

REPORT ON PROCEEDINGS BEFORE

SELECT COMMITTEE ON YOUTH JUSTICE

INQUIRY INTO YOUTH JUSTICE

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At Preston Stanley Room, Parliament House, Sydney, on Tuesday 14 July 2026

The Committee met at 9:00.

PRESENT

The Hon. Aileen MacDonald (Chair)

The Hon. Scott Barrett
Ms Sue Higginson
The Hon. Dr Sarah Kaine (Deputy Chair)
The Hon. Stephen Lawrence
The Hon. Cameron Murphy

The CHAIR: Welcome to the third hearing of the Committee's inquiry into youth justice. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Aileen MacDonald. I am the Chair of the Committee.

I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

Ms VANESSA TURNBULL-ROBERTS, Human Rights Lawyer, Survivor-Advocate, Fulbright Scholar, affirmed and examined

The CHAIR: Welcome, Vanessa, and thank you for your time to give evidence. Thank you for the work that you do on behalf of children and young people. Before we move to questions, is there an opening statement or anything you'd like to say prior?

VANESSA TURNBULL-ROBERTS: Jingi wala, all here today. My name is Vanessa Turnbull-Roberts, and I'm a proud Bundjalung Widjabul Wia-bal woman. I am a survivor-advocate, human rights lawyer and PhD candidate at the University of Technology Sydney. I stand here proudly as a survivor-advocate who survived the forcible removal of the child protection system here in New South Wales at the age of 10½. Again, thank you all for coming together to highlight youth justice. I am grateful for the invitation to provide further information. For too long, the rights and safety of children and young people have been neglected here in New South Wales. We have continued to see poverty punished, children and young people's rights not upheld to safe standards, and the ongoing impacts of intergenerational state-system harm, including the forcible removal of children and young people, all of which lead to the imprisonment of our children and young people.

I am here today to discuss critical issues. I also note that the solutions I will outline are cost-effective, deliver better outcomes for children and communities, represent better value for taxpayers and enable us all to work together towards responses that genuinely nurture and care for children and young people so that they do not end up in contact with the youth justice system. I again acknowledge you all for taking this inquiry to the level of seriousness that it deserves for our children here in New South Wales. The first issue that I want to address is family policing and the pipeline from removal to youth incarceration. The underlying driver here is not family dysfunction, as the terms of reference of the inquiry suggest; it is the failure to implement appropriate early intervention and prevention support to the family when it needs that support in order to function. When we address the protective factors that enable children and families to thrive together, we are also addressing the factors that result in children and young people ending up in custody.

The second issue is the failure to support the cognitive impairments and other forms of disability amongst so many children and young people who are at risk of entering the criminal justice system. It is crucial that young people receive independent—and I emphasise independent—holistic assessments when they go into custody or preferably before, even if the disability is identified, and that they receive wraparound support both in and when they leave custody. We seriously need to acknowledge, both as a State and as a whole country, that the liberty being removed itself of children and young people in custody is the punishment. It does not mean services such as NDIS and things such as speech therapy, occupational therapy, potentially ABA therapy and needs that that young person may have get neglected as well.

The third issue is the need to move away from a system that doesn't keep children and young people safe, and allow them to move out of the criminal justice system into a life where they can thrive. I share with you the example of Diagrama, a model which still involves detention. However, it operates in a fundamentally different way. It allows children and young people to be supported holistically. Staff are primarily educators and therapeutic professionals with actual expertise and qualifications to respond to children and young people's needs, with a focus on building skills, relationships and personal responsibility.

Diagrama also embeds day leave within its programs and allows young people to begin reconnecting with life outside, and responds in a practice that offers caring community rather than isolation and punitive responses. Diagrama was birthed out of Spain, and I strongly encourage all of us here on all different sides of where we stand on the political spectrum, both in our professional and personal lives, to get involved in understanding what Diagrama means. It is a critical opportunity to get things right and to do things better here in New South Wales. I thank you all for allowing me to share that opening, and I look forward to providing support on how we can address this crisis that sits on every single one of us for youth incarceration.

