

## Significant Policy Moments: Victoria 2003-2015

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### 2003

- *Mental Health (Amendment) Act 2003*

Came into effect in 2005. Clarified involuntary treatment and community treatment order provisions, recommended involuntary treatment in the community, wherever possible, and encouraged greater involvement of patients in decisions about their treatment.

- *Bail Regulations 2003*

Replaced the *Bail Regulations 1992*.

- *Malmsbury Juvenile Justice Centre*

In 2002/2003 DHS built and commissioned a 16-bed secure accommodation facility 'Ulabara Unit' for young male offenders at the Malmsbury Juvenile Justice Centre. Also completed a major upgrade of the young men's secure welfare facility at Ascot Vale.

- *Consolidation of Juvenile Justice Custodial Services*

Formulated in 2002, consolidated structure in 2003. Encompassed the Melbourne Juvenile Justice Centre, the Parkville Youth Residential Centre and the Malmsbury Juvenile Justice Centre into a single management stream.

- *The Victorian Juvenile Justice Rehabilitation Review*

Andrew Day & Kevin Howells, Forensic and Applied Psychology Research Group, University of South Australia; Debra Rickwood, Australian Institute of Criminology.

Included a literature review of effective rehabilitation programs for young offenders; Victorian Juvenile Justice programs and case practice; the applicability of recidivism risk/criminogenic needs assessment instruments; and the development of a Victorian Juvenile Justice Best Practice Model.

- *Placement and Support Services System*

Completed 2 purpose built residential units (in Lilydale and Mt Waverley) for adolescents. Staff and service providers such as Child Protection, Mental Health, Drug and Alcohol and Juvenile Justice represented an all of agency approach known as the Eastern Residential Perspectives Model.

- *Juvenile Justice Group Conferencing*

Based on restorative justice principles that aim to address the offending behaviour of the young person, divert them from more intensive supervisory orders, raise their understanding of the impact of their offending and give them the opportunity to make amends for their behaviour. In 2002-2003, DHS provided additional funding to expand the Program to all metropolitan Children's Courts and 2 rural programs in the Gippsland and Hume regions.

- *Enhancing Specialist Behaviour Services - Adolescent Initiative*

Aimed to develop a comprehensive service model of prevention and treatment for adolescents with a disability who had been identified as 'at risk' of displaying offending behaviour or had established patterns of offending behaviour. Implemented by 9 Disability Services Regional Offices around Victoria.

- *Community Strengthening Initiative*

Consisted of 76 projects across Victoria that aimed to enhance the capacity of local communities to respond to drug issues. Aimed at young people in their local communities, with a particular emphasis on Koori young people and young people from culturally and linguistically diverse communities. Implemented in 2002/2003.

- *Koori Youth Group*

DHS provided a centre for Koori youth aged 11-25 in La Trobe Valley (Morwell, Traralgon, Moe, Churchill) to meet, participate in activities and learn new skills and positive behaviours through mentoring.

## 2004

- *Children and Young Persons (Age Jurisdiction) Act 2004*

Extended the jurisdiction of the criminal division of the Children's Court and the Victorian juvenile justice system to include 17 year olds. Amended the *Crimes Act 1958*, *Crimes (Family Violence) Act 1987*, *Sentencing Act 1991*, *Evidence Act 1958*, and *Parole Orders (Transfer) Act 1983*.

- *Children and Young Persons (Koori Court) Act 2004*

Established a Koori Court (Criminal Division) of the Children's Court and outlined the jurisdiction and procedure of that Division; to ensure greater participation of the Aboriginal community in the sentencing process of the Children's Court... and to assist in achieving more culturally appropriate sentences for young Aboriginal people.

- *Protocol between Disability Services and Juvenile Justice*

In 2003/04 DHS developed a protocol between the Disability Services Division and the Juvenile Justice Branch to identify early the risk factors for adolescents with a disability who have the potential to become involved with the criminal justice system; and progressed work with the acquired brain injury sector to assist young people with an acquired brain injury who are at risk of becoming involved in the justice system.

- *Standards to Guide the Delivery of Services in Juvenile Justice Custodial Centres*

Reflected best practice and goals for improvement of services in juvenile justice centres, in the following categories: Basic entitlements and individual needs; entry to the system; health; case management; behaviour management; family and community; program delivery; safety and security; facilities amenities and services; and human resource management. Based on the principles that the standards should be: client focused, continuity of care, measurable, practical, reviewable, service flexibility, universal, knowledge based expectations, community and staff/client needs.

- *Youth Alcohol Campaign*

Launched the Youth Alcohol Campaign, which showed an increase in young people's awareness and understanding of the negative social consequences of drinking. During and immediately after the campaign there was a 94% increase in the number of visits to the alcohol campaign web site and a 43% increase in the number of visits to the drugs web site.

- *Attorney General's Justice Statement 2004-2014: New Directions for the Victorian Justice System*

Strategies grouped under key themes of 'Modernising Justice' and 'Protecting Rights and Addressing Disadvantage.' Initiatives included expanding the Koori Court and establishing the Children's Koori Court.

- *Victorian risk needs indicator tool*

Piloted for use in assessments and service planning for all young people on community-based or custodial orders.

- *Juvenile Justice Additional Custodial Capacity Project*

Building of 26 bed multi-purpose unit due for completion in April/May 2005.

- *Juvenile Justice Centre Operations Manual*

Completed in August 2004 and rolled out in chapter sections based on the *Standards to Guide the Delivery of Services in Juvenile Justice Custodial Centres*. Replaced the 1994 Manual.

