



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON SOCIAL POLICY

(Reference: [Inquiry into Annual and Financial Reports 2023-24](#))

Members:

**MR T EMERSON (Chair)
MS C BARRY (Deputy Chair)
MR J HANSON
MISS L NUTTALL
MS C TOUGH**

TRANSCRIPT OF EVIDENCE

CANBERRA

WEDNESDAY, 19 FEBRUARY 2025

**Secretary to the committee:
Ms K Langham (Ph: 620 75498)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

APPEARANCES

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Amended 20 May 2013

The committee met at 9.00 am.

Appearances:

Office for Aboriginal and Torres Strait Islander Children and Young People
Turnbull-Roberts, Ms Vanessa, Aboriginal and Torres Strait Islander Children and
Young People Commissioner
McKinnon, Ms Gabrielle, Senior Director

THE CHAIR: Good morning, and welcome to the public hearing of the Standing Committee on Social Policy for its inquiry into annual and financial reports 2023-24. The committee will this morning hear from the Aboriginal and Torres Strait Islander Children and Young People Commissioner.

The committee wishes to acknowledge the traditional custodians of the lands we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome any other Aboriginal and Torres Strait Islander people who may be attending today's hearing or dialling in and listening.

The proceedings today are being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live. If you take a question on notice, it would be useful if you used the words, "I will take that question on notice," which will help the committee and witnesses to confirm any questions taken on notice from the transcript.

I welcome Ms Vanessa Turnbull-Roberts, the Aboriginal and Torres Strait Islander Children and Young People Commissioner, and Ms McKinnon. I remind witnesses of the protections and obligations afforded by parliamentary privilege and draw your attention to the privilege statement. Witnesses must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. Would you please each confirm that you understand the implications of the privilege statement and agree to comply with it?

Ms Turnbull-Roberts: I acknowledge that I have read the privilege statement.

Ms McKinnon: I acknowledge that I have read the privilege statement and agree to comply with it.

THE CHAIR: As we are not inviting opening statements, we will now proceed to questions. Given the amount of work that is required in this space—we have been hearing over the last week and a half about how much more needs to be done to close the gap—are you sufficiently staffed? How many staff do you have? Can you give an account of what that has looked like since you have commenced your role? What is the staffing profile?

Ms Turnbull-Roberts: Thank you for the question, Mr Emerson. Previously, we have had two other employees working at the Office of the Aboriginal and Torres Strait Islander Children and Young People Commissioner. As can be acknowledged, there is

a significantly higher demand in relation to not only individual advocacy, but also systemic advocacy. Those two intersect with how we respond to the systemic issues when we engage directly with our children and young people, while also recognising the broader context of the community members that we also advocate for, which is often families as well. Although our focus is children and young people, which is what we always come to, we simply cannot support children and young people without backing families and communities that intersect with our cultural way of doing and being.

Our staffing ratio at the moment is me and our senior director who works at the commission, Gabrielle, who we are so lucky to have. We are currently recruiting two more senior roles to participate in the individual advocacy capacity at the commission. We hope to extend our office when we undertake inquiries, which will involve outsourcing contract work to make sure that we get to the bottom of the issues that we are seeing and what we have identified.

I commenced my role in February last year. In that year, from our last discussion together, we had supported over 40 people. It has now gone up to over 70. Unfortunately, what is quite evident here in the territory is that there are not enough support services on the ground to support children and young people. Community organisations and community members who have extraordinary ideas and do amazing work are not being supported wholeheartedly with what they need.

My commission fears this, particularly with the minimum age of criminal responsibility going up. My commission also fears the fact that we are seeing a pipeline in the areas of family policing or what was previously known as statutory out of home care or foster care. We are seeing that pipeline go from residential care facilities through to youth incarceration and on to adult incarceration. It is simply not working.

THE CHAIR: I am reading between the lines. With the two people that were in positions previously, the workload was maybe too much; is that what happened with them, if you do not mind me asking?

Ms Turnbull-Roberts: No problem at all. Without speaking for the individuals that have departed the commission, one contract expired after six months, and another person had an incredible opportunity to work with community organisations, which is an incredible space and it is where we want to see the most support, to be honest—at the front line.

