan project provides restorative justice supports to young people. Lotjpadhan means 'talking together' in Yorta Yorta language.

The program focus is on addressing harm through conciliation and providing opportunities for Aboriginal young people to avoid the justice system and connect with self, family, community and culture. Key pillars of the program are deep listening and community healing.

Underlying principles of the program are; do no further harm, work with people rather than for them, set relations right so culture is strengthened, opportunities for healing are created, individuals and communities develop enhanced resilience and skills.

Through the program Tunga Practitioners facilitate an open conversation and yarning circle with all both parties. Leading up to the conference participants are supported by Tunga Practitioners, who are Aboriginal people with community connections and cultural knowledge, to share experiences and participate in the conversation. Conferences are held in culturally safe spaces where each party has the opportunity to speak, listen and reflect. Parties work together to collectively resolve and work through the consequences of the offending behaviour, and consider the implications for the future.

The project brings together a community of people to work through the issues together. It is based on the traditional practice of everyone looking after the child, bringing community together and acknowledging the shared responsibility and benefit in doing do. The approach aligns with traditional practice by creating a coordinated network of caregivers, providers, and community who work together to meet young person's needs. Everyone one working together for the benefit of the child.

National minimum standards for youth justice

Australia is failing to meet its international obligations to protect human rights. It is essential for Australia to introduce and legislate national minimum standards for youth justice. In its five yearly Universal Periodic Review of Australia's human rights record, the United Nations Human Rights Council raised concerns about the "almost constant increase" in the number of people held on remand and Australia's "very low age of criminal responsibility".[30] The UN review was particularly

[30] United Nations General Assembly Human Rights Council Working Group on the Universal Periodic Review Fifty-first session, *Australia,* A/HRC/WG.6/51/AUS/2 (3 November 2025), 3, 7.

critical of Australia's youth detention system.[31] The Committee against Torture found that children in detention had been "subjected to verbal abuse and racist remarks and restrained in ways that were potentially dangerous", and that solitary confinement continues to be used.[32]

Enforceable National Minimum Standards would prevent the deterioration of human rights to the point where international Human Rights organisations such as the UN are having to raise concerns at the international level. These legislative reforms which breach many of Australia's international obligations and were passed without consultation or any assessment of compatibility with National Closing the Gap frameworks, would not have been able to be passed in the presence of National Minium Standards.

The Victorian government has shown that when it matters, it does not choose to protect Aboriginal children. Ministers are adept at paying lip service to the Aboriginal community while passing legislation that ignores our calls for change. The Victorian Premier, then-Attorney-General and the Minister for Youth Justice gave evidence and even shed tears before the Yoorrook Justice Commission in 2023. Their evidence included acknowledgements that:

- Historical laws and policies in Victoria failed to consider the views and hopes of First Peoples[33], have led to profound loss and intergenerational trauma[34], and that the Government is committed to delivering immediate and enduring change[35]
- Aboriginal children and young people are being remanded in circumstances where alternative responses could and should be adopted[36], and the government needs… to set up the justice system to be a positive intervention with a greater focus on rehabilitation[37]
- Short periods in custody [on remand] are destabilising and often serve to exacerbate issues underlying offending… these outcomes are antithetical to rehabilitation[38]
- Conditions in youth justice custody can traumatise and re-traumatise children, disrupt development and make reoffending more likely. For Aboriginal children, detention also removes them from the families, communities, Country and culture[39]

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[31] Dechlan Brennan, *Human Rights Act a must as UN slams Australia's age of criminal responsibility* (webpage, 2026).
[32] United Nations General Assembly Human Rights Council Working Group on the Universal Periodic Review Fifty-first session, *Australia; Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights,* A/HRC/WG.6/51/AUS/2 (3 November 2025), 7.
[33] Yoorrook Justice Commission, Witness Statement of the Hon Jacinta Allan MP Premier of Victoria, 178.
[34] Ibid, 179.
[35] Ibid, 21.
[36] Yoorrook Justice Commission, Witness Statement of the Hon Jaclyn Symes Attorney-General, 27.
[37] Ibid, 54.
[38] Ibid, 187.
[39] Yoorrook Justice Commission, Witness Statement of the Hon Enver Erdogan, Minister for Corrections, Youth Justice and Victim Support, 93.