- *Lake Tyers Community Renewal Project*

The Project was initiated by community Elders who were concerned about leaking sewerage systems, poor housing, safety, alcohol abuse, poor school attendance, child protection problems and unemployment. The Department of Justice convened an interdepartmental committee which adopted the neighbourhood renewal approach that had been used by the DHS for mainstream (non-Indigenous) place-based programs in Victoria; and worked with residents on problem solving, planning and designing services. Emphasised capacity development through mentoring, coaching and on the job training. A 10 year commitment to the project was made. \$3.2 million was allocated to the renewal project over the first 4 years from 2004, and separate funds were made available for housing and infrastructure needs.

- *VLRC Report: Sexual Offences*

The Report contained 202 recommendations to make the criminal justice system more responsive to complainants in sexual offences cases, whilst at the same time ensuring a fair trial for those accused. Chapter 10 focuses on dealing with juvenile sexual offenders. The Commission claimed that neither child protection nor the criminal justice system responds adequately to young people who sexually assault others. Recommended the *Children and Young Persons' Act 1989* be amended so the court can make an order to protect a child who is a sexual offender. Found that the requirement to participate in a treatment program will often be the most effective way to deal with the young offender's behaviour. Examined responses to the needs of young sexual offenders, including various forms of diversion and family conferencing. The Commission tentatively proposed a system under which the child could obtain treatment in a variety of ways, including under orders made in the criminal and protective divisions of the Children's Court and referral by a range of agencies. Recommended the establishment of a joint working party, including representatives from DHS and the Children's Court, to consider a broader range of responses to the problem of juvenile sexual offending.

- *Multiple and Complex Needs Initiative*

Implemented in 2004 its elements included a statutory panel, 2 state-wide services to provide assessment and intensive case management and legislation. MACNI targets people 16 years and older identified as having multiple and complex needs, including those with combinations of mental illness, substance abuse issues, intellectual impairment, acquired brain injury and forensic issues. Centred on a time-limited

specialist intervention that aims to: stabilise housing, health, social connection and safety; pursue planned and consistent therapeutic goals for each individual; and provide a platform for long term engagement in the service system.

- *The Restorative Justice Mentoring Program*

Commenced in November 2004 in the southern and eastern regions. The state 'Community Support Fund' provided community service organisations \$1.3m over 3 years to run the program. Aimed to connect eligible young people on custodial sentences or supervision orders to employment, education and training opportunities. Premised on building a strong relationship with the young person to ensure an appropriate and sustainable referral.

## 2005

- *Children and Young Persons (Miscellaneous Amendments) Act 2005*

Amended the *Children and Young Persons Act 1989* to enable the Children's Court to deal with unpaid infringement notices; clarified the criminal jurisdiction of the Children's Court and the operation of sentencing orders; amended the *Bail Act 1977* to provide for the holding of certain persons in youth training centres rather than prison; amended the *Road Safety Act 1986* and certain other Acts to provide for the enforcement of infringement notices against children; and made consequential and minor amendments to the *Children and Young Persons (Age Jurisdiction) Act 2004* and the *Children and Young Persons (Koori Court) Act 2004*. Note that the *Children and Young Persons Act 1989* was repealed by the *Children, Youth and Families Act 2005* on 23/04/2007.

- *Children, Youth and Families Act 2005 & the Child Wellbeing and Safety Act 2005*

Introduced following a review of the *Children and Young Persons Act 1989* and the *Community Services Act 1970*. The *Children, Youth and Families Act* is the key Act dealing with youth justice and the Children's Court. It also governs child protection and community support services.

- *Children's Koori Court pilot*

First sat in October 2005 at the Melbourne Children's Court. The Court is a partnership between Department of Human Services and the Department of Justice. The proceedings in the Children's Koori Court are governed by sections 517 - 520 of the *Children, Youth and Families Act 2005*. The Court has jurisdiction to hear matters if the defendant is Aboriginal; if the offence is within the jurisdiction of the Criminal Division of the Children's Court (except for sexual offences); if the defendant pleads or intends to plead guilty or has been found guilty; and if the defendant consents to the proceedings being dealt with by the division.

- *Responsibility for juvenile justice transferred*

The Office for Children was established on 7 March 2005 in the Department of Human Services; replacing the former Community Care Division. The establishment of the office was one of a series of structural changes announced in *Putting Children First...the next steps*, the Government's response to the report of the Premier's Children's Advisory Committee, *Joining the dots*.

- *Victorian Government response to the Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody*

Evaluated the implementation of the 339 recommendations of the Royal Commission. Focused on the development of the Victorian Indigenous Affairs Framework as a whole of government approach to overcoming Indigenous disadvantage; and initiatives under the Victorian Aboriginal Justice Agreement intended to address over-representation in the justice system. Outlined juvenile justice's involvement in harm prevention (3.2); rehabilitation (3.4); and responsiveness of the justice system (3.5). Highlighted the Koori Juvenile Justice Program; development of Koori Alcohol and Drug Resource Centres; police pilot of a diversionary project for Koori youth in Mildura; and involvement of Koori Juvenile Justice workers in the Youth Parole Board and planning processes.

- *Review of the Victorian Aboriginal Justice Agreement*

Independent review conducted by Atkinson Kerr and Associates. Identified the most significant initiatives to be the introduction of Koori Courts, a men's residential diversionary facility and employment of Indigenous Community Corrections officers. Recommended renewed commitment and development of VAJA Phase 2.