THE CHAIR: With those two senior roles, are you recruiting specifically Aboriginal and Torres Strait Islander people from our community here in the ACT?

Ms Turnbull-Roberts: I am hoping to. I would love to see all roles identified at the commission. Unfortunately, because of historical oppression and dispossession, in many communities—and speaking as a Bundjalung woman—there is that historical disenfranchisement where our community members have not been supported to be levelled up to get into the positions that our people have every right and privilege to be in. My long-term vision and goal, particularly with my five-year appointment, is that it should be Ngunnawal sitting here. It should be Ngunnawal in this position, and that is the goal; so we bring people with us, and we create that space.

I am working; as I said, I have Ms McKinnon as our senior director in a SOG A position doing extraordinary work, but it is also about having someone that carries the ethics and knows how to work with community members and support community members. One thing that we try and make sure at the commission is that it is not “white saviour”. It is not a matter of going in—and, to be honest, we are not hiring people that do not know how to work with community or who cannot attend court and speak with families. We are hiring people who know how to engage with our communities in the most culturally safe way possible.

MS BARRY: Thank you for being with us today. You occupy a very important role. I think that members of the First Nations community really want to see you succeed in this role, and achieve all of the objectives that it was set up to achieve. My understanding is that you are not in Canberra?

Ms Turnbull-Roberts: In terms of discussing my personal address?

MS BARRY: No. You do not operate from Canberra, so you do not live in Canberra; is that right?

Ms Turnbull-Roberts: I do operate in Canberra, in terms of the working role. I am here three days a week, and on the other two I work from home. However, as is known to many people, if we do have urgencies regarding my presence here, I do attend the ACT.

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

Ms Turnbull-Roberts: That is such a great question, and that is why we have a team at the commission. It is about recognising that my role is both systemic and individual. As a commissioner, I do have to undertake the systemic work as well. I do have to engage at that level. It is also about hiring a team that is able to undertake the individual work with community, consult with community and have conversations.

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

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

MS BARRY: Of the 40, has there been any intervention? Have you personally intervened in any court matters for children?

Ms Turnbull-Roberts: Absolutely, yes.

MS BARRY: How many have you—

Ms Turnbull-Roberts: Could I take that on notice?

MS BARRY: Okay.

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

MS BARRY: No problem.

Ms Turnbull-Roberts: We do things like supporting young people where they are seeking a bail application and we are writing letters. We might not necessarily be physically there, but we will send that to their legal representation, as advocacy support from the commission. We also appear where there has been an emergency action taking place. Where the department has forcibly removed a child, we will appear at the next court date. It could be a delegate of my commission. There are also matters where it is the Warrumbul court; where children and young people are going through that process, we will appear as well.

MS BARRY: There are a few different areas and touch points.

Ms Turnbull-Roberts: There are different spectrums.

MS BARRY: You can take that on notice; thank you.

Ms Turnbull-Roberts: Absolutely.

MS BARRY: Have you ever applied a section 24 notice? Have you used the section 24 notice?

Ms McKinnon: I can answer that, Ms Barry. We provide correspondence to a range of government agencies and non-government agencies quite regularly. Generally, we are making recommendations in a fairly soft way, but there are times when we do need to exercise that power. At this stage, we have only made a formal recommendation in one matter where we have used that power and been explicit that it is a recommendation under section 24. Generally, we are requiring a range of information to be provided to us and we work in care teams, where we are suggesting things and influencing in that way. That recommendation power certainly is a tool that the commissioner uses, but we also use a range of other tools to influence decision-making.

MS BARRY: What other tools would you—

Ms McKinnon: We have the ability to appear in relation to any forum where decisions are being made about the rights and interests of an Aboriginal child or young person. In that context, we would attend care meetings, which is where you would have staff from CSD and staff from community organisations working together around the best

interests of a child or young person. In that context, we frequently suggest that we have concerns about a placement. We might think something else needs to happen. We could be concerned about education, for example. Those things are taken on board. They are minuted. There are outcomes that happen directly through that process. We also have tools in relation to our intervention in court proceedings, in relation to influencing decisions of magistrates. There is a range of different tools that we use. Systemic inquiries are another tool that we have.

