



OUTLINE OF EVIDENCE OF AUNTY KARIN WILLIAMS (VICTORIAN ABORIGINAL COMMUNITY SERVICES ASSOCIATION LTD)

DECEMBER HEARINGS 2022 (CHILD PROTECTION)

14 DECEMBER 2022

I BACKGROUND

1. I am an Aboriginal and Torres Strait Islander woman from the Bindal and Juru people, Darnley (Erub) and Murray (Mer) Islands in the Torres Strait.
2. In 1985, I moved to Melbourne and studied at Koori Kolij, where I trained as an Aboriginal Health Worker. In 1986, I started working at the Victorian Aboriginal Health Service (**VAHS**). I took a bit of time away from VAHS to work in the justice space, and then went back. I worked at VAHS for 20 years in total.
3. But for me there came a time in health where I felt like I couldn't do any more. My time in health was up, and I felt I could make a difference working with young people.
4. I started working at the Victorian Aboriginal Community Services Association Ltd (**VACSAL**) in 2007. I currently work as a Manager at Bert Williams Aboriginal Youth Services (**BWAYS**), which is part of VACSAL.
5. I have previously served on the Boards of VAHS, Yappera Children's Service, Fitzroy Stars Gymnasium, Melbourne Aboriginal Youth Sport and Recreation, Koorie Diabetes Service, Local Aboriginal Education Consultative Group and the Melbourne Stars Basketball Club. I have also been a representative for Victoria on the National Aboriginal and Torres Strait Islander Women's Alliance Board of Directors.

II ABOUT VICTORIAN ABORIGINAL COMMUNITY SERVICES ASSOCIATION LTD (VACSAL) AND THE BERT WILLIAMS ABORIGINAL YOUTH SERVICES (BWAYS)

VACSAL

6. VACSAL is an Aboriginal Controlled Community Organisation (**ACCO**) and State-wide agency that provides extensive services, community programs and community resources to the Aboriginal community in both metropolitan and regional communities. VACSAL also provides advice to government on a range of community issues.
7. VACSAL was established in 1984 and has been instrumental in assisting the Victorian and Commonwealth governments to develop policies and programs relating to the advancement of Aboriginal people. VACSAL is a key advocate, with representation in over 85 local, regional and State reference and advisory committees.
8. VACSAL works from the following philosophical base in all of its advocacy work and service provision:
 - Community and individual choices;
 - Self-determination and managing change;

- Strengthening culture; and
- Strengthening families.

9. VACSAL's values are built on:

- A respect for and acknowledgement of Aboriginal history and kinship networks;
- A commitment to influencing policy and service development;
- Redressing inequality and disadvantage;
- A commitment to ensuring that Aboriginal people have greater access to information, resources, services and decision making; and
- A commitment to self-determination and self management for Indigenous communities.

10. VACSAL runs a number of programs, including:

- Resilience camps to support young people to reconnect with their culture and learn about services available to them;
- Presentations (often at the camps) about topics like mental health, cyber safety and different support services on offer;
- Cultural activities, such as yarning circles and arts and crafts;
- Community sports programs, to contribute to overall cultural, social and emotional wellbeing and to provide opportunities for community development;
- Centre for Males, which provides specific resources, referrals and advice for Indigenous men, including the Orange Door family violence program and services;
- Aboriginal Private Rental Assistance Program;
- Homelessness services, including in partnership with Launch Housing;
- Local Justice Program;
- Providing Certificate IV in Community Services and Diploma of Community Services training as a Registered Training Organisation; and
- Aboriginal cultural awareness programs and training for government and mainstream organisations.

BWAYS

11. BWAYS is one of VACSAL's core programs. BWAYS has been operating since the 1970s, and initially operated as the Bert Williams Youth Hostel. BWAYS was initially funded and operated by the Victorian government, but operation was transferred to VACSAL in 1984.
12. BWAYS is named after activist Bert Williams, one of the founders of the Aboriginal Tent Embassy.
13. BWAYS aims to offer proactive and preventative services to Koorie youth who reside in, or visit, the North and West Metropolitan Region, with a focus of reducing their overrepresentation within the youth justice system, and the related issue of homelessness.
14. BWAYS achieves this by delivering appropriate services to Koorie youth who are homeless and/or are within the youth justice system, or who are at risk of entering the youth justice system. BWAYS provides short-term crisis accommodation, intensive case work, Aboriginal cultural support plans, community supports and linkages and early intervention and prevention programs.
15. BWAYS has three streams of operations:

1. Aboriginal Youth Hostel Crisis/Homelessness Short Term Accommodation: This is 12-week accommodation, along with case management and support services, available to Aboriginal males aged 16-22.
2. Koorie Youth Justice Program: This is a support services program for males and females aged 10-20, aimed at early intervention and prevention.
3. Early School Leavers Program: This is a support services and community activities program, including homework class and sporting activities, for males and females aged 10-20, aimed at early intervention and prevention.

