

Yuwaya Ngarra-li Partnership between the Dharriwaa Elders Group and UNSW

Committee Secretary
Senate Legal and Constitutional Affairs Committee
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Parliament House
Canberra ACT 2600

11 October 2024

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Dear Committee Secretary,

Submission: Australia's Youth Justice and Incarceration System

Thank you for the opportunity to provide a submission to this important inquiry. Yuwaya Ngarra-li is the long-term community-led partnership between the Dharriwaa Elders Group (DEG) and the University of New South Wales (UNSW). Our submission has a specific focus on b) the over-incarceration of First Nations children, to provide insights and outcomes from a holistic community-led model of youth diversion focused on reducing the criminalisation and improving the positive life pathways of Aboriginal children and young people that we have been developing in Walgett in remote north-west NSW.

The Dharriwaa Elders Group and Yuwaya Ngarra-li partnership

The DEG is an association of Aboriginal Elders that provides leadership on a range of community development and cultural activities in Walgett, established in 2000 in response to local community priorities and aspirations. Working closely with the Walgett Aboriginal Medical Service (WAMS), DEG has been actively engaged in advocacy and research over the past two decades. After collaboration on a research study investigating the criminalisation and incarceration of Aboriginal people with mental health disorders and cognitive disability from 2011-2015, the DEG invited UNSW to work with them to address their long-term vision for positive social change in their community in what has become the 'Yuwaya Ngarra-li' (YN) partnership.

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Our collaboration aims to improve the environment, life pathways and wellbeing of Aboriginal people living in Walgett through collaboration on evidence-based initiatives, research, and building local community capabilities and control. The goals of the Yuwaya Ngarra-li partnership are:

1. Greater Aboriginal community control and capacity
2. Increased numbers of Aboriginal young people in education, training and employment
3. Reduced numbers of Aboriginal people in contact with the criminal justice system
4. Improved social determinants of health and wellbeing amongst Aboriginal people
5. Increased sustainable management of water and Country
6. Redirection of funding towards strengths-based, holistic, community-led initiatives.

Since the early foundations of the YN partnership, there was a shared understanding between DEG and UNSW that any collaboration had to move beyond individual studies or programmes to focusing on long-term solutions to the causes of disadvantage and discrimination experienced by Aboriginal people in Walgett. In its emphasis on effecting systemic change, the YN partnership is committed to contributing to a broader evidence base that can benefit other Aboriginal communities and improve research and policy. All our work is underpinned by YN's core principles of being community-led, culturally connected, holistic, strengths-focused and rights-based. This work has been resourced by the Paul Ramsay Foundation since 2018.

Our work on youth justice

The DEG identified reducing Aboriginal young people's contact with police and the youth justice system as an urgent priority early in their partnership with UNSW. Their vision is that *"Aboriginal children and young people in Walgett can learn, work, be safe, supported and thrive within a robust sense of belonging to their families, community, culture and Country."*

The DEG have seen that traditional criminal justice responses to issues of personal and public safety do not contribute to actual or perceived safety, and in fact make things worse. These processes criminalise young people at earlier and earlier stages of their life. The DEG have long called for mechanisms that require police to work cooperatively with community-

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controlled organisations, taking the lead from community about initiatives that will achieve positive outcomes for community and not make things worse. A long-running concern of the DEG has been the high number of police officers in Walgett, as well as the response to problems faced by residents, such as homelessness and food insecurity, being led by the criminal justice system rather than other alternatives such as the health system or community organisations.

In March 2018, Yuwaya Ngarra-li held a [Youth Justice Forum](#) in Walgett to address problems faced by Aboriginal children and young people in contact with the criminal justice system. In the Youth Justice Forum in 2018, we heard from parents and community workers about the barriers experienced by children and young people that impacts on their wellbeing, for example, housing stress and over-crowding:

'I see that as our teenagers grow up, the houses are full, they haven't got their own space. I see that there is a lot of need for our kids, I see that the kids are really crying out for help. There's not many services in town to get that help, and if there is services, they'll do it for one week, and then the next couple of weeks or a month, they don't worry about these kids, and then they've fallen back down again into that stage one.' (Trish Sharpley, Walgett Youth Justice Forum, 2018, p. 5)