- *Growing Victoria Together*

Released in 2001 and refreshed in 2005. Set out a 10 year vision for the State and identified priorities for budgetary and legislative decisions. The primary goals and progress measures for human services were: high quality and accessible health and community services; building friendly, confident and safe communities; a fairer society that reduces disadvantage and respects diversity; protecting the environment for future generations; greater participation and more accountable government. No specific discussion of criminal justice but is included as an indicator area for monitoring progress.

- *Systems review of youth justice custodial centres*

Focused on ensuring an appropriate and skilled workforce; a secure and safe environment; the provision of effective programs and specialist supports; and strengthening quality assurance and compliance.

- *Integrated Client and Case Management Systems*

Piloted for juvenile justice and early childhood intervention services in the Southern Metropolitan Region. Intended to facilitate better-coordinated care across services and organisations with common clients.

- *Protocol between Child Protection and Juvenile Justice*

Framework for child protection and juvenile justice to work together to maximize outcomes for common clients. Identified joint and individual program responsibilities for common clients at different stages.

- *Police district-based youth model*

In July 2005, Victoria Police committed to the implementation of a new district-based youth model. The model began in 2006, the model will be delivered through Youth Resource Officers (allocated to all police districts). The Resource Officers received Indigenous cultural awareness training and worked with local partners to identify local youth issues and assist in the development of programs and strategies to improve outcomes for young people. The program emphasised development of the capacity of operational police to work with young people.

## 2006

- *Victorian Charter of Human Rights*

The Charter was declared in July 2006 and came into full effect on 1 January, 2008. Protects 20 fundamental human rights, including s 23 'Rights of children in the criminal process'.

- *Disability Act 2006*

Effective from 1 July 2007. Provides a framework for a whole-of-government and community approach to facilitating community participation by people with a disability.

- *Victorian Indigenous Affairs Framework, Department of Planning and Community Development*

The overall policy goal was to raise the life expectancy and quality of life of Indigenous Australians. The six strategic areas for action included improvement of justice outcomes (area 4). Change indicators in this strategy included an increase in the number of Indigenous people cautioned when processed by police; and reduction in the number of Indigenous adults and youth convicted within 2 years of a previous conviction.

- *A Fairer Victoria– Progress and next steps*

Built on an earlier 2005 policy, which provided a framework to improve services and opportunities for disadvantaged Victorians. Set out 85 actions to be undertaken within 14 strategies over a 5-10 year period. In 2006 the government committed a further \$851.6m; in addition to initial funding of \$788.2m towards A Fairer Victoria initiatives in 2005. The 2006 revised document indicated that overrepresentation of Indigenous people in the criminal justice system was being addressed through the expansion of Koori Courts and the development of the first Koori Children's Court (in Australia). Included a government commitment to extend VAJA1 and to build a new residential facility for Koori youth with substance abuse issues (9.5).

- *Victorian Aboriginal Justice Agreement – Phase 2*

Implemented in 2006-07 to address issues facing the Aboriginal community in dealing with the Youth Justice system. Major outcomes included: developing and implementing the Koori Early School Leavers and Youth Employment program; implementing the Koori Intensive Bail Support program; developing guidelines for the Aboriginal Community Visitors program; collaboration through the Regional Aboriginal Justice Advisory Committee and local Aboriginal justice advisory committees; and implementing the Koori Intensive Post-Release Support Program.

- *DHS Youth Strategy*

Was a component of the Multiple and Complex Needs Initiative. Focused on prevention and increasing the capacity of the juvenile justice sector and the community to respond to young people with complex behaviour. As part of this strategy, Disability Services and Juvenile Justice identified the continuum of support a young person within the juvenile justice system can access and how these supports could be improved. Led to the creation of the Disability Services Juvenile Justice Centre Senior Adviser position. The 5 areas of focus were individualised planning and support, education and training, centre systems, positive behaviour support and pre-release planning.

- *A Guide to Effective Practice for Mentoring Young People, Office for Youth*  
The guide was developed as part of the Mentoring and Capacity Building Initiative. The guide was intended to apply to mentoring in juvenile corrections settings and discusses juvenile justice as a specified program focus. The guide set out good practice principles; components of mentoring programs which increase the likelihood of success; and a framework for running and reviewing mentoring programs. Built on *Leading the Way: The Victorian Government's Strategic Framework on Mentoring Young People 2005-2008*.

- *Restorative juvenile justice mentoring program*  
Launched in 2005/2006 as a pilot in the Southern and Eastern metropolitan regions. Provided post-release support to young people by community volunteers. Also established a program in partnership with Crime Prevention Victoria and the Department of Education, in 3 metropolitan regions to provide intensive case management support to juvenile justice clients. The focus of these programs was on connecting eligible young people with employment, education and training opportunities.

- *Expansion of the Youth Justice Group Conferencing program*  
The program expanded state-wide from October 2006 in the Barwon-South Western, Loddon, Mallee and Grampians regions.