MS BARRY: Are there any impediments? One of the things that we would like to do is to make sure that that power functions effectively. So far, you have only applied it once. Is that because there are impediments to you being able to use that power, or is it because there are other avenues available to you, or other tools that you can use to intervene?

Ms Turnbull-Roberts: I will give a case example. If a family member or community member has come to our commission and said, “This is what is happening with the department; we’re not being supported in this circumstance,” our commission will write to the department and say, “We’re inquiring about information; can you let us know what is going on with this matter?” We will evaluate and do a document review of their information.

When it is reasonable and, as I mentioned, it has reached a threshold where a family deserves support and clearly the department is not providing that need for this family, we will write to the department and say that we are advocating on behalf of the child to try and meet their needs. It could be—I would not say small, because it is an absolute need—about needing a larger house to cater for a family, where they are an Aboriginal family, there are kinship and other members in the community that have put their hand up to take this child in, but the department is refusing to support them with the housing transition.

We will write to the department and begin that advocacy and that correspondence. Usually, the department is open to having that conversation, to work out avenues as to how we can support the family. However, in that example case that we just used, where a recommendation was put forward, it was declined, and that recommendation was not approved. That is quite unacceptable, if I am being honest, because we sit in a position to speak to families directly.

As my colleague has shared, we use that recommendation rarely, and in the sense of where that correspondence and those conversations have not worked, and where we have advocated and advocated. We may have tried to support a grandma kinship member, or we have tried to support the child in the best way that we can through their tools of advocacy, which is often their family members. When we have met barrier after barrier, we will execute the formal recommendation.

In saying all of this, Ms Barry, my office has been advocating particularly for a software system, to be able to capture accurately all of our data and to be able to present effectively at inquiries like this and at estimates, and to community members, so that we can tally. We are doing all of these recommendations and we are working with all of these cases and matters. Unfortunately, we have again been met with barriers to be

able to budget for our software system.

CSD and the Human Rights Commission have case management systems, and I have a commission that is quite underfunded for five years, working with limited people, but people that have a really solid heart and who care for community and the children they represent. We are doing this extra manual workflow that is quite hard. We do need the software in order to be able to come here and say, “This is what we’re doing. This is what we’ve done. This is where a case is at.”

Going back to the recommendation question, we do try and exercise just having dialogue, being really democratic where we can, and being really effective with the department. It might involve engaging with Policing commissioners or with Bimberi staff representatives. We try and have a dialogue first; when we are not met with a dialogue, we do exercise the recommendation. We then note when that recommendation has not been tallied.

MS BARRY: I am really looking forward to your annual reports and all the comments you will make. It would be really useful to see how we can support your role to be effective.

Ms Turnbull-Roberts: Thanks, Ms Barry.

MS TOUGH: I am interested to know what strategic priorities you, as the commissioner, and the office as a whole, have developed or are beginning to develop to advocate for First Nations children and young people here in Canberra.

Ms Turnbull-Roberts: In my role as commissioner, a key priority is addressing the systemic issues that we are seeing. There are significant issues of racism here in the territory. We are seeing horrific issues of child sexual exploitation in the territory, such as being sexually trafficked from one jurisdiction to another, and there is the policing and health response to the needs of children and young people. In particular, we hold grave concerns around the response to family policing, over-surveillance of families, and not necessarily using tools such as early intervention and prevention mechanisms to best meet the needs of Aboriginal mothers and children, but also supporting the needs of fathers. My key priority in systemic issues is addressing how we can stop the removal of children and young people and ensure that we support families at the frontline.

We need to be realistic. We are in a situation where inflation has gone up in the territory, the cost of living has gone up and homelessness numbers have gone up, but what are we actually doing to support families before they hit crisis point and need intervention? It is pretty evident to the department that there are often thresholds at which we see issues existing. Particularly in child sexual abuse, we use the iceberg example. We see the tip of the iceberg and there is usually some stuff under the iceberg. When we see the tips of the iceberg—the early signs of needing support and the early reports are made to the department—what are we doing, and how can we best support children and families, and mothers in particular?