- Children who come into contact with the criminal justice system at a younger age are more exposed to ongoing harm and at higher risk of becoming entrenched in the criminal justice system.[40]

After making these statements, the Government knowingly and willingly made laws that directly result in locking up more Aboriginal children. It is clear that the Victorian Government cannot be trusted to do right by our children. The federal government must step in and implement enforceable national minimum standards.

As discussed in our previous submission, the federal government has the constitutional power to set minimum legislated standards for the treatment of children and young people in state and territory criminal legal systems.[41] This is derived from the Commonwealth's power to make laws about "external affairs", which includes giving effect to treaties that Australia has signed with other countries. These treaties do not automatically become part of Australian domestic law. For this to occur the provisions of the treaty must be implemented domestically through legislation.

Among the many treaties that Australia has ratified, the CRC protects vital rights including that a child younger than 14 years cannot be sent to prison, arrest must be used as a last resort and that children cannot be held in solitary confinement. The Committee on the Rights of the Child (Committee) has recommended that Australia "enact comprehensive national child rights legislation fully incorporating the Convention and providing clear guidelines for its consistent and direct application throughout the states and territories of the State party'" and "consider withdrawing its reservation on article 37 (c) of the Convention".[42] The latter would enable enactment in legislation that no child shall be held in a correctional facility designed for or used by adults, for any period of time.[43]

In 2024, the Australian Human Rights Commission (AHRC) recommended that the Australian Government incorporate the CRC into Australian law through a National Children's Act as well as a federal Human Rights Act.[44]

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[40] Ibid, 101.
[41] Justice and Equity Centre, *Explainer: Calling for Australian Government action to protect children*, (Webpage, 2025).
[42] United Nations Convention on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Australia, CRC/C/AUS/CO/5-6* (1 November 2019).
[43] Kate Eastman AM SC and Emma Dunlop, *The External Affairs Power as a Constitutional Basis for Commonwealth Intervention in National Child Rights Reform Advice*, 23 June 2025.
[44] Australian Human Rights Commission, *'Help way earlier!' How Australia can transform child justice to improve safety and wellbeing* (Webpage, 2025).

We echo these calls with urgency and highlight that the current federal frameworks including Closing the Gap Agreement of 2007 and the new National Agreement on Closing the Gap, as well as the Aboriginal Justice Agreement in Victoria are not working.

Despite these frameworks and initiatives, all governments, including the Federal and Victorian Governments, continue to contradict commitments by acting against evidence-based policy, failing to meet targets or inadequately funding Aboriginal led early intervention and diversion services. One of the key reasons for this is the ongoing denial of Aboriginal self-determination.

In our last submission, we drew the Inquiry's attention to the dominant barriers to political will and government appetite for evidence-based youth justice reform, highlighting 'penal populist' and 'tough on crime' narratives that have long been used by racist media outlets and politicians to score political points, an unyielding influence of police services and police unions on legislative reforms, the government's investment disparity in carceral youth criminal legal policies compared to early intervention and therapeutic services and lack of accountability and oversight for implementation of recommendations coming out of successive Royal Commission and inquires at both federal and state levels.

These barriers are significant impediments to real and lasting change that allows Aboriginal children to prosper. It is of paramount urgency that enforceable national minimum standards are legislated to overcome these barriers which often feel insurmountable. The current Victorian sentencing and bail reforms are an attack on children's rights and livelihoods, and it is necessary to prevent this continual erosion of human rights and uphold our international obligations through legislating national minimum standards for youth justice.

BACKGROUND TO THE VICTORIAN ABORIGINAL LEGAL SERVICE

The Victorian Aboriginal Legal Service (VALS) is an Aboriginal Community Controlled Organisation (ACCO) with 50 years of experience providing culturally safe legal and community justice services to our people across Victoria.