- *Creating Connections: Youth Homelessness Action Plan Stage 2: 2006-2010*  
Provided a strategic platform for the development of improved homelessness responses for young people. The 4 key service improvement directions of the Plan were: 1) A strong focus on early intervention and independence. 2) Tailored accommodation and housing support options for each individual homeless young person. 3) Greater access to complementary services for homeless young people with complex needs. 4) Enhanced youth homelessness service capacity. The associated Youth Futures Program was implemented to assist young people in housing crisis to reconnect with family and friends, school, employment opportunities and help them move from crisis accommodation to independent living. Services were also expanded to help people at risk of homelessness with mental health and substance use issues move into stable long-term housing. DHS implemented an intensive case management response for Supported Accommodation Assistance Program clients with multiple and complex needs, linking clients with appropriate support services.

- *Community Based Juvenile Justice Services in Victoria: Shaping Services and Funding*  
This analysis of youth justice clients (internal to DHS) indicated that a young person who had a parent or sibling incarcerated was 100 times more likely to be involved in the youth justice system than peers whose immediate family had not been incarcerated.

- *Conditions for persons in custody: Report of Ombudsman Victoria and Office of Police Integrity July 2006*  
The Ombudsman conducted an investigation into the conditions and treatment of persons held in police cells and in prisons. Found that segregation of different categories including young persons was difficult in police cells (p. 8). Young people “under the age of 18 years were found to be detained in a number of locations during my inspections. Police see these as ‘inconvenient’ and in liaison with Victoria Police Prisoner Movements Unit give them priority for moving them out of the police cells, usually into the juvenile justice system. In regional locations, if there is no means of

transporting them then ...*a crew drives them to Melbourne (Juvenile Justice Centre) – 2 hours there and 2 hours back...* (Regional police)” (p. 20).

## 2007

### – *The Youth Justice drug policy and strategy*

Intended to promote a coordinated approach to managing drug and alcohol related issues in the Victorian youth justice sector. Was developed via consultation with the Youth Justice sector and key stakeholders in the drug treatment sector; a literature review and Youth Justice Best Practice Review. The overriding goal was to assist young people to stop using drugs. Recognised that this is more complex in the youth justice context, as there is a need to strike a balance between the goal of abstinence, rehabilitative imperatives and strategies to keep the young person well. Principles included: DHS has an enhanced level of responsibility for young people in custodial care; no drugs in custodial facilities or in Youth Justice units; the overriding responsibility of Youth Justice is to address the offending behaviour of clients and reduce their likelihood of recidivism; as Youth Justice works with young people for a limited period, a key role is to assist the person to foster connectedness in their community and locate longer-term supports; a range of strategies need to apply beyond the Youth Justice order; interventions are most effective when delivered in a holistic and individualised manner; interventions need to be applied repeatedly; and transition planning is crucial (...).

### – *A Fairer Victoria: Building on our commitment*

Released in May 2007 and allocated a further \$1.4 billion towards implementing the policy. Included funding for reforms to children’s services and substantial investment in social housing, mental health and disability services. Indicated commitment to VAJA2 including provision of additional Koori liaison officers to assist with court diversion programs; targeted at Koori youth.

### – *Disability Services Criminal Justice Practice Manual*

Identified best practice for services and processes before court, at court and after court; and services for victims of crime. Replaced the 1998 manual.

### – *VLRC: Review of the Bail Act*

Considered a new Bail Act; simplifying the tests for bail; police and bail; after-hours bail decisions; bail by courts; bail conditions; surety for bail; children and young people; Indigenous Australians and marginalised groups. Chapter 9 addressed issues specific to children and youth and recommended: Amendment of sections 345, 346 CYFA (recs 123-125); development of clear police policy with criteria to determine whether to proceed against children by caution, arrest or summons (rec 126); that bail provisions in the CYFA should be moved to the Bail Act (rec 127); that the Bail Act should contain a provision on s 362 CYFA requiring a decision maker to consider child-specific factors... (rec 128); that provisions about bail conditions in Chapter 7 should apply to children as well as adults...and should contain a specific provision for the imposition of conditions on children... (outlines what decision maker must consider)(rec 129); a child-specific bail support program should be established in the Children’s Court (rec 130); there should be no change regarding undertakings by parents or another person (rec 131); the new Bail Act should provide magistrates and judges with the power to remand a young person (aged 18-20) to either a YJC or Youth Unit within adult correctional facility (rec 132); development of criteria for assessment of a young person’s suitability to be remanded to a YJC or Youth Unit (rec 133); and the Act should include administrative power to allow transfer of young



people to an adult facility if they are found to be unsuitable for placement in a YJC (rec 134).

- *Koori Youth Justice Program: Best practice guidelines*

First published in 2005, updated in 2007. Highlighted appropriate responses within the youth justice program and Koori youth justice program to ensure quality outcomes for young Aboriginal people at risk of offending or re-offending. Intended to guide practice, ensure consistency and provide bases for monitoring across the Program.

- *The Youth Justice drug policy and strategy: Inhalant Guidelines for Youth Justice*

Covered management of clients' access to inhalants; implications of the different age groups on staff response; staff safety; an update on the volatile substance legislation and the interagency protocol; and youth justice case planning.

## 2008

- *Mildura Children's Koori Court*

Established in 2007/08 in partnership with the Department of Justice.

- *A Fairer Victoria: Strong People, Strong Communities*

Released on 8 May 2008, included government allocation of \$1 billion towards 4 key priority areas: giving all Victorian children the best start in life (\$163.0 million); improving education and helping people into work (\$218.4 million); improving health and wellbeing (\$409.6 million); and developing livable communities (\$224.8 million).

- *Youth Justice Temporary Leave program review*

An independent evaluation of the re-integration and rehabilitative benefits of the temporary leave program in youth justice custodial centres was completed in 2007. The study showed that participation in the temporary leave program assisted young people to achieve rehabilitation goals and prepare for release.