MS TOUGH: Thank you.

MISS NUTTALL: I am interested in the youth forum mentioned in the JACS annual report. It was held on 6 March 2024. You were there as the commissioner, in conjunction with the outgoing Aboriginal and Torres Strait Islander Children and Young People Advocate. What did you hear from the 88 Aboriginal and Torres Strait Islander young people? Did particular themes emerge from that discussion?

Ms Turnbull-Roberts: Yes; absolutely. I acknowledge Barb Causon, who was previously in the role as advocate. She did a lot of the groundwork, and previous team members in the commission, Dave and Nicole, did a lot of that groundwork as well. On 6 March 2024, in conjunction with the advocate, we held the youth forum. It was in the very early days of commencement in my role as commissioner. From a lot of children and young people, we heard re-occurring trends and themes, such as issues of racism within the education system—in particular, where extra support is necessary to support children and young people in their educational pathway and it is not being provided.

We might add a little bit in our annual report on what we found. We captured findings and undertook a survey of the young people. We found higher increments of racism for children that were in statutory out-of-home care and attended school as well. Throughout the following year until the present, it is a common pattern that I have seen emerge: the intersection between child protection and youth incarceration. We often see an early sign in education.

We have had particular cases where my office has met with the Department of Education and had conversations around children and young people that want to attend school, want to be there all week and want to engage in their strengths. We need to look at the strengths they have, which are incredible insights for them in knowing themselves. The department has not necessarily executed the needs for them. Unfortunately, then we see the pathway that is quite common for young people, regarding their reasoning, cognitive development and the extra needs that we see. We see the pipeline to other behaviours that lead to criminalisation, and the pipeline between statutory out-of-home care and youth incarceration.

What I will also share for the record is that our commission intends to hold an inquiry into the pipeline of residential care facilities and youth incarceration. We are seeing an alarming concern there, and that is a key priority as well in the office. Sorry—my brain is going really fast. These key concerns intersect when it comes to meeting the rights of children and young people. Here in the territory and across the whole country—and as Mr Emerson said around Closing the Gap—we are not respecting the rights of children and young people. We are not honouring their needs wholeheartedly with what they actually have every right to have—that is, in health, education, child protection and youth incarceration.

MISS NUTTALL: That is pretty shocking to hear. We absolutely need to do better. In the education sense, the *It really stabs me report* came out, and that also had a particular focus on the experience of Aboriginal and Torres Strait Islander young people. Did you engage with that work as well or is this about separate but parallel bodies pointing towards the same thing?

Ms Turnbull-Roberts: I absolutely think it points towards the same thing. It is not

something we engage with directly at the moment. What I always encourage when it comes to education and working with First Nations children and young people is recognising the intersection. Where there are early signs that health intervention is necessary, our children and young people should not wait over a year to get that health intervention, such as an ASD diagnosis or getting their disability needs supported, and then be further subjected to punishment or harm when they are not necessarily—I do not want to say “an average behaved student”—when they actually have extra needs for their wellbeing, recognising the strengths of one country teaching and healing. I am a Bundjalung woman, and that is the responsibility of Ngunnawal people.

I would never step on Ngunnawal country with what that looks like in cultural teaching and learning. That is something that I think education needs to work on and be flexible with, honouring the fact that we are in a territory and a place where there has been deep displacement and harm on the land. But there are also beautiful strengths, and there are beautiful Ngunnawal people on these lands that I speak with who actually have incredible solutions to work with the strengths of our children and young people. It is about having a territory government that is prepared to say, “We see the strengths of our children and young people, and we want to meet their every need.”

MISS NUTTALL: With the education system, I note the government is currently transitioning, especially in the area of disability and inclusion, towards a model that I think a lot of people are hoping will be less deficit oriented. Have you been engaged at all in that process of designing the new inclusive education model and the replacement for the SCAN model and things like that?