III KEY ISSUES IMPACTING ABORIGINAL YOUNG PEOPLE

16. The young people that we help are often dealing with a range of intersecting problems. As noted in VACSAL's Submission to the Victorian Legislative Council Legal and Social Issues Committee's Inquiry into Victoria's Criminal Justice System (**Inquiry into Victoria's Criminal Justice System**), copy at **Attachment 1**:

Due to the ongoing effects of colonisation, Aboriginal people experience adverse outcomes across almost every social determinant, including lower levels of employment, reduced access to healthcare and housing, financial disadvantage, increased rates of family violence and adverse health outcomes. This social and economic disadvantage directly contributes to the overrepresentation of Aboriginal people in Victoria's criminal justice system.¹

Substance abuse and addiction

17. Drugs and alcohol impact a lot of young people, especially when they are not in programs and not doing school.
18. Recently, we started to have a real problem with Xanax and other prescription drugs, and we needed to bring in stand-up staff just to help with that. We often need to get professionals in, and we do make sure we do proper referrals for drug and alcohol as well.
19. But we need a proper ongoing program to help these kids. How do you help young people into alcohol and drug programs when they're not ready? We need to be able to support them.
20. I described why I think our approach at BWAYS works in my evidence to the Inquiry into Victoria's Criminal Justice System, copy at **Attachment 2**:

What we are doing at Bert Williams is talking to them about safety for everybody, and I think we put in the hard yards with the workers and case management. They really sit down and take the time to make sure that they listen to the young people. One of the biggest things that I am finding right now is if you do not listen and you do not hear them, you are not going to get anywhere. That is the biggest thing that we find: you have got to listen, you have got to hear what they want and work towards what they need in their lives.²

Youth justice involvement

21. As part of our Koorie Youth Justice Program, we go to court and support young people there. We make sure we are going to the Koori Courts and the Children's Courts to support our young people from the get-go. Our staff are out there walking the floors and providing support.
22. I've worked with kids as young as nine in the youth justice space. I remember being in court with a nine-year-old. I was crying for him because he had no one there to support him, and he got remanded overnight.

¹ Attachment 1, p 3.

² Attachment 2, p 12.

23. We also used to have a lot of clients leaving youth detention in Parkville or Malmsbury. For me, those places are cold, steel cages for our kids – and I don't think that's how we should treat children. Once they came out, I felt we were never properly equipped to help them, especially where they had heavy drug use problems. We don't get the funding to help our young people properly. They give us enough to fix the problem for the time-being, like a band-aid, but not enough for real long-term change.

Child protection background

24. I find that a lot of the young people that are so out of whack with everything in community – they are kids who have been brought up in child protection and are coming out homeless. They seriously are not taught anything in that system. They are coming out with workers telling them they are useless. I see that these kids often struggle to engage, and there are reasons for it. Nobody considers how many workers they have had in their lives, how many people they have had telling them what to do.
25. When you are at home with your family, you are taught how to live, how to clean – all those kinds of things. Our kids are coming out of the system not being taught anything, so they do not even know how to care for themselves.
26. At our service, we teach them living skills so that when it is time for going into a home they are going to know how to live.³
27. I'll never forget one of the first kids I worked with - a 14-year-old girl who had been taken from her family at two years old. I went to a care meeting with residential care workers, and I remember all they did was say she was lazy and dirty. That made me so angry – how dare they talk about her like that and put her down like that? She had been in their care since she was two years-old. What were they doing to teach her?