- *The Vulnerable Youth Framework*

Designed to ensure coordinated government approach to support 'vulnerable young people', defined as "young people, who through a combination of their circumstances and adolescent risk-taking behaviour, are at risk of not realising their potential to achieve positive life outcomes." Focused on prevention and early identification; engagement in education, training and employment; local planning for youth services; tailored responses for particular groups; and effective services by capable people. Conceived of risk factors in layers, recognising mental health, family conflict and violence, truancy, homelessness, contact with police, out of home care, and court involvement as having a cumulative effect. Identified actions for change at various stages of a vulnerable young person's transition through adolescence.

- *Youth Justice Service Delivery Model*

The Youth Justice Program worked with community-based organisations to form locally-based associations. This new service delivery model was implemented in metropolitan regions in October 2008 and January 2009 in rural regions to improve access for youth justice clients to services.

- *Aboriginal Community Visitors Program (Yannabil)*

The Aboriginal Community Visitors Program was implemented in the 3 youth justice centres in 2008. Visitors function as advocates, support and role models for

Aboriginal young people in custody, particularly those who are disconnected from their family, community and culture.

- *The Braybrook-Maidstone Youth Participation Project*

The project brought together representatives from local council, state government and the non-government sector to acknowledge and address the profound effects of place-based disadvantage of young people living in Braybrook and Maidstone.

- *Victorian Auditor-General's Report June 2008 - Services to young offenders*

Reported on an investigation into the extent to which diversionary and rehabilitation services provided by the DHS and the Magistrates' Court maximised diversion of young offenders from the criminal justice system, reduced the risk of re-offending and improved rehabilitation and reintegration into the community (p. v). Found indications of success and good practice with respect to needs identification; case management and the delivery of rehabilitation programs; and increased access to pre-release, transition and post-release programs. Stressed DHS' inability to demonstrate goals of reduced offending and rehabilitation were being achieved. Attributed largely to poor performance and outcomes measurement. Recommended an improved focus on implementation of data collection. Highlighted the need for a joined-up approach across all agencies in the system. Made recommendations relating to service planning; service coordination; needs identification; case management and service delivery; efficiency and effectiveness; and service improvement.

## 2009

- *Victoria Police's Youth Strategy 2009-2012*

Outlined priority areas for police regarding children and young people: Reducing recidivism; increasing effective diversion processes; reducing road trauma; reducing violence and anti social behaviour; and improving youth engagement. Supported by annual action plans.

- *Victorian Parliamentary Inquiry into Alternative Dispute Resolution and Restorative Justice, May 2009*

The VPLRC made a number of recommendations related to restorative justice and group conferencing. The Victorian Government did not accept the VPLRC's recommendation relating to incorporating the Youth Justice Group Conferencing Program conference outcome plan into an offender's sentence.

- *Streetwork Outreach Service*

DHS's Streetwork Outreach service protects young people engaged in high-risk behaviours or at risk of harm or exploitation. Ranging in age from 10–21 years, clients are referred to the Streetwork team by police, residential units, intensive case management services and other departmental staff.

- *Because mental health matters – Victorian mental health reform strategy 2009–2019*

A new strategy was released in March 2009 outlining reforms based on the core elements of prevention; early intervention in life, illness and episode; recovery; and social inclusion. Included a focus on youth justice, particularly relevant in Goal 2.3: 'to deliver targeted mental health support for particular groups of highly vulnerable young people.'

- *Koori intensive programs extended*

DHS extended the Koori Intensive Bail Support program and the Koori Intensive Post Release program to Barwon-South Western Region and Southern Region in 2009.

- *Protocol between Disability Services and Youth Justice and Guidelines for Workers*

Developed to improve outcomes for young people who are clients of both Disability Services and Youth Justice. Clarified the roles of both agencies, promoted communication, service coordination, information sharing and collaborative processes to provide effective support and outcomes.

- *The Youth Justice Community Support Service*

Commenced in metropolitan regions in October 2008 and rural regions in February 2009. Intended to reduce the severity, frequency and rates of reoffending; minimise progression into the criminal justice system; better service clients in their local community and facilitate transitions from the justice system to community services; better prepare clients for adulthood by developing their independence, resilience and connectedness to family and community; develop capacity for meaningful educational and economic participation; and to integrate the Transitional Housing Management Youth Justice Housing Pathways Initiative.

- *Victorian Parliamentary Drug and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending by Young People*

The terms of reference were to inquire into and report upon justice and crime strategies in high volume crimes such as theft and property-related offences, which often involve young people; and to provide specific recommendations on (a) causal factors that may influence patterns of high volume crime, with particular emphasis on repeat offences committed by young people; and (b) strategies that may be effective in addressing the underlying causal factors or recidivist patterns of offending. The Final Report included 11 principles and 41 recommendations. Focused on repeat offenders, to try to stop them from ever getting into the juvenile justice system, and if this is unsuccessful, to outline strategies that will reduce or eliminate further offences. Found that keeping young people at school or in training/work is one of the most important factors in keeping people out of the justice system.

## 2010

- *Bail Amendment Act 2010*

Amended the law relating to conditions of bail, sureties and deposits, variations of bail, revocations of bail, further bail applications and appeals. Requires a decision-maker to take into account any issues that arise due to the Aboriginality of a person when making a determination under the Act. Enacts a new framework for Bail Justices (volunteers trained to hear bail applications and interim accommodation orders under the *Children, Youth and Families Act 2005*).