Ms Turnbull-Roberts: My office has not been approached yet, but we would absolutely welcome it.

MISS NUTTALL: Great to know; thank you.

MS BARRY: Commissioner, did you mention sexual trafficking matters? Did I hear that?

Ms Turnbull-Roberts: Yes, correct.

MS BARRY: Have those been reported to the police?

Ms Turnbull-Roberts: Yes.

MS BARRY: Excellent.

Ms Turnbull-Roberts: Yes, absolutely. I am, obviously, a mandatory reporter. A common pattern and theme that we are seeing here in the territory is the vulnerability of children and young people, and, again, the vulnerability of children and young people who are subject to residential care facilities or statutory out-of-home care.

I have spoken and engaged with organisations from residential care facilities where, unfortunately, the perpetration of sexual harm is getting creative in this country that we have, whether it is from digital exploitation or whether it is direct exploitation. We need

to recognise that when a young person comes forward, or does not come forward, and we as adults have identified that there is inappropriate behaviour, grooming and sexual exploitation happening, if they are under 16, it is sexual abuse. It is rape, period.

We need to create better education for frontline policing. We need them to undertake their duties and start charging perpetrators for their behaviour towards children and young people, and we need to be the responsible adults we are meant to be for our kids—none of this discretionary, “Maybe it’s not; maybe they have a relationship.” It is not a relationship when they are a child or young person: it is rape, and it is sexual abuse, and it is exploitation. I know we can do better.

THE CHAIR: How many instances of sex trafficking have you reported in the ACT in the last 12 months?

Ms Turnbull-Roberts: I will take that on notice. I want to capture that number and where we have had engagement with young people.

THE CHAIR: Thank you.

MS BARRY: Going back to what you said in the beginning around the threshold and around that section 24(2) power, and that there are some children who do not meet that threshold: can you identify or explain why they do not meet the threshold and why they are missing out and what we can do, essentially, to strengthen that space, if anything?

Ms Turnbull-Roberts: Absolutely. In full transparency, my commission has never turned someone away without, potentially, an alternative solution, and we have not turned anybody away. The threshold is actually about being able to create a model of the commission so we can operate with a sustainable function; otherwise, we lay the risk of not being sustainable for the long-term.

There are amazing Aboriginal community-controlled organisations that do incredible work. My role is not to take that funding away from Aboriginal community-controlled organisations. I want to advocate, in this position, and say, “Support the frontline; support Aboriginal community-controlled organisations.” However, as community organisations, they are often met with barriers, and that is when our office can intervene, request particular information, understand the bigger picture and then make a decision as a team: whether we choose to appear in court to represent the young person; whether we need to intervene in the fact that there is an Enduring Parental Responsibility order going in for a young person, but, actually, we have been contacted by the other parent who says “no”, so there is no consent, but they have been disenfranchised their whole life. Then we would advocate and jump in and say, “This is unacceptable. We need to do something about this.”

In cases where it could be managed with frontline case management and supportive work, then I would leave that in the hands of the community organisations, or, in fact, if they do fall under the CSD portfolio or are a child in statutory out-of-home care, the department also has a responsibility. We are not case managers. We are not funded to do that, necessarily; that is what the department is meant to do. When they are not doing their job effectively, that is often when our office is contacted by someone saying, “This

is not happening; this need is not being met,” and then we will try and put that little bit of extra pressure on and support the family. I am hoping for the long-term vision to create that threshold, where it does only reach us when it has met a crisis point, which is unfortunate, because cases should not get to a crisis point when it is children and families that need support.

We have a whole portfolio that receives a significant amount of funding that, in my eyes, is actually failing to parent children; when there are a significant number of your children in custody, you are not a good parent—sorry. You have not raised your children right. And if they are the parental guardians of these kids, tell me why the kids are ending up in custody. Because if I had children and my children were ending up in custody, I would be subject to ongoing birth removals. So, we need to get a bit realistic around funding distribution and who is actually operating under these functions.

THE CHAIR: I have a question along those lines. I am wondering, when you last visited Narrabundah House, whether you saw any need for change there.

Ms Turnbull-Roberts: Do you mind if I take that question on notice?

