



## OUTLINE OF EXPECTED EVIDENCE OF MR NAKIA FIREBRACE (VICTORIAN ABORIGINAL CHILD CARE AGENCY)

### DECEMBER HEARINGS 2022 (CRIMINAL JUSTICE)

13 DECEMBER 2022

#### I BACKGROUND

1. I am Yorta Yorta Nation Wungi - Proud and Strong. I come from the Mighty Riverina Nations from Queens and Kings of "Dhungala Woka". Ones of Empowerment, Resistance and love for Our People.
2. I am a Team Leader of the juvenile justice program of the Victorian Aboriginal Child Care Agency (**VACCA**). I have worked with VACCA since 2019. In particular, I work in the VACCA Youth Through Care (**YTC**) program.
3. I have experience working at the Department of Transport as an Authorised Officer for almost 19 years. The duty of an Authorised Officer is to provide public safety and support the community on the Public Transport network. The skills and training I gained whilst working in the Public Transport industry helped me to understand the Courts environment and legal procedures. This has given me the ability to identify and recognise when one needs help or when intervention is required under the Law. Currently as a State-wide Team Leader in VACCA's Youth Care Program, the role requires me to directly support Our young Aboriginal & Torres Strait Islander children in the pre-release & post release supports that provide intensive Cultural and well-being strengthen practices.

#### II MY BACKGROUND AND AUTHORITY

4. I come from a long line of matriarchal and patriarchal bloodlines. Keepers of Language, Customs and Lore. My Great Grandmother, Grandmother and Mother are Proud Strong Yorta Yorta Nation Dhungala Winyarr's (Great River Queens). My mother is Yorta Yorta Nation Winyarr – she was stolen from Country in Echuca/Moama and was removed as part of the "White Australia Policy" known as the Stolen Generation. My father who has passed recently is a South-Sea Islander Man from Tanna Island of Vanuatu. He grew up in Mackay, in Queensland. From them both – they gave me Cultural Strength and identity of practice, work ethic, love and respect for family and Community. They've Inspired me to be the Man and Father I am today.
5. Proud Yorta Yorta Nation Wungi - My Great Grandfather and Great Uncle's served in the Australian Military also as Infantry soldiers. My Great Grandfather was the only family member to return from WW1. My ancestors have been contending against systemic racism and sacrifice for generations. My grandfather who is also a proud Returned Soldier fought in Borneo jungle during the Second World War. These bloodlines, and the history and experiences of those bloodlines, have been passed down to me.

We as a people have a long history of incarceration and have a deep knowledge on how to deal with the implications of that. That of resilience, Strength and Honour.

6. I have been told their experiences and stories. When I speak, I aim to speak with their voice through the learnings, experience and authority of my family bloodlines and honour my ancestors. My upbringing is to honour the ancestors for their knowledge passed on to me. Everything I do is founded on the principle of that knowledge being passed on and taught, as we say – ‘Yenbena Nyanukdiya’. This means to ‘*fight for the ancestors*’ – honour them in your actions of practice of Customs & Songline.
7. For this reason, it’s important that I do not speak anonymously. This is why I Proudly put my name to what I have to remind us because I speak the words of my Elders, Grandmothers and Grandfathers.