Legal Services

Our legal practice serves Aboriginal people of all ages and genders. Our 24-hour criminal law service is backed up by the strong community-based role of our Client Service Officers (CSOs). CSOs help our clients navigate the legal system and connect them with the support services they need.

Our **Aboriginal Families Practice** provides Statewide legal information, advice, litigation representation and lawyer assisted dispute resolution in the areas of family law, child protection, and family violence. We provide child and family focused assistance, supporting people through the trauma of legal proceedings or State intervention in a culturally safe and respectful way.

Balit Ngulu is our dedicated legal practice for Aboriginal children and young people. This team provides legal advice and representation for clients in criminal proceedings and intervention order matters, as well as where child protection, or a s18 authorised service are involved. Balit Ngulu is designed to be trauma informed and provide holistic wraparound culturally safe support for our youngest clients.

The **Civil & Human Rights Practice** at VALS fights to provide access to justice for our clients in civil justice issues tied to human rights. This includes consumer issues, infringements, tenancy issues, coronial matters, discrimination issues, working with children checks, employment matters and mental health tribunal matters.

Our **Criminal Law Practice** provides legal assistance and representation for Aboriginal people involved in court proceedings charged with a criminal offence. This includes bail applications, Jury trials, Koori Court, contested hearings and representation in both mainstream and therapeutic courts. We aim to provide a culturally safe service and to understand the underlying reasons that have led to the offending behaviour and ensure this informs the best outcome for our clients.

Our **Wirraway Police and Prison Accountability Practice** provides legal advice and conducts case work and civil litigation for Aboriginal people who have experienced policing and prison harms. This includes negotiation and complaints, court proceedings against the State for negligence, excessive use of force and unlawful detention, and coronial inquests arising from deaths in custody and police contact deaths.

Community Justice Programs

Our Community Justice Programs (CJP) team is staffed by Aboriginal and Torres Strait Islander people who provide culturally safe services to our clients and community.

This includes the Custody Notification System, Community Legal Education, Victoria Police Electronic Referral System (V-PeR), Regional Client Service Officers and the Baggarrook Women's Transitional Housing program.

Policy, Research and Advocacy

VALS informs and drives system change initiatives to improve justice outcomes for Aboriginal people in Victoria. VALS works closely with fellow members of the Aboriginal Justice Caucus and ACCOs in Victoria, as well as other key stakeholders within the justice and human rights sectors.

BACKGROUND TO THE KOORIE YOUTH COUNCIL

The Koorie Youth Council is the representative body for Aboriginal and Torres Strait Islander young people between the ages of 12 to 28 years, living in Victoria. KYC is a policy and advocacy organisation whose work is guided by the insights and experiences of young mob across the state. KYC's work is dynamic and broad. Our core purpose is to bring Aboriginal and Torres Strait Islander young people together to create a culturally safe space to amplify our voices for positive change.

Koorie Youth Council is based on the lands of the Wurundjeri people of Kulin Nation in Naarm (Melbourne). KYC gives our deepest respect to people of the Kulin Nation, in particular, to all Elders past and present for their knowledge, wisdom and legacies that continue to drive us as we walk a path toward positive social change. We also acknowledge all Aboriginal and Torres Strait Islander people and pay respect to the knowledge, cultures and continued history of all Aboriginal and Torres Strait Islander Nations. We respectfully acknowledge and thank the custodians and communities across Victoria who continue to support all KYC projects.

Contributors

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Note on Language

Throughout this document, we use the word 'Aboriginal' to refer to Aboriginal and/or Torres Strait Islander people, communities and organisations. VALS acknowledges that there are many Aboriginal people in Victoria who have Torres Strait Islander heritage, and many Torres Strait Islander people who now call Victoria home.

Acknowledgement

VALS and KYC pay our deepest respect to traditional owners across Victoria, in particular, to all Elders past, present and emerging. We also acknowledge all Aboriginal and Torres Strait Islander people in Victoria and pay respect to the knowledge, cultures and continued history of all Aboriginal and Torres Strait Islander Nations.

We pay our respects to all Aboriginal and Torres Strait Islander Elders who have maintained the struggle to achieve justice.

Across Australia, we live on unceded land. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.