Also at the Forum, we heard from young people about the experience of the police presence in their community during childhood:

'Growing up Aboriginal means it is pretty much inevitable that you will come under police scrutiny at some time in your life, whether you are actually in trouble, assisting them with an inquiry or seeking support yourself...' (Delma Trindall, Walgett Youth Justice Forum, 2018, p. 6)

Ideas for local evidence-based strategies to address the problems identified at the Forum were developed into an [Action Plan for Children and Young People](#) through collaboration with Aboriginal children and young people, key stakeholders and agency representatives, which set out the goals of:

1. Aboriginal organisations, government agencies, service providers, UNSW and other partners have made clear and funded commitments as part of a long-term plan agreed with the community to improve education, health, housing and employment outcomes for Aboriginal children and young people in Walgett.

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2. Young people in Walgett report higher rates of belonging, safety, support, confidence and wellbeing.
3. Less than 10% of Aboriginal children and young people aged 10-17 from Walgett are appearing in the Children's Court (excluding appearances related to diversion).
4. Visible progress in the engagement of children and young people in study and work including through improvements in school attendance and outcomes, and new work opportunities for Aboriginal young people.

***Baulaarr Bagay Warruwi Burranba-li-gu* (Two River Pathway to Change) model**

YN has since developed an innovative new youth diversion model known as *Baulaarr Bagay Warruwi Burranba-li-gu* (Gamilaraay), which translates to 'Two River Pathway to Change'.

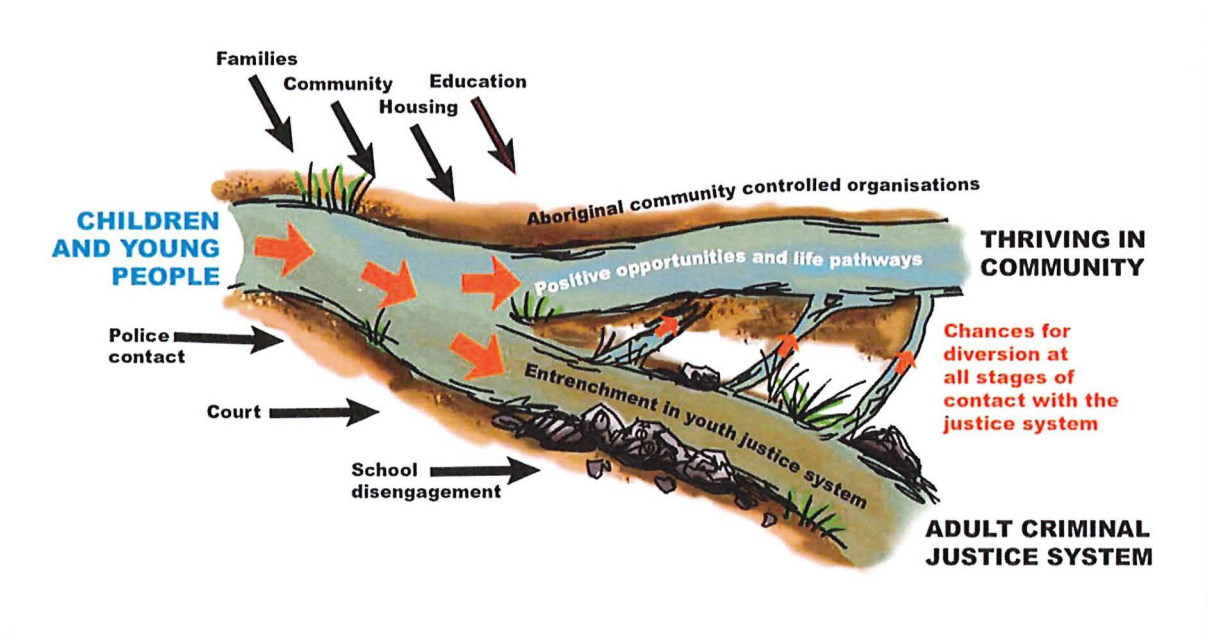
The model **has three interlinked strategies**:

1. Influence the practices and services and improve the accountability of responsible agencies to support better outcomes for Aboriginal children and young people.
2. Support engagement and leadership by Aboriginal Community Controlled Organisations, parents and carers to support better outcomes for Aboriginal children and young people.
3. Work intensively with Aboriginal children and young people in Walgett to increase their rates of belonging, safety and wellbeing and reduce or prevent ongoing contact with the criminal justice system



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Walgett means 'the meeting of two rivers', and the Barwon and Namoi rivers have great cultural significance to Aboriginal people in the region. The rivers are the lifeblood of the Aboriginal community, and the health of the rivers are interconnected with people's social and emotional wellbeing. Drawing on the river metaphor, we see Aboriginal children and young people being pulled into the flow of early contact with police, court appearances, disengagement from school due to systemic factors and failures. Contact with the youth justice system teaches children and young people how to swim into the adult criminal justice system, not how to take a different direction and thrive.



By taking a holistic, community-led and culturally connected approach to working with children and young people at risk of or already in contact with the youth justice system, supporting engagement and leadership of Aboriginal community controlled organisations and families, and influencing and ensuring accountability by agencies with responsibility for young people, the model can create new, positive flows and life streams for current and future generations of Aboriginal children and young people.

The model is aimed upstream, providing early intervention and support for children and young people at risk of contact with the criminal justice system. The model also focuses downstream, working intensively with young people already enmeshed in the youth justice system. Families and community-controlled organisations are the riverbanks, supported by the model to reach young people getting swept the wrong way. Community, Culture and

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Country can ground and connect children and young people and help them to thrive. The connecting groundwater beneath the rivers nurture healthy rivers and community.

Through implementing the Two River Pathway to Change model, we have learnt a significant amount about the experiences and needs of the cohort of Aboriginal children and young people in contact with the criminal justice system in Walgett, and the significant stressors and punitive responses they experience and lack of access to safe, holistic and trauma-informed support.

DEG's work directly with children and young people in Walgett

All children and young people who have come to the attention of DEG, including through COVID responses, had had contact with police. This occurred when children and young people are spending time in public spaces, when police are regularly called to the school or doing bail checks, or when young people are in crisis and families have nowhere else to turn. Every young person over 12 years old that engaged with DEG had appeared in the Children's Court at the Walgett Local Court. This resonates with our analysis of BOCSAR data showing that many first and minor offences (public order offences, property damage and theft) are being finalised in the Walgett Children's Court rather than receiving a diversion from police.

This cohort of children and young people experience complex mental health issues. They face a large amount of stress, often from the compounding factors of intergenerational trauma, over-crowded housing, being treated punitively and with suspicion in public spaces and institutions (including schools) and lack of access to appropriate mental health and community services and support. Selfharm and self-medicating with 'yarndi' (cannabis) to deal with stress is common. Only one young person in the cohort had accessed mental health care resulting in a diagnosis and treatment.

Children and young people are in urgent and critical need of mental health and wellbeing supports of all kinds. This includes long-term counselling and support around daily stressors in their lives, interpersonal relationships with friends and family, more serious complex trauma related illnesses, and undiagnosed complex mental health issues. New resources and services are needed for this cohort, and young people need assistance to access existing services. These health pathways need to be set up formally through a new approach.

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Many young people are excluded from education through the use of long and successive suspensions (multiple suspensions for 20 days at a time in succession is common), flawed return to school processes at the high school and restricted access at the primary school (there is a class that only allows for children to attend school from 9am-11am each day with children as young as 10 years old in the class).