### **III ABOUT VACCA’S YOUTH THROUGH CARE (YTC) PROGRAM**

8. While there are a number of different ‘through care’ programs across Australia, VACCA’s Victorian YTC program is unique. It was initially established in 2019 as a pilot program. However, given its success and the commitment and dedication from the YTC Team, it has received three years of additional funding and is no longer a pilot program.
9. VACCA’s YTC program is a youth justice prevention, diversion and support program. It draws on the strength and connection of culture and community to support young First Nation’s people who have contact with the criminal justice system. These young people are often unstable and vulnerable. The focus of the program is on cultural strengthening, cultural mentoring and to connect young people to community and extended family as part of their cultural strengthening, focusing the key Cultural practice of being able to retain its power of knowledge and practice – their Songline of Healing. This means preparing Our children for that journey Spiritually & Physically. As these young people get closer to release dates the work focuses on preparing them for release. Young people and their families continue to have ongoing follow up and support post release with outreach where it has been considered essential, for example:
  - (a) supporting young people to attend Centrelink and Housing appointments;
  - (b) transport to and from detox and rehab centres; and
  - (c) visits to residential care or home with young people to provide social and emotional wellbeing support.
10. In 2021-2022 alone, we supported over 40 young people pre and post release from the youth justice system. This includes young kids who we have assisted return to Country. There’s no better feeling than being an advocate for a young kid and seeing them return home to their country, family and community.
11. Engaging with young people’s culture and community in custody prior to and post release helps prevent future contact with the criminal justice system. When approaching a young person by facilitating cultural exploration, we have found that they are eager to learn about their Aboriginality and culture, and this is an effective way to break down barriers and build rapport.
12. It is crucial to intervene and support our kids in custody. Youth justice should be about rehabilitation, rather than incarceration and punishment. To do what we can to make sure they don’t enter a cycle of criminal behaviour.

13. YTC also works in collaboration with the Aboriginal Liaison Officers to support current YTC clients in custody and identify potential referrals to the program. YTC workers also provide outreach to families where the young person in custody has not had any recent contact or if the worker has concerns for the welfare of the young person's parent or carer.

#### **IV EMPOWERMENT THROUGH CULTURAL HERITAGE AND CULTURAL SAFETY**

14. As a worker in the juvenile custody space, I see the high rate of incarceration of our people as a product of systematic racism. I have experienced that systemic racism personally.
15. For example, when I was a kid going to school, I was harassed on a weekly basis. I distinctly remember standing at a bus stop simply going to school. I had my bag searched by police, as a kid, simply standing at that bus stop. There was no other reason. It was simply because I was black going to school. As a First Nation's kid growing up in the northern suburbs of Melbourne, you get to know procedures of police before you know the bus routes.
16. It is important to understand the context surrounding cultural identity and safety. We ask our children who have massive gap of cultural strength and identity to survive and go on. But the solution lies in grounding them in their culture and identity – filling the gap. Further, the solution and teachings need to come from the right people in that space.
17. My role is to show young First Nation's people that they come from a heritage of empowerment. As a team leader of a juvenile justice program of VACCA, my goal is to create identity and practice for our young women and men in those spaces. To create a spiritual subconscious of each young person knowing where and what their nation is. What it is to be part of their songlines and Country.
18. This means ensuring our young people are protected culturally, are culturally safe and have opportunity to learn about their culture in a safe place. Teaching young First Nation's people about their culture, and enabling them to connect with their culture, is very important to help them break away from a cycle of being caught in the criminal system. Cultural safety and stability is the first thing that is needed to help young people in custody. There is nothing better for rehabilitating a kid who has been in custody to be able to learn about their roots, find connection in that with their family and kin, and return to Country once they are released.

#### **V ACCOUNTABILITY AND AUTHORISATION TO TEACH CULTURE**

19. When it comes to teaching young people in the criminal system about their culture, it needs to come from Endorsed and recognised members of that community who are in a position to teach cultural practice and pass on their treasures to their Family Groups accordingly through their Council of Elders. It is up to the Aboriginal community and leadership to do that – not white leadership. We need Allies not mission masters.
20. It is important that, in teaching culture to our young people and helping them connect with their culture, they are painting their own songlines from their own Country – not learning someone else's from a different country. Young First Nation's kids need preparation to find their culture and return back to country. You can't talk about returning back to country if you haven't prepared them for it. Return to Country (**RTC**) is not and should not be a tick a box scenario. There may be required multiple RTC and preparations made for each RTC at the child's Cultural healing stage. Each RTC needs to be endorsed

by their Council and have direct purpose. This is lead also by the child as they grow stronger in their identity and practice.