- *Youth Justice Strategy for young people with a disability 2010–2012*

Provided a framework for improving service responses and rehabilitation prospects for young people with a disability, who are involved with the youth justice system.

- *Youth Justice Intensive Bail Supervision Program*

An Intensive Bail Supervision Program was implemented in June 2010 to better support young people to comply with their bail conditions and reduce the numbers of young people being remanded to the Melbourne Youth Justice Centre. The program

was initially established as a 12-month pilot in the North and West Metropolitan Region, and later expanded to include the Southern Metropolitan Region.

– *Comrie Review*

Review of Parkville Youth Justice Precinct (PYJP) following the escape of 6 young men on 19 May 2010. Covered 3 main themes: the security arrangements at the PYJP, an investigation of the incident of 19 May 2010 and several related matters that were considered to be contributing factors to the incident. Concluded that “the focus on welfare and rehabilitation at the PYJP has been out of balance with security requirements.” Recommended 8 areas for action: Additional compliance measures to actively measure security and maintenance issues identified in the review report; need to update security measures to improve perimeter and internal security, including creation of a single point of entry for all staff, visitors and vehicles entering and exiting the MYJC precinct; review of legislation to support improved security and to protect security information at MYJC; improvement to recruitment and training standards for personnel employed at MYJC; updating the Juvenile Justice Operations manual to reflect security and supervisory practices identified for improvement; upgrade, improve maintenance and capacity of building fabric at MYJC to meet both growing demand and the need to respond to rehabilitation of vulnerable clients and an emerging trend of others committed for violence related offences; consideration of options for expediting hearings of matters at the Children’s court where clients are held in remand; and the establishment of a dedicated project team to implement accepted recommendations. Also recommended the establishment of a reference group, chaired by a Senior Executive of the department.

– *Victorian Ombudsman Investigation into conditions at the Melbourne Youth Justice Precinct*

Undertaken in October 2010 under the *Whistleblower’s Protection Act 2001* as a response to allegations regarding serious misconduct of staff at the Centre, specifically relating to staff inciting assaults between detainees; assaulting detainees; restraining detainees with unnecessary force; supplying contraband to detainees; and stealing goods and consumables. Investigation was expanded to include the Parkville Precinct. Highlighted unacceptable conditions, human rights breaches, failures to respond adequately to improper conduct and inadequate care for detainees with mental health issues. Made 27 recommendations including to review the suitability of the Precinct with a view to replacing it with a new facility; review policies and practices relating to conditions to ensure that they comply with human rights principles; install CCTV in all common areas of units throughout the Precinct, program areas and recreational areas as a priority; review the current model and policy process used to investigate allegations or suspicions of staff misconduct; and report to the Ombudsman regarding identification of staff who do not have a Working with Children Check. The Government accepted all of the recommendations and began to upgrade the Precinct, including: construction of single entry point to improve security; installation of CCTV cameras; improved supervision and compliance monitoring at night; renovation of client units in response to the Ombudsman’s concern about poor physical conditions; expansion of education and training by introducing an extra class each day; larger class sizes; and additional TAFE courses.

– *Review of Victorian Koori Youth Justice Program*

The Koori Youth Justice program includes: Community Koori Youth Justice and the Koori Early School Leavers and Youth Employment Program (based in Aboriginal community-controlled organisations); Koori Intensive Bail Support Program and Koori Intensive Pre and Post Release Support Program; Custodial Aboriginal Support

Workers and Yannabil Community Visitors Program. The program aimed to divert young Aboriginal people away from, and minimise the likelihood of further progression into, the criminal justice system. An external review in 2010 found that the approach and interventions used by youth justice Koori programs were in line with promising practices and the program was achieving many of its short-term outcomes. Good practices highlighted in the consultations included: the provision of positive cultural support to young Aboriginal people in the youth justice program; active networking between government and funded Aboriginal organisations; and a strong focus on providing both statutory and preventative work.

– *Review of the Youth Justice Group Conferencing Program*

KPMG conducted a review of the Youth Justice Group Conferencing Program between September 2009 and September 2010 to determine the effectiveness of the program in meeting its stated aims since operations commenced in 2003. Key findings included: demand increased significantly for the program over the prior 5 years; and in most cases conferences were attended by victims (or their representatives) as well as police informants and legal representatives. 75% of the young people participating conferencing received non-supervisory orders and were diverted from further progression into the youth justice system; young people who participated were much less likely to have reoffended within 12 or 24 months than young people who received initial sentences of Probation or Youth Supervision Order; the most common offences committed that led to a conference were burglary, recklessly cause injury, unlawful assault, criminal damage, intentionally cause injury, armed robbery, theft of a motor vehicle, theft, affray and recklessly cause serious injury; all of the victims and family members, and the majority of young offenders (91%) surveyed strongly agreed or agreed that they were satisfied with the process; and for every \$1 invested by the DHS in Group Conferencing, at least \$1.21 is saved in the immediate and short term. The Review made 11 recommendations.

– *Guidelines for the Youth Justice Community Support Service (YJCSS)*

Outlined key policies and principles of YJCSS and incorporated the Transitional Housing Management – Youth Justice Housing Pathways Initiative (THM-YJHPI) as a key component of the regional YJCSS program. The THM-YJHPI is a post-release accommodation and support initiative to improve housing outcomes for young people leaving youth justice centres and other young people in the youth justice system who are homeless or at high risk of homelessness.