THE CHAIR: Okay.

Ms Turnbull-Roberts: Thank you.

THE CHAIR: I know that they are providing supported accommodation for First Nations boys. Do you know if we have anything similar for First Nations girls in the ACT or if anything is in the pipeline?

Ms McKinnon: My understanding is that there is Narrabundah House and there is another property that they use for First Nations girls on some occasions, but, really, I think there is a need to look at the offerings for young people, particularly young people coming in and out of Bimberi and the appropriate residential facility or other options.

We would be really looking at moving away from the idea of residential care being the way that we manage young people. A lot of the young people we work with really want family. They want connection. They want to be in a place where people love and care about them. That going in and out of residential facilities, and as Vanessa talked about, the sexual exploitation—sometimes that can be because young people are really looking for connection, but they are looking for it from adults who are exploiting them. If we can focus on other ways that we can protect and support young people who are at that point, where they need somewhere to stay and need care that is therapeutic, that is really about building connection and relationships, not about a residential facility, where they feel just one of many and staff come and go.

There are some residential facilities here that do great work within the constraints of what they have, and we work closely with the residential facilities, but, really, the model, we feel, needs to be evaluated, and we need to be more creative in finding ways that we can look after our young people, rather than just building more facilities like that.

THE CHAIR: Okay.

MS BARRY: Currently, whilst we go towards that ideal model, where would those young girls go? What is the current arrangement?

Ms McKinnon: There are a range of properties throughout the ACT run by different organisations that provide residential care. Often, young people will be in the care of the director-general, and the director-general will arrange for a placement for a young person in one of the residential facilities.

MS BARRY: That is not oversubscribed? Is it meeting the need?

Ms McKinnon: They will stand up placements if they need those. Young people are not being turned away from placements; it is more around the appropriateness of those placements—who they are mixing with.

THE CHAIR: Can you provide a general sense of the distribution? Narrabundah House is one that I know about, because it is in my electorate. What are the facilities that you are referring to?

Ms McKinnon: There is a range of different facilities.

THE CHAIR: Do you know roughly how many there are? It is not my area of expertise.

Ms McKinnon: I do not want to be misleading, so we will take that on notice and we can give you more detailed information.

THE CHAIR: Okay.

Ms McKinnon: Some will be for a number of young people. Sometimes there will be a premises that accommodates only one young person at a time. Sometimes there are facilities that are just for a very high-needs young person that will be stood up to meet their needs and staffed around the clock. Obviously, those addresses where those young people are being kept are not public, but we can give you an idea of those.

THE CHAIR: I have a question about MACR, which you raised earlier. What work are you doing with the community here in the ACT to prepare for raising the age in July. If you get a call at 2 am in July this year, saying that police have scooped up a 13-year-old First Nations boy. They have engaged in criminal activity with adults. They are all being arrested, and they say, “What do I do?” What do you do in that situation?

Ms Turnbull-Roberts: Mr Emerson, that is a question about which my commission is regularly having internal dialogue. There is this great initiative around a minimum age of criminal responsibility, which absolutely has to happen, but my question back to the directorates is around what they are doing to ensure appropriate implementation of those early intervention and prevention mechanisms.

As I said, there are amazing community members here on beautiful Ngunnawal lands

that have incredible ideas to support young people. I will be advocating that there need to be greater night programs. There need to be greater hubs available for children and young people. We need to create a space where children and young people know they can reach out when there are circumstances of harm or violence going on. It could be in their home environment. We have understood, with all the research on the cognitive reasoning of the brains of young people, that if they do potentially conduct alleged offences or do things, we need to create a space where children and young people can come and say, “I need help.” What does help look like?

I am concerned that there is not necessarily anything being done on the ground practically and being implemented for children and young people. I do not know whether the territory has considered potentially investing in a 24/7 after-hours hub that supports the needs and that does not take children and young people to watch houses. I have a blank about where potentially orders can be put on young people.