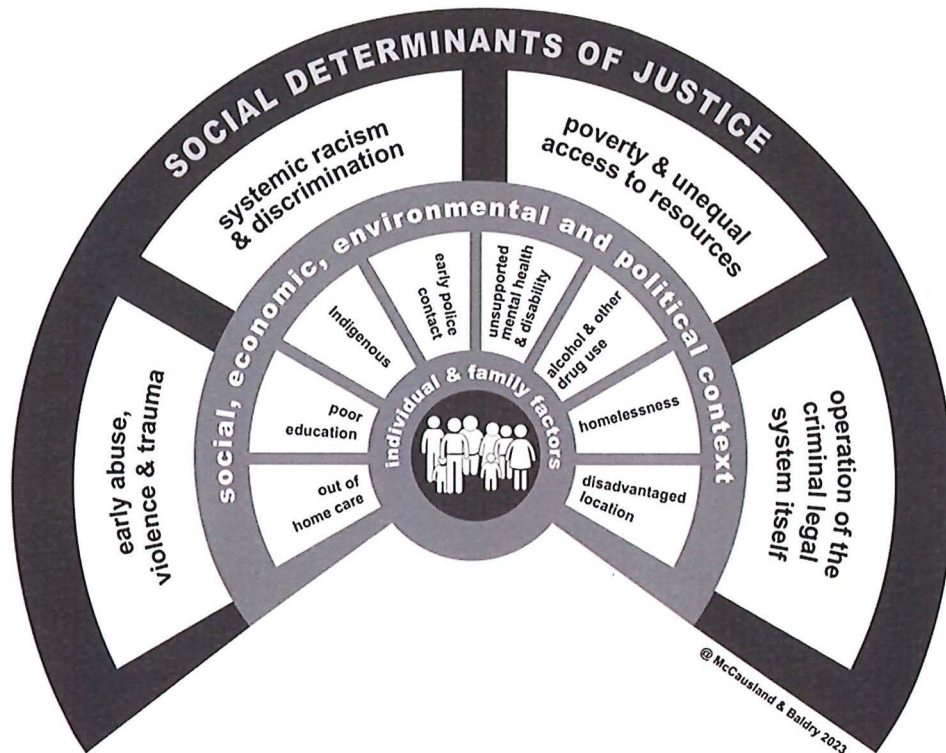
These insights reinforce a core aspect of the Bulaarr Bagay Warruwi Burranba-li-gu model - that addressing the criminalisation of young people cannot just focus on changes to the justice system; it must focus on broader conditions for children and young people's wellbeing. While policing practice must change, there are many other areas that require significant shifts to support children and young people including trauma-informed education, access to flexible learning and education, access to appropriate trauma-informed mental health care, and youth services and support that build trusting relationships and recognise the inherent protective factors of family, Community, ACCOs and Culture.

The Two River Pathway to Change model centres the leadership of Aboriginal community-controlled organisations, has enabled a community-led approach responding to the Walgett context that gives simultaneous attention and strategies at the systemic, community and individual level to effect change.

The Social Determinants of Justice

YN's approach to reducing the contact of Aboriginal young people with the criminal justice system in Walgett is informed by Ruth McCausland and Eileen Baldry's work on the [social determinants of justice](#), as represented in this diagram.

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Yuwaya Ngarra-li is addressing the social determinants of justice in multiple ways including:

Disadvantaged location: focus on Walgett, consistently measured as one of the most disadvantaged locations in the country in terms of income, health, housing, education and employment outcomes.

Being Indigenous: Aboriginal people in Walgett are leading and designed to benefit from all of YN's efforts.

Early police contact: YN's Two River Pathway to Change model is focused on reduction of contact with police and associated criminalisation for young people in all spheres, and building of wellbeing and non-justice positive pathways.

Poor education: The DEG has long advocated to improve outcomes in local schools; the DEG Partnership Manager is on the School Reference Group and YN has contributed advice, evidence and community-led proposals for change. YN has developed a flexible learning program that could be implemented with young people in the future.

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Out of home care: A high proportion of the children and young people with complex needs that DEG staff have supported are 'crossover kids' in the child protection and youth justice systems; the new YN wellbeing service is focused on providing trauma-informed community-led support and accommodation for this cohort.

Unsupported mental health, disability and AOD needs: YN's new wellbeing service to be designed and delivered collaboratively between DEG, WAMS and ALS is specifically focused on supporting criminalised children and young people with complex needs created by a lack of local, culturally appropriate disability, mental health and AOD support.

Homelessness and insecure housing: YN has developed a model of culturally-oriented supported accommodation for young people in contact with the justice system that is intended to be integral to the design of the new local wellbeing service, and is advocating for improved housing quality and quantity generally in Walgett.