– *VLRC Report Supporting Young People in Police Interviews (report 21)*

Followed publication of a background paper in July 2009 and public consultations. The report recommended that the Victorian Parliament build upon the successful pilot program and establish a statewide scheme responsible for providing an independent supporter for young people in police custody when a parent or carer is unavailable. The Commission made 24 recommendations, including that the legislation clearly describe the role of this ‘support person’ so that it is in keeping with the spirit of Victoria’s human rights obligations and developments elsewhere. Also recommended that the Government establishes a statewide scheme responsible for providing a pool of trained ‘support persons’ that police must call to be present at interviews with young people in custody when a parent or carer cannot attend; described the role of a support person; and clearly indicated the consequences of failing to comply with the requirement that a young person be supported during police questioning.

– *Youth Justice Group Conferencing program guidelines*

Provided convenors and service providers with guidelines on the philosophy and objectives of the group conferencing process, with reference to restorative justice principles and the establishment, program ethos and legislation guiding the Victorian group conferencing model. Provided guidance on initial operations including court referral, youth justice suitability assessment and pre-conference phases; the key components of the conference process; and the post conference phase including sentencing outcome and implementation of outcome plans.

## 2011

### – *Youth Support Service (YSS)*

Became operational state-wide in May 2011, across the Melbourne metropolitan area and in Ballarat, Bendigo, Geelong, Latrobe Valley, Shepparton and Mildura. YSS is an early intervention and diversion service for young people aged 10-18 who are at risk of entering the youth justice system. Young people can be referred to YSS through government and departmental programs, such as police, court advice services and the Central After Hours Assessment and Bail Placement Service, as well as through other community service programs. The YSS is delivered by 35 youth workers employed in eight community service organisations.

### – *Expansion of Intensive Bail Supervision Program*

Due to the success of the pilot program, the government allocated \$1.1 million in the 2011–12 budget to continue and expand the Intensive Bail Supervision Program for a further 4 years.

### – *Youth Participation and Access Program*

Aimed to build strong, active and inclusive communities by engaging and providing early support activities for vulnerable young people to participate in their community. During 2010–11 the program funded 100 providers, including 52 regional and 48 metropolitan grants through local governments and non-government organisations. Activities delivered include: life skills capacity building; community engagement; information and referral services; mentoring; social enterprise and mediation.

### – *Human Services: The case for change*

Outlined the urgent need for system-wide change. Promoted a 'joined-up' service model, characterised by personalised, holistic, family-centred approaches to be used across state government services.

### – *DHS Standards June 2011*

Summarised as Empowerment; Access and Engagement; Wellbeing; and Participation.

Replaced the Industry Standards for Disability Services, Outcome Standards for Disability Services, Registration Standards for Community Service Organisations and Homelessness Assistance Service Standards. The standards require most service providers be independently reviewed every 3 years (commencing between 2012-2015).

### – *Sentencing Matters, Alternatives to Imprisonment: Community Views in Victoria*

The report showed that, contrary to common myths and misconceptions, people were open to a policy of increasing the use of alternatives to prison such as supervision, treatment and community work. Victorians were especially accepting of

appropriate alternatives for mentally ill, young or drug-addicted offenders; preferring a policy of treatment, rehabilitation, counselling and education programs to prison.

## 2012

- *Disability Amendment Act 2012*

Amended the *Disability Act 2006* and came into effect on 1 July 2012.

- *Bail Regulations 2012*

Repealed the *Bail Regulations 2003*.

- *DHS Strategic Directions 2012–2016*

Objectives are immediate support; capabilities and participation; and quality of life. Identifies strategies to meet each of these objectives are based on principles of client centred practice; providing the right support for people in need; ensuring services are integrated and joined up; supporting a skilled workforce; and ensuring clients are valued, respected and treated fairly.

- *The Protecting Victoria's Vulnerable Children Inquiry*

Commissioned by the Victorian Government in early 2011 to investigate systemic problems in Victoria's child protection system. The inquiry consulted widely with the Victorian community and stakeholders during 2011. The final report was tabled in February 2012 and made 90 recommendations.

- *Engage, Involve, Create*

The Victorian Government's youth statement, Engage, Involve, Create outlined the Government's vision for all young Victorians; that they experience healthy, active and fulfilling lives and have the opportunity to: be engaged in education and/or employment; be involved in their communities and decisions that affect them; and create change, enterprise and culture.

- *Parkville Youth Justice Precinct upgrade completed*

The Minister for Community Services opened the new single entry point (reception) building at the Parkville Youth Justice Precinct on 26 April 2012. Completed implementation of all recommendations of the Ombudsman and Comrie reviews.

- *Sentencing children and young people in Victoria, Sentencing Advisory Council*

Provided contextual material on the operation, functions and philosophy of the Criminal Division of the Children's Court, with particular emphasis on the sentencing principles applicable under the *Children, Youth and Families Act 2005*. Presented a statistical profile of offences heard and sentence outcomes, and identified and analysed changes over a 10 year period (2000–09) in the types of offences sentenced by the court, demographics and sentence outcomes.