Family violence

28. Family violence is an issue amongst young people, and it's not always a young man that's the perpetrator. If we know there's a family violence issue, we use community-based strategies. We'll jump in and do a safety plan for the families and for the perpetrator as well. We are constantly talking to our young people about respectful relationships, and we try to get as many of them into Respectful Relationship programs as possible – covering romantic relationships and friendships.
29. We find that family violence is a big driver in homelessness. A lot of the time there are kids who are perpetrating family violence against their families to the point that they are no longer allowed to be in their home – but there is nowhere for them to go.
30. We try to take them into our service, but sometimes it can be really difficult if you've got a good bunch of kids and you bring in somebody that has bigger issues. If we can't take them into our service, we actually do outreach to them. We won't cut them off cold.⁴

Mental health

31. We've got a couple of kids right now with mental health problems.
32. There are even some where we're not sure about their Aboriginality, but we will continue to work with them.
33. One of the things we have to keep doing all the time as workers is encouraging our young people to keep going and getting their medication when they need it.
34. We do as much as we can to support them, but it's one of the hardest things we are dealing with right now. We see that these kids don't get support for their mental health until they are in

³ Attachment 3, p 77.

⁴ Attachment 3, p 79.

detention – and that's when their mental health issues will get really bad. We should be helping them earlier, but people are in denial about mental health.

35. We also see that a lot of the time these mental health issues are caused by or exacerbated by drug and alcohol use.
36. I believe that knowing where you come from is part of your mental health. A lot of these kids we are helping don't know where they come from, and that is a huge part of their mental health problems. They don't know who they are or where they belong.

Homelessness

37. Homelessness is an issue that affects many of our clients, and it intersects with a lot of the other issues our clients face like those I've outlined above.
38. At VACSAL, we have a large housing response team to support Aboriginal people experiencing homelessness and at BWAYS we offer crisis and short-term accommodation.
39. When I first came to BWAYS, the hostel was used as a place for young men coming out of Parkville and Malmsbury to be released to without any funding attached. They would be bailed to us, but we didn't have appropriate funding to really support and rehabilitate them. We would take them in, as a homeless hostel, but we couldn't make them stick to any specific plan.
40. It is hard to make sure we have enough funds to provide the level of service we want to be providing, so that we can nurture any young person coming in.

Disability

41. We help young people with disability, to the extent that we are able.
42. We have had clients with cognitive disability. Often, we will keep them as clients into their 20s, but it can be difficult to work with them once they move into the adult system.
43. If a young person has a physical disability, we actually can't take them in at our homeless hostel because we don't have the infrastructure and resources – but we will take them into our other programs and do outreach.

School non-attendance

44. Our Early School Leavers program came to us because we had so many young people getting into criminal activity because they weren't in school.
45. I really think that we need to make sure our young people can read and write. I have seen some young men in our community grow up very angry because they can't read and write. The education system is letting them down by putting them in the 'too hard' basket. They get lost in the system. I've seen schools and teachers treat them unfairly. We try to get on the front foot with our clients to stop this happening, and support them as early as possible. The education system needs to suit our kids, and there needs to be more respect for our kids in schools. The more Aboriginal teachers and educators we can have, the better.
46. As I noted in my evidence to the Inquiry into Victoria's Criminal Justice System, copy at **Attachment 2:**

... Education is a really, really important part of making sure our young people fit within communities, so we focus on the education part. We have our Early School Leavers program as well, which works with our youth justice program to keep the kids in school. And that is the whole family – so you are not just working with that young person, you are working with the whole family to keep them together, to put them in school together.⁵

⁵ Attachment 2, p 12.

IV BEST PRACTICE AND MY PASSION FOR WORKING WITH ABORIGINAL YOUNG PEOPLE

Deaths in Custody and the Royal Commission into Aboriginal Deaths in Custody

47. For me, what made me want to get involved in youth justice was that my husband was working for Aboriginal Affairs and he was part of the Secretariat for Deaths in Custody. I started reading some of the materials he was bringing home and I thought this is what we need to be doing.
48. As we noted in VACSAL's Submission to the Inquiry into Victoria's Criminal Justice System, copy at **Attachment 1**:

In 1991, the Royal Commission into Aboriginal Deaths in Custody concluded that the most significant contributing factors bringing Aboriginal people into conflict with the criminal justice system was their 'disadvantaged and unequal position in wider society'.⁶

49. As we know, the recommendations of that Royal Commission have only been partially implemented and its findings are still relevant today.