The CHAIR: Thank you for your opening statement and, again, for the work you do. I have visited Diagrama in Spain, so I know that what you're talking about works. You've spoken publicly about the system that's designed to protect young people, and sometimes it can be the pathways into the youth justice system rather than what it was designed to do. Could you explain where these failures begin or why it's not working that way?

VANESSA TURNBULL-ROBERTS: That's correct. I also acknowledge in the submission I've provided that it's a joint submission alongside Professor Michael Salter. Unfortunately, Professor Michael Salter is travelling at the moment in relation to his work. In terms of the issues that we're seeing failing children and young people and this so-called care and protection system that we have in New South Wales, we're seeing the real failure of proper early intervention for families and communities. Where there are circumstances where poverty is real and does exist, we are seeing a response from the State that punishes poverty, that sees things even such as

domestic, family and sexual violence as a means to forcibly remove children and separate them from primary caretakers such as their mother, their father or their extended kin.

What we often see, particularly in the context of child protection and not meeting the needs of family, is the failure of early intervention and accurate upstream support for our communities. That is looking at how we are supporting their health and wellbeing at an earlier stage, how we are identifying, potentially, education gaps where we see a need and, instead of potentially putting a formal report in to the child protection agencies or the department, how we are saying we're not going to further punish you but rather we're going to support you in this need or where we see serious issues. I'm by no means saying the serious issues don't exist here, particularly in child protection—because they do—but what does the response look like?

We are in a crisis here where we are seeing family policing. As I mentioned in the submission, I call it family policing because it often involves the act of surveillance. There are so many opportunities where there is surveillance, there is watching the family and community, and then there's a moment of removal. I share in the submission that in that moment of when there is that surveillance, why isn't there that adequate and substantial support for the family provided, and honouring the protective factors of cultural strengths and identity, and where our families and communities come from?

Ms SUE HIGGINSON: On that, I noticed in your submission and when you addressed the Committee—and I receive it very powerfully—language and what we call things and how we refer to things. I'd love your views on how or why that matters because, with this notion of family policing, there are many who think that that is a protective measure. But in practice, it's what happens, but it's not protective at all. Can you just elaborate a little bit more in terms of the work that you do and the work you have done in the sectors about how language and what we are calling things really matters and determines the responses and outcomes?

VANESSA TURNBULL-ROBERTS: In relation to the language, language is so important in relation to telling a story, and the story matters. In particular, when we look at the Australian context of where history has come from in terms of child protection and the history of paternalism here in this country, it very much operated on the basis of surveillance of First Nations people, removing the children, separating us from our families and communities, and then seeing now, today, the generational impact of what history has done in that story to our children and young people.

The reason why it's so important to move the language from "we are here to provide care and protection for you and your family" to family policing is because what we often see, as I mentioned just before, is the ongoing surveillance of the policing state—or an extension of the state, which is the Department of Communities and Justice—operate as a tool of the state in surveilling families. We see the way there are so many opportunities to intervene and support families. However, instead of intervening, there is ongoing punitive oversight, there are ongoing punitive responses, and then we're seeing the way children and young people end up in that cycle of forcible removal and then the likelihood of making contact with the youth criminal justice system.

We can't separate family policing and isolation from youth justice. I make this point a little bit in my opening in terms of coordination but, when we have one area of youth justice here and then we have child protection here, and we create a separation of responsibility, in particular with our political leadership, what we're saying is, "As soon as that child removes, who holds the parental responsibility for that child when it is forcibly removed into the care and protection system?" Then we say, "Okay, that child has then acted out in certain ways or behaviours and, as a result, they end up in youth incarceration." We then say, "Well, it's not up to the Minister for child protection." Who, then, holds the responsibility for that child when they are subject to forcible removal and ending up in custody? Because, technically, you still hold the parental responsibility for that child.

