

Email to: The Hon Daniel Andrews, Premier of Victoria
daniel.andrews@parliament.vic.gov.au

Copied to:

Ms Gabrielle Williams, Minister for Treaty and First Peoples

Ms Sonya Kilkenny MP, Minister for Youth Justice and Victim Support

Mr Anthony Carbines MP, Minister for Police and Crime Prevention

The Hon Colin Brooks MP, Minister for Child Protection and Family Services

Dear Premier,

The Southern Women's Action Network (SWAN) comprising over 200 members across the Mornington Peninsula has advocated for social justice for over 25 years. Our members are actively engaged in addressing a broad range of human rights concerns both locally and at a national level. We have a strong commitment to supporting the rights of First Nations Peoples.

I write on behalf of the SWAN Committee and our Supporting First Nations group to acknowledge the important steps that you have taken to begin to address the structural injustices in Victoria's youth justice system, especially with respect to Aboriginal children and youth. The recommendations documented in two comprehensive, independent reviews¹ commissioned by your Government clearly identify the systemic, legislative and program level reforms that are long overdue. These recommendations must be implemented without delay.

We acknowledge that some important initiatives have been taken. Your proposed new law entitled 'The Children and Health Legislation Amendment Bill 2022' aims to ensure that fewer Aboriginal children are separated from their families. However we are deeply concerned that debate on a second piece of legislation to protect the rights and wellbeing of vulnerable First Nations children has been delayed until after the November Election. I refer to 'The Children's, Youth and Families Amendment (Child Protection) Bill 2021' that would address systemic injustices related to youth offending and would raise the age of criminal responsibility to 14 years.

Your decision to postpone debate on this Bill that was passed in the Legislative Assembly last year is not in line with your government's election commitment to urgently address systemic problems in the youth justice system. Moreover it is at odds with your government's strong rhetoric that it will tackle discrimination against First Nations Peoples.

¹ Armytage P & Ogloff J (2017) 'Youth Justice Review & Strategy' <https://www.justice.vic.gov.au/justice-system/youth-justice/youth-justice-review-and-strategy-meeting-needs-and-reducing-offending> AND Mohamed J. & Buchanan. L. 'Our Youth Our Way' (June 2021) <https://ccyp.vic.gov.au/assets/Publications-inquiries/CCYP-OYOW-Summary-Final-090621.pdf>

It is critical that legislation be introduced immediately to:

1. **Raise the age of criminal responsibility to at least 14 years without exception.** This complies with the recommendation made by the UN Committee on the Rights of the Child (2019)². This higher age level is already law in over 30 other countries and aligns with the commitments made by the ACT, Tasmania, South Australia and the Northern Territory.
2. **Address the over representation of First Nations children in our youth justice system.** Your 2021 Review found that despite some valuable initiatives that have been undertaken the current laws continue to ‘disproportionately harm Aboriginal children... (who) are targeted by the police, sentenced by the courts, and removed from their families and communities.’³ It is essential that resourcing and access of preventative programs and therapeutic services be significantly increased. These must age and culturally appropriate and targeted to help Aboriginal children and youth stay outside the criminal legal system altogether.

You now have the opportunity to legislate these vital, long-awaited reforms. ‘The Children’s, Youth and Families Amendment (Child Protection) Bill’ was tabled in the Upper House more than 8 months ago. It is supported by the Coalition and the Greens⁴. We urge you to show strong leadership by reintroducing it without further delay to allow it to be ratified by the Senate. The Victorian electorate will commend such progressive action to enact these critical reforms.

Yours sincerely,

Melissa Kelly
Facilitator
Southern Women’s Action Network

² <https://www.hrlc.org.au/news/2021/1/20/un-review-highlights-need-for-aust-to-raise-the-age-criminal-responsibility>

³ Ibid p. 2. <https://ccyp.vic.gov.au/assets/Publications-inquiries/CCYP-OYOW-Summary-Final-090621.pdf>

⁴ Ilanbey, S. <https://www.theage.com.au/politics/victoria/child-protection-bill-aims-to-keep-indigenous-families-together-20220622-p5avlb.html>