Early intervention

50. We should be getting on the front foot, not approaching things as an afterthought.
51. I get asked to participate in talks and programs all the time – for example, about mental health for people in youth justice. But we know they have mental health problems before they go into youth justice. Why aren't we looking to support them with their mental health before they go into youth justice?
52. I think that the biggest thing for our young people is where they belong – that sense of self-belonging and where they fit in a community. We have got to nurture that, and we have got to make sure that we make them fit within our communities.⁷ It is really hard for young people when they don't know where they belong.
53. What we do at BWAYS, particularly through our Koorie Youth Justice Program and Early School Leavers Program, is designed to intervene early to help our young people stay in school and prevent them from interacting with the justice system.

Holistic model

54. In the time that I've been working in the youth justice space, I've seen that we've started to really adopt a holistic approach.
55. It's about recognising that you can't work with a young person unless you work with the whole family. They used to just work with the kid alone, but now it is more holistic. We work with the whole family and we develop case plans that involve wraparound support and referrals to professionals where required.
56. If you leave the family behind, you won't get anywhere. It's the same with health as it is with justice. You need a holistic approach to everything.
57. As I noted in my evidence to the Inquiry into Victoria's Criminal Justice System, copy at **Attachment 2**:

... You cannot fix a child without having the family involvement. So we have the case plans and the care teams, and we make everybody that is involved with young people come together to actually make sure that we can build upon what they want for their needs.⁸

My passion for working with Aboriginal young people

58. I wouldn't have got to where I am if it weren't for the local community.

⁶ Attachment 1, p 3.

⁷ Attachment 2, p 13.

⁸ Attachment 2, p 12.

59. For me, the main difference between working in the mainstream and working in Aboriginal organisations is that people have faith in you in the community. When I worked in mainstream, I think I got treated like a bit of a dill. At VACSAL, I feel so supported to fight for these kids.
60. You can help people in community. You can see the changes and the smiles on their faces and that makes a difference. We can pick people up and take them with us, not leave them behind. It's about making a difference for our young people.
61. When I think about the nine-year-old boy who was remanded overnight, I think that's the kind of thing that made me stick more and more with youth justice. Our kids do it tough out there.
62. I don't believe parents are to blame for kids. We have a lot of kids who come from the worst position who end up in a good position and vice versa. It doesn't matter where you come from.
63. It's not just about our kids who are in youth justice, we also do work to keep kids out of trouble. Sport is a big part of that. We run competitions and events, and my weekends are full up with activities. But we don't always have the funding to be able to run everything we would like to run – often we get our funding through community fundraising.

V FUNDING AND APPROACH OF GOVERNMENT

Insufficient and insecure funding

64. In my experience, there is not enough funding made available to ACCOs overall and the funding that is available is short-term and insecure.
65. For example, VACSAL has had to rely on brokerage funds to help kids with serious substance abuse issues, when there should be a properly funded and supported program in place.
66. Another example is that every year I run a school holiday program. We generally get the funding every year, but we usually don't get notified until late December. That means we have very little time to pull it all together. It would be so much easier if we knew we had reliable funding.
67. As we noted in VACSAL's Submission to the Inquiry into Victoria's Criminal Justice System, which copy at **Attachment 1**:

At present, there is an exasperating lack of early intervention and prevention programs for Aboriginal children and young people, and ones that do exist operate on short-term funding agreements with little financial support. Programs run through [ACCOs] rely on competitive tenders and temporary investment to run their programs. Aboriginal staff who work in these programs possess a huge amount of cultural knowledge and expertise, and in ACCOs they must work on short-term contracts governed by funding agreements, with lower salary commitments than their mainstream counterparts. Staff are often lost to mainstream organisations and government due to the need for higher earning potential and certainty in their contracts, jeopardising the programs run by ACCOs. Aboriginal families often do not access mainstream services due to apprehension that these services are not culturally safe. Mainstream programs often operate with an individualistic focus, not taking into account the importance of wrap-around whole of family support often required for Aboriginal youth and families. Pride in, and connection to culture are protective factors, and programs and strategies to strengthen identity and a sense of connection and belonging for Aboriginal peoples and families are crucial to minimise contact with the criminal justice system.⁹

68. We know that our programs, and those of other ACCOs, work. Government should invest in them properly and provide long-term funding to ensure they can operate effectively.¹⁰

⁹ Attachment 1, pp 6-7.

¹⁰ Attachment 1, pp 6-7.