The family policing pipeline and the language is so important. It becomes really important to not gaslight our families and communities. It's quite confusing when you hear someone knock at your door and say, "We're here to do a removal"—or actually, "We're here to do a welfare check and we're here to check your house and see what's clean and see what's tidy, and create our idea of what the home is meant to look like, or what the environment is meant to look like." Then we say to families, "We're here to support and protect you," but actually we're really surveilling you, and we're really gathering information, and we're really preparing what the next steps are. I think it's so important for families to have that language around "Okay, this is state intervention now. This is them starting to surveil me. I need to be conscious and aware of what may happen."

Ms SUE HIGGINSON: From your experience as a young person and family who have lived through forced removal, is it fair and accurate to say that no families that have been through this system, when there are those knocks on the door—it would be highly unlikely that people would go, "Oh, fantastic. There's a knock on the door." Is that the case, or is there—

VANESSA TURNBULL-ROBERTS: In terms of any form of care and protection, whether it's even the health industry, whether it's the education space, or whether you're just walking outside in your local community and policing starts identifying your family because, let's say, there's a history of being profiled in your family and community, I can say that that knock—and in those moments of different experiences from education, so just existing as First Nations people here—is the scariest moment of your life. It is scary because you don't know what that knock is going to lead to. You don't know what that health visit's going to lead to. You don't know what it means when you actually reach out to your local health space and say, "Things aren't safe at home, but please don't remove my child" or "Things are not okay. Things could be better. Where can I go to for support?" Often we see—and this is part of processing—the way reports are substantiated and we see the way early intervention could have been sought and provided to a family, yet it escalates quite fast and results in removal.

Ms SUE HIGGINSON: In the system in New South Wales right now, under the current Minister and the current Government, there is an articulated, big effort to move the system so that Aboriginal-controlled organisations are dealing more with First Nations children in the system and families. Are you noticing that difference? Are we heading in a better direction? I imagine, rather than knock on doors, what should be happening is community talking to community and helping community. Is the system heading in the right direction, or are there warning signs or red flags that you're aware of at this point?

VANESSA TURNBULL-ROBERTS: What is being discussed and articulated are well-intentioned reforms that are being stated publicly. In terms of am I seeing the outcomes directly within our communities and what is the impact on the ground with children and young people, I think it's fair to say we probably won't see what those reforms will lead to until we're 20 or 30 years down the track. What I can say is, sitting here right now, in the midst of these reforms happening at one space, which is child protection, we are then seeing further punitive responses at the criminal justice lens. Every time those two contradict each other we are actually creating a pathway from child protection to youth incarceration to the adult incarceration system that we have here in Australia.

I do think there are well-intentioned reforms being had. I would like to see our State be braver. I would like to see our State say we are not afraid, necessarily, of independent oversight. I would like to see our State and leadership say, actually, greater transparency is a good thing, in particular when it comes to children and young people in residential facilities, which we know make up the majority of the youth incarceration system—our kids in out-of-home care all have had the intersection of being in a residential facility. I would love to see the leadership of our country, but particularly our State, say, "We're going to create greater eyes on our children and young people in residential facilities. We're going to create greater independence to oversee children and young people." Where risk may be higher—for example, the UN rapporteur released her report into child sexual exploitation and harm. In that report she noted that there is a higher urgency or need to respond to the oversight of children and young people in residential facilities and child protection because there is a high risk of exploitation.

I would really argue, let's be braver as a State. Reform, consent—anyone can make something sound pretty, but pretty is not going to stop my kid from being in custody. Pretty is not going to stop my children from being removed. Pretty is not going to stop the core root of what is going on. This is why I highlight the importance of—we need to stop separating responsibility when it comes to little people. If the child wasn't in, say, the foster care system or the criminal justice system and they had just separated from their family or their parents, the parents would still be required to work together to give that child the best outcome possible. Why is it different when a child or young person under the care and protection of a Minister then has their child in youth incarceration, and suddenly it becomes a youth justice responsibility and it's no longer mine. I say no, that's not the case. That child is still your responsibility. That child still deserves to have all of their full needs met, whether in custody or not. There still is a responsibility to care and respond to that young person.