- *Nous Evaluation of the Aboriginal Justice Agreement Phase 2*

The Victorian Aboriginal Justice Agreements (AJA1 and AJA2) responded to The Royal Commission into Aboriginal Deaths in Custody findings. This independent evaluation focused on what changed in justice outcomes for the Koori community in the previous 5 years as a result of the AJA2, both in overall Koori over-representation in the justice system and also in terms of the six objectives of the AJA2. The headline finding was that the AJA2 delivered significant improvements in justice outcomes for Koori people in Victoria, but that there is more to do. Recommended that the

Victorian Koori community and the Victorian Government sign a third Aboriginal Justice Agreement (AJA3).

## 2013

- *Bail Amendment Bill 2013*

Amends the *Bail Act 1977* to list key and commonly imposed bail conditions; make it an offence to contravene certain bail conditions; make it an offence to commit an indictable offence whilst on bail; require further bail applications to be heard by the same magistrate or judge who heard the previous application, if it is reasonably practicable to do so; and generally require an accused to give the informant and the prosecution notice of further applications for bail or applications for variation of bail conditions 3 days before the hearing.

- *Commissioner for Aboriginal Children and Young People*

In 2013 the Government recruited an additional Commissioner to advocate specifically for Aboriginal Children and Young People.

- *DHS Aboriginal Strategic Framework 2013–2015*

Based on the *Revised Victorian Aboriginal Affairs Framework 2013-2018*. Young people are one of the 6 priority areas focused on in the Framework. Includes the headline target: 'By 2031, there will be no gap in the rate of Aboriginal and non-Aboriginal people under youth justice supervision.' Key deliverables include: divert Aboriginal young people, aged ten to 17 years, where appropriate, from the youth justice system through referral to the Youth Support Service (in selected Department of Human Services divisions); maintain an emphasis on intensive outreach and advocacy for Aboriginal young people at risk of entering the youth justice system and those Aboriginal young people on youth justice orders; and support the delivery of initiatives in line with the Aboriginal Justice Agreement, including active participation in the Aboriginal Justice Forums.

- *Victorian Ombudsman releases report: 'Investigation into children transferred from the youth justice system'*

The report was in response to a 16-year-old Aboriginal boy who was transferred from the Parkville Youth Justice Precinct to Port Phillip Prison and held in solitary confinement for a number of months. Enquiries by the VIC Ombudsman identified that since 2007, there had been 24 instances of children being received into an adult prison. In 15 of those cases, children had been transferred from the youth justice system. The report found that all of the five children transferred to Port Phillip Prison in July and August 2012 were placed in the Charlotte Management Unit. Conditions in this unit are very sterile and children were locked in their cells on their own for 23 hours a day, and allowed one hour of exercise per day during which time they were handcuffed. These young people were also held in solitary confinement for a number of months and had limited access to education and programs. The review also found five instances of children remanded to adult custody in error due to incorrect dates of birth which indicated that the child was over 18 years old. The report found that one child was only 14 years old when he was mistakenly placed into adult custody.

## 2014

- *Children, Youth and Families Amendment (Permanent Care and Other Matters) Act 2014*



The legislation introduced the following amendments:

- Sections 410(1)(f); 412(1)(f) and 415(1): Expands power of the court to order a group conference and allow the Court to make a YAO or YRC or YJC.
- Section 414 (3)(b): Restricts the maximum period of deferral of sentence to 2 months if the child has been remanded in custody for the purpose of the child's participation in a group conference.
- Youth residential board abolished and functions transferred to Youth parole board.
- Section 251: Inadmissibility of statements made by child participation in treatment under TTO expanded to include voluntary treatment.
- Sections 354 and 354A: matters to be considered in deciding whether to discharge child who has participated in therapeutic treatment either voluntarily or under a therapeutic treatment order.
- Section 371(b): Time limit for breach of bond application expanded to 3 months.

– *Mental Health Act 2014*

This is the key legislation covering assessment and treatment of people with mental illness. The legislation governs the provision of compulsory mental health treatment under the *Crimes (Mental Impairment and Unfitness to be Tried) Act* and repeals the *Mental Health Act 1986*.

– *Criminal Organisations Control and Other Acts Amendment Act*

Part 5A amends *Crimes (Mental Impairment and Unfitness to be Tried) Act* to create a new statutory regime for proceedings in the Children's Court involving issues of mental impairment and/or unfitness to be tried as well as appeals from those proceedings.

– *Children and Youth Area Partnership launch sites announced*

The Children and Youth Area Partnerships bring together a range of government departments, local government and the community sector to collectively focus their efforts. The partnerships will collaborate across a broad spectrum of service sectors, including education, justice, health, community services, the police and local government. Eight launch sites are being established in the Mallee, Central Highlands, Southern Melbourne, Outer Eastern Melbourne, Ovens Murray, Inner Gippsland, London and Western Melbourne Areas.

– *Memorandum of Understanding established between Youth Justice and Corrections Victoria*

The MoU is designed to support better decision-making around the management of young people.

## 2015

– *New child safe standards enshrined into law*

The Victorian Parliament passed legislation which aims to improve the way organisations prevent and respond to child abuse in Victoria. The child safe standards aim to drive cultural change in organisations that provide services for

children so that protecting children from abuse is embedded in everyday thinking and practice.

- *Rural and Regional Youth Engagement Program*

Seven local governments in rural and regional Victoria received grants for up to \$30,000 to help young people participate in their communities and contribute to local decision-making.

- *Youth Diversion Pilot Program*

The program is available for most offences which can be heard in the Magistrates Court and is designed with the goal that first-time offenders avoid a criminal record.

- *Upgrade of Malmsbury Youth Justice Centre*

New 45 bed secure youth justice centre.