ABUSE, VIOLENCE & TRAUMA: building culturally-connected, trauma-informed, therapeutic support & services

SYSTEMIC RACISM & DISCRIMINATION: increased Aboriginal community control & voice, agency accountability

POVERTY & UNEQUAL ACCESS TO RESOURCES: reducing debt and building skills and employment outcomes

OPERATION OF THE CRIMINAL LEGAL SYSTEM ITSELF: focusing on reducing criminalisation and dominance of police, holding justice actors to account and building wellbeing and non-justice pathways for Aboriginal people

This provides a holistic framework to address the inequity and harm associated with the criminalisation of Aboriginal people, and informs a systemic approach to building positive long-term non-justice pathways and wellbeing.

The need for a whole-of-government approach

A whole-of-government approach to addressing young people's contact with the criminal justice system is urgently needed, including implementation of the Priority Reform areas under the National Agreement on Closing the Gap:

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1. Formal partnerships and shared decision-making
2. Building the community-controlled sector
3. Transforming government organisations
4. Shared access to data and information at a regional level

Centring the leadership of and sufficiently resourcing Aboriginal community-controlled organisations is critical to effect change at the systemic, community and individual level. Addressing the criminalisation and incarceration of Aboriginal young people cannot just focus on changes to the justice system but must also focus on broader conditions enabling the wellbeing of those young people and their families and communities.

While policing practice must change, there are many other areas that require significant shifts to support children and young people including trauma-informed and flexible learning and education, access to appropriate trauma-informed mental health care, and youth services and support that build trusting relationships and recognise the inherent protective factors of family, Community, ACCOs and Culture.

A new Youth Wellbeing Service model

Our long-term aim is for sustained Aboriginal community controlled services to enable and support children and young people and their families in Walgett and secondarily to create operating and impact models that can be learnt from and replicated or adapted in other contexts. The conditions identified to enable this are:

- Community care is the first and frontline response to address and support young people and families in crisis, not the police or other government agencies
- The service draws on and is based on the social and emotional wellbeing paradigm from community-controlled health practices
- Adults in positions of influence or power with young people have empathy for and accountability to young people, for example, those working in the school or other agencies develop stronger understanding and capability for working with young people
- Access to specialist health and allied care, mediated through local support
- An ongoing focus and priority to building trust and safety for children, young people, their families and carers

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- Accommodation that is 'built environment within place' for the service that provides safety, flexibility and accessibility to those who need it
- Children and young people are supported by (non-legal) community-based advocates who can help address barriers they face in a sustained way, while those advocates are supported by legal and other advisors and mentors
- Access to legal education, advice and support that is needed – criminal, civil, family, care and protection – for families and their children and young people
- Attracting, growing, training and supporting a local multi-disciplinary workforce

In Walgett, we are working to implement a new Walgett Youth Wellbeing Service that can provide a holistic community-led model of reducing criminalisation and increasing Community care, connection and belonging and positive pathways with the following elements:

1. An **Aboriginal community-controlled service** that builds strong relationships with children, young people, families and carers, drawing on relevant legal, health and other services to provide integrated and meaningful community care, enhance social and emotional wellbeing and build connection to culture and country.
2. Development of a **culturally based and community owned and controlled accommodation** service that provides safety, flexibility and accessibility to those who need it.
3. An **adaptive, effective and resourced collaboration that builds capability** across the three organisations, strengthens and supports a multi-disciplinary workforce and demonstrates effective Aboriginal Community Controlled governance and collaboration.
4. An **embedded evaluation and research practice** that generates insights, lessons and evidence that can shape and influence the practice and policy of ACC(H)Os, mainstream agencies, philanthropists, researchers and government.

We refer to the committee to the following publications with more detail about the implementation and outcomes from our work:

- MacGillivray P, Sands Z, McCausland R, Spencer W & Miller-Dawkins M (2024) [Yuwaya Ngarra-li Briefing Paper: Lessons from the Two River Pathway to Change Diversion Model 2018–2023.](#)

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- McCausland R, Reeve R, MacGillivray P & Miller-Dawkins M (2024) [Yuwaya Ngarra-li 2020-2023 Evaluation and Learning Report](#).
- Reeve R, McCausland R, MacGillivray P & Robinson V (2024) '[Community-led diversion of Indigenous young people from the justice system: The role of government administrative data](#)', *International Journal of Law, Crime and Justice* 76(100650).

Yours sincerely,

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