



**Victorian Aboriginal Legal Service
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New Youth Crime Laws will Lead to More Crime and Higher Aboriginal Incarceration Rates

This week the Victorian Government followed through with its promise to be 'tough on crime' by passing laws that aim to punish young offenders. These laws come in the wake of falling youth crime rates that were the result of strategies that focused on diversion and rehabilitation. Young people in Victoria are already required by law to be engaged in education, work or training, and there is no evidence that taking the focus on rehabilitation and diversion from them will deliver positive outcomes.

The Victorian Aboriginal Legal Services condemns this new legislation as a populist appeal to appear 'tough on crime' that comes at the expense of the State's most vulnerable citizens: Aboriginal children, children that have experienced trauma and abuse, children that come from the poorest parts of our state and children that have been let down by successive governments whose duty it is to care, educate and protect them.

We urge the Victorian Government to listen to the recommendations of the Sentencing Advisory Council, the Youth Parole Board and the comments from the recent visit by the United Nations Special Rapporteur on the Rights of Indigenous Peoples and return to a focus on diversion and rehabilitation for young offenders. Just last week the UN Special Rapporteur on the Rights of Indigenous Peoples released her report on the rights of Aboriginal and Torres Strait Islander peoples. Which found that *'Aboriginal and Torres Strait Islander children are essentially being punished for being poor and, in most cases, prison will only perpetuate the cycle of violence, intergenerational trauma, poverty and crime.'*

These new changes will not 'keep the community safe', rather they will lead to higher rates of reoffending by young offenders, making all Victorians more likely to become victims of crime. The Children's Court was developed to respond to the unique needs of children charged with criminal offences. Sending young offenders to adult courts denies them of their fundamental right to be considered as children by the justice system. Whether their crime is 'aggravated car-jacking' or 'aggravated home invasion' does not change the fact that they are children and should be given every opportunity at rehabilitation that can lead them to a fulfilling life that will be of benefit to all Victorians.

"This effort by the Victorian Government to punish children as adults, children that are overwhelming victims of the circumstances they were born into, will only lead to them becoming ingrained in the criminal justice system, reoffending and contributing to the exploding rate of incarceration in this state" said Mr Wayne Muir, Chief Executive Officer of VALS and Co-Chair of NATSILS.

The measure to 'extend periods of detention, regardless of age' for children that respond to the overcrowding, under-resourcing, undertrained staff and abuse is shocking. Every year a young person spends in detention increases their likelihood of reoffending, so locking them up for 'longer detention periods' is nothing but a sure way to re-traumatise and commit children to a life of crime and incarceration. It is beyond belief that the government has produced such legislation after the revelations of abuse experienced by children in detention at Don Dale and the recent investigations of the Victorian Ombudsman and the Commissioner for Children and Young People that found children in detention were regularly the victims of abuse and denied their basic human rights.

VALS echoes the concerns raised by Jesuit Social Services about the unwinding of the dual track system which is one of the cornerstones of the Victorian justice system. Dual track allows young people aged 18 to 20 to be sentenced to a youth detention facility if a court believes they are vulnerable or have reasonable prospects for rehabilitation. Given that many of our youth suffer from mental health issues, substance abuse and homelessness and are extremely vulnerable the move by the government to place young people between 18 and 20 convicted of particular offences into an adult prison is in direct contradiction to the recommendations made by the Royal Commission into Aboriginal Deaths in Custody.

There are ways to effectively reduce youth crime and none of them focus on punishing children. The Victorian Government had previously been a leader in implementing measures aimed at diversion and rehabilitation, and in the last ten years the numbers of young offender aged between 10 and 19 years had decreased by 11%, the greatest decline of any state. All the evidence suggests that these new laws will lead to higher rates of crime, fill the state's overflowing prisons and isolate vulnerable children from their families and communities.

"We urge the Victorian Government to abandon their tough on crime approach and instead work with organisations working with children to develop therapeutic measures and more intensive support services to dramatically reduce the number of children committing offences and achieving long lasting change" said Mr Wayne Muir, Chief Executive Officer of VALS and Co-Chair of NATSILS.

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