21. For example, I worked with one young kid for 16 months before he was ready to go home. I took accountability for ensuring that he was ready to go home when the time came - it was my responsibility. My role was to be that Uncle to show him our culture, support him & protect him from those spiritual scars re-opening. Prior to working with him, he had been a part of the criminal system for years. Now that he has found connection with his culture and understands his role within his family group and community. He returned home, it's the longest he has been out of custody since he first encountered the system.
22. This needs to be done in the right way, by the right people. You need to know how their roots work, how their songlines work and be very careful and respectful of other nations' protocols. They're different processes. I make sure they are connected to their Country and that they don't learn from other people's song country. I ensure cultural appropriateness and safety when I am working with them. The approach we take in teaching culture needs to be tailored to each kid based on where they are from.
23. I need to undertake the right Cultural protocols to ensure the work I do with kids from different countries is authorised. We grapple with this as non-countrymen and women. People being educators of other peoples' culture when they are not authorised to do that. These are processes and protocols we live by, and it's important that we do not speak a language that is not ours or has not been endorsed or approved. Follow Protocols.
24. I make great efforts to ensure cultural appropriateness in what I'm teaching. For example, I was working with one young kid who was from a different country to me. I needed to get approval from his peoples' elders to endorse my work with him. I drove four hours to his country to speak to his elders, just to get permission. This meant that when the time came for him to return home from custody, he had been taught in an endorsed and culturally appropriate way for his community.
25. This is the thing about endorsement. If it's not coming from people who have not earned that from practice, how can we be serious about change? Strength of practice will make a change.

## VI CHANGE AND REFORM

26. The YTC program has been highly successful. We have seen the number of Aboriginal kids in juvenile justice at their lowest since YTC got involved but also more importantly the Cultural Protocols have been followed by working together as "One Mob" for Our Children futures. In order to improve the services available in criminal justice, we consider the YTC program, and the methodology it adopts, should be expanded. This includes by:
  - (a) **Post-release support:** YTC is committed to supporting juveniles for up to two years. We work with them for as long as is needed. Other programs that expire when a child turns 18, or are only for six to eight weeks, are too inflexible or short. 6 to 8 weeks is not enough time to build trust and rapport with a kid. This is not a realistic framework when considering the intergenerational and undiagnosed/diagnosed disabilities.
  - (b) **Responsiveness and red tape:** It's important that we intervene as soon as a juvenile interacts with the criminal system. If we leave it until a person is in the adult criminal system, intervention

is almost too late. We also need to be able to respond immediately as soon as a child is exposed to custody. When it comes to the flow of information, prison life can change within an hour. There needs to be a cultural advocate and support available for a First Nation's kid as soon as they are exposed to custody.

Without the kind of support that we offer, a First Nation's kid can also be needlessly caught in the criminal justice system. For example, we had a young man incarcerated in Victoria. He was in the system for 6 or 7 years. During that time he had no Cultural supports that were specific to his Country or Songline, although attempts had been made to return him to country, these were not effective. When my team got involved, we had him back on his island where he came from within a week. This was because we were able to listen to what he needed from a cultural perspective and work with this local community to get him home the right way.

27. I also see the effects of medication on kids who are in custody and prescribed certain medications. Then when they come out, that medication is not as accessible and their prescriptions are not reviewed or regulated often enough. A contributing factor to why kids reoffend is that they don't get the same stuff when they're on the outside, or they don't get enough or it doesn't last as long, compared to when they were on the inside. This means that they might turn to other forms of medication like different pills or alcohol to self-medicate their trauma.
28. I believe that before kids leave custody, it should be mandatory that their medication needs get reviewed at least quarterly or suitable time frame. It should be legislated that any child in custody or recently out of custody should have medications addressed appropriately to those Childs needs. Including the making the family or carers aware of the types of medication that the child is taken, what the side effects area and how monitor and support the child.