Government inaction

69. There is a lack of follow-through from government. They say they want to help, but they don't actually sit at the table with us or with the young people we are trying to help.
70. We've had program launches and events where the Department has asked us to encourage clients to attend, and has promised incentives for our young people. But then once we were there, they didn't have anything for our young people. They didn't even interact with them, or with any of the Aboriginal workers. They sat at the other side of the room to us. It made me feel sick. It was a complete separation.
71. Not only that, but they then pursue policies that go against our interests, like the 2018 changes to bail laws that disproportionately affect Aboriginal women. At VACSAL, we also believe that prison expansion runs counter to government commitments to invest in diversion and housing and support programs. Instead of funding education, rehabilitation and legal facilities within prisons, these services should be funded outside of prisons.¹¹ We also believe that the age of criminal responsibility should be raised to 14 years, and the minimum age of incarceration should be raised to 16 years.¹²
72. Several policy frameworks have been put forward by ACCOs to address entrenched disadvantage and strive for better outcomes for Aboriginal people across every area of life. These include *Korin Korin Balit Djak*, *Wungurilwil Gapgapduir*, *Balit Marrup*, *Burra Lotjpa Dunguludja*, *Marrung*, *Dhelk Dja*. There is also the Victorian Aboriginal Affairs Framework and Victoria's Closing the Gap Implementation plan. These need to be progressed, adequately funded and resourced to meet the needs of the Aboriginal community and drive down contact with the criminal justice system.¹³
73. There have also been clear recommendations about housing in the *Mana-naworn-tyeen maar-takoort* Aboriginal Housing Framework. We know that safe and secure housing is key to reducing recidivism and breaking cycles of disadvantage and homelessness. These recommendations need to be implemented, and more accommodation needs to be made available.¹⁴
74. Above all, we need true commitment to self-determination and the transfer of power and resources to Aboriginal communities and ACCOs. We have seen so many reports and commissions outline that self-determination is the most important policy response to address the damage resulting from colonisation. Self-determination should be enshrined in legislation, and ACCOs and the Aboriginal community should have input into State budget planning.¹⁵

VI CASE STUDIES

75. In her evidence to the Inquiry into Victoria's Criminal Justice System, available at **Attachment 2**, our VACSAL CEO Aunty Linda Bamblett told the story of a young man we helped at BWAYS, and the effectiveness of our programs and approach:

Our Bert Williams Aboriginal youth support services supported a young man last year who was on remand in Parkville youth training centre. He had experienced a significant amount of trauma and was a victim of family violence growing up. He had a history of mental health and alcohol and drug misuse, which contributed to his offending. VACSAL was able to connect him to a Koori youth justice support worker for case management, who supported him with everyday living, legal support and cultural reconnection and supported him to improve his health and wellbeing. Our Koori youth justice worker formed a strong relationship with him, attending court dates, having casual catch-ups, supporting him with everyday tasks, like getting a gym

¹¹ Attachment 1, p 5.

¹² Attachment 1, pp 10-11.

¹³ Attachment 1, p 4.

¹⁴ Attachment 1, pp 11-12.

¹⁵ Attachment 1, pp 12-13.

*membership, and providing connection to community. They worked together to set clear goals for his future. He has now finished two youth supervision orders and has also completed his educational training for a cert III in civic construction. He has shown resilience, strength and determination despite his past. His experience at VACSAL was different because he was allowed to make the decisions that affected him. By using a person-centred approach the client and the Koori youth justice worker were able to maintain and build a trusting support system that developed goals that he could achieve. The young man is currently living in a stable environment at home with his family and is working towards engaging in full-time employment with the help of VACSAL and other organisations.*¹⁶

List of materials referred to in outline of evidence:

- **Attachment 1:** India Grevis-James (on behalf of Linda Bamblett and VACSAL), Submission 81 to Legislative Council Legal and Social Issues Committee, *Inquiry into Victoria's Justice System* (31 August 2021)
- **Attachment 2:** Evidence to Legislative Council Legal and Social Issues Committee (Inquiry into Victoria's Justice System), Parliament of Victoria, Melbourne, 21 September 2022
- **Attachment 3:** Evidence to Legislative Council Legal and Social Issues Committee (Inquiry into Homelessness in Victoria), Parliament of Victoria, Epping, 27 February 2020

¹⁶ Attachment 2, p 10.