Ms McKinnon: There is an intensive therapeutic order, which is the other option. It is a good initiative because it is taking young people out of the youth justice system and taking a therapeutic approach. It allows for a continuum of interventions regarding supporting a young person in their home with additional therapy. Also, it does have that ability to provide more confinement in those very extreme cases where it is necessary for the young person’s safety or that of others.

What is needed is that very intense therapeutic approach. We are certainly working with the directorate around what they have in place and how we can make sure that it functions effectively, because we all want it to work. We want the minimum age to be a great success in the ACT, and we want to be a model for other jurisdictions. But to do that, we need to make sure that we have everything in place.

THE CHAIR: With these hearings, there is an opportunity for us to provide recommendations to government. I have been asking witnesses all week about this, and everyone has said that there are no gaps in the referral process, that everything is hunky-dory and it is ready to go. What I am hearing from people in our local communities is that that is not the case. I am hearing the same from you. Do you have specific recommendations that you can provide, either today or on notice? What about capacity? How many children do we need to be ready to support so that when you do get that phone call, you know exactly who to call? We can include recommendations in our report.

Ms Turnbull-Roberts: I would like to take that on notice to provide formal written recommendations about what will really bridge that gap. By way of a short response, we know the patterns that we are seeing. I refer particularly to when I speak to and engage well with the head of the police, and I have that relationship where I can call and say, “This is what’s happening with this young person. What is your approach? What do you have? What is your idea?” I can speak to CSD and say, “What’s your version of this event?” We can try and collaborate on the story and the outcome, and find the best plan for the young people that they need in that moment.

With the consistent patterns, particularly around MACR and the pattern of recidivism that we are seeing with young people, we see the same alleged offences of the same

nature, and it is the same group of young people that we are seeing. The first question I raise is: why aren't we applying every single support need and wraparound to that child or young person?

A lot of these young people are children who are the responsibility of the director-general. They are children that have grown up in statutory out-of-home care. There are children that have never had mums or dads or families or siblings that have said, "I love you and I've got you. You've tested my boundary." We hear that, in ressesies, if a kid smashes a wall, they call the police and say that that young person has breached something, and they are locked up again. If my kid smashes a wall, I am not calling the police; I am calling the carpenter to come and fix it.

There is always this different approach to children and young people when they carry systems impact behind them, and it does not work. My big recommendation would be that we need to get just reinvestment. It is not necessarily about resource reinvestment or resource shifting around. We need to effectively evaluate the funding body of the D-G, where we are not seeing the outcomes that we need to see, and we need to drive those funds into the hands of community, to wrap around particularly the young people that we are seeing.

That is the goal of justice reinvestment. It seems to apply to adults here, but we need to get something that supports children and young people here in the territory, and which says, "This is a dedicated amount for the community." We can then divest the funding from Bimberi youth detention and see that in the hands of young people. With the cost that it takes to incarcerate, sometimes it is most often the time that my young people see more staffing. They have three corrections youth workers that are around them when I am there, yet when they come out, there is no funding support for community kinship to be around them.

If we divest the funding to the strengths of the young person, and really wrap it around what that young person needs, we will see outcomes. We are very privileged where we have a relationship with our young people and a trust-built relationship with them, so we hear a lot of the in-depth stories. We hear a lot of the trauma and the violence that they have been through, and what they are going through. Building on those relationships and those strengths with these young people would be the most formal recommendation, and really investing in what they need.

THE CHAIR: Thank you. Do you have plans to move to Canberra, because we can feel the passion from across the table. I think you would be such an asset here in the ACT.

Ms Turnbull-Roberts: Without going into formal details, I did live in the ACT for a period of time. Unfortunately, I cannot go into extended information because it is confidential. That is a discussion to have privately, if that is okay.

THE CHAIR: Okay; no worries. On behalf of the committee, I thank you for your attendance today. If you have taken any questions on notice, which you have done, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof *Hansard*. On behalf of the committee, again, I would

like to thank you for sharing your experience and knowledge with us. I thank broadcasting, Hansard and the secretariat for their support. If members have any questions on notice, please upload them to the parliamentary portal as soon as possible and no later than five business days from today. The meeting is now adjourned.

The committee adjourned at 9.38 am.