The Hon. SCOTT BARRETT: Ms Turnbull-Roberts, your input already has been incredibly valuable. I appreciate you coming in. Can I ask, possibly, a too-personal question? Knock it back if you want. I don't know much about your background, other than what you've shared here today. It sounds like having lived in that system, you could have easily ended up on a different path. Looking back, what ingredients do you see have led you to be sitting here and not sitting more in contact with the youth justice system and down that less appropriate path?

VANESSA TURNBULL-ROBERTS: In terms of where I've ended up to be able to be here and present to you all, it's something that I actually don't take lightly. It's the very reason why I stand here and am constantly advocating around we can actually do better and we can be braver. To be honest, if we look at the data and the rates of children and young people, particularly in New South Wales, that are in youth justice, the numbers aren't so high that we can't do something about it. The numbers aren't so high that—why can't we do Diagrama? Why can't we get our Attorney Generals backing it? Why can't we say, "No, if you don't have the qualifications to respond to children and young people in custody, respectfully, you're not fit for the job. We're actually going to get proper people to respond to children and young people and their needs"—what they truly need.

For me personally, the context of my forcible removal, it was quite late. I was forcibly removed at the age of 10½. My foundational years of knowing who I am and where I come from, knowing my place, knowing that I'm Bundjalung and knowing that that is my greatest protective factor, my cultural strength and who I am, that's been the one thing that has always saved me in situations where I was not necessarily safe in the foster care system. For me, that 10 years that my parents—and I say this transparently, it was complex. There were complexities. We grew up in a community where we were disproportionately impacted by the law. We had the policing in our community, we had a local prison next to us, and then we had a cemetery down the road and we had an underfunded community centre, so the path was almost geographically built to set the destination for so many of us in our community where we grew up. When I was in the system, for me, I had no choice but to survive. Then it was when I escaped the system—I went back to my country.

When we talk about the power of your cultural identity—the protectiveness in what that means—does that young person know their river system? Does that young person know their mountain? Does that young person know their story? I don't want to sit in a meeting with the department and hear that they go to a NAIDOC event or that an Aboriginal speaker came in. No, I want to hear that that young person knows their country, knows their place, knows their belonging. Because when you do hit 18, all system supports deter and they go another way. The one thing that we have as First Nations people here in this country, which is the most beautiful strength, is our land and country. Non-Indigenous people have it too—it's a beautiful place for all of us—but we get to go back to our stories. That was the main ingredient for me. Then it was pursuing my law and social work degree. I was accepted.

There was no support, post leaving the statutory out-of-home care system. For me, it was an incredible man—I lived in a Jewish college, actually—who offered me a scholarship and offered me a full right to live in a place that was safe for me. It was the first time that I got to choose where I could be, and I got to pursue my education. And I share that with so many people. I had the privilege of speaking at a school a couple of weeks ago where there are over 200 Aboriginal and Torres Strait Islander young people. At that school, some of those young people are disproportionately impacted by out-of-home care.

While sitting with the teachers and having conversations, I was thinking, "Where is the opportunity for young people in school to have the full wraparound support for education?" It's the same as if my child—I'm a mum as well of a beautiful 4-year-old, also my CEO. Full disclosure: I actually have a pretty staunch boss. For me, when she hits 16 and 18, I'm not having conversations with her about leaving the home environment. I'm then not going to cut off all financial support. I'm not going to say, "I'm not supporting you when you pursue education or whatever your journey decides to be." So why is it like that when our children and young people hit 18 or after education? It's almost like this expectation of "Maybe prison is going to be where you end up, or the mental health facility". I've had my fair share of support where I've needed it, but that's been the difference for me: It's been good people.

I have no relationship with any of my foster carers because of the harm that was done. I have no relationship with the system at all personally. Professionally I engage, because that's so important for me to work with the space to support our children and young people. But, for me, it was the people actually furthest from the system, and it was going back to my place, my community. It was people who, when I had nothing, offered me a home, offered me safety and offered me what does it mean to know love and to know safety, without necessarily being slaved, without doing things where there are conditions attached. I lived in foster placements where I was told when I could access the fridge. They would control me with what I could eat, telling me I was removed because I was overweight as a kid, telling me my parents couldn't look after me, saying that my dad's really harmful, my mum's really harmful.

But I sit here and I say my mother had a genuine mental health issue. When she was sick, she got the help she needed, but when she was great, she was really great, and that's okay. Even the person that doesn't have a formal diagnosis of a mental health condition, we still honour the need when you need a rest day, when you need a moment. It just seems to be a whole different application if you're from poverty or if you're from a marginalised background. For me, that's honestly what saved me: really beautiful people, my education and knowing my place and my country. We're Bundjalung people, so we're pretty strong. I come from Alby Roberts, the boxer. We're fighters, but we also stand in really strong soft solidarity where we need to, so we come from love.

The CHAIR: I'll just follow on from that. Thank you for sharing your personal journey, but that's not what happens to all Aboriginal children. They continue to be over-represented in both the child protection and youth justice systems. In your opinion, what are governments failing to understand? I appreciate what you've said from your own perspective, but if we broaden that scope, if you like.

VANESSA TURNBULL-ROBERTS: What I see government failing to understand is that they are the original perpetrators of the very reason we're actually in this situation right now. I'm not here to say, "Blame this.

Blame that." I'd rather actually focus on solutions and focus on getting to it and fixing this situation that we're in, because it's costing our children's lives. But I do see that there is a real failure to acknowledge, actually, what is the role that we've played. How do we truly nurture a relationship and a connection? As cheesy as it sounds, what does reconciliation look like in terms of forming relationships with First Nations children's families and communities? I think there's always risk hesitancy around building a relationship with our communities and families, but our communities and families, like I mentioned, Aileen, come from strength and love and connection.

All we want to do, the same as non-Indigenous people—we just want to see our children and young people thrive. We want to see our children and young people have every single opportunity forward. When we look at the intergenerational systems impact and we look at the impact of intergenerational trauma and we look at the way we're responding, with further punitive responses—just recently I read that the AG made comments that the bail laws are working when we create harsher bail laws for children that commit, allegedly, property offences. We don't know that it's working because what we're going to see is those young people likely enter the incarceration system. So who is it working for? That's what I would say to government. Who is it working for? Who is it serving? Who does it serve?

I come from a community where we see the alleged offences that are often discussed in the media. We see it in my local community. We held a community meeting and we said, "We need to bring these kids in. We need to remind them of love and connection and say, 'That's your local pizza store. Why are you doing that?' or 'That's your local bike store. That's your community. That's what you're part of.'" That's what our kids are missing out on. They're missing out on that connection. They're the next generation. They were born into a pandemic and climate injustice and they're inheriting so much. But what's going on in their private lives? What's going on in their personal lives? Connection is so important.

The Hon. CAMERON MURPHY: You've talked a lot about surveillance and risk management and that being the approach, along with the punitive measures like the bail laws. You say that what we really need is relational, strength-based support. What does that look like? One of the issues is that intervention could also be seen as a form of surveillance or heading down that punitive path. How do we actually provide that support that's needed? We're talking about such a small number of kids, really, in the size of the system. But how would we actually roll it out in a way that means that it achieves results and is not seen in that surveillance way? After 200 years of this punitive approach, what do we do to turn that around and make it work properly?

VANESSA TURNBULL-ROBERTS: Thank you for acknowledging the 200-year punitive approach. I like that, and thank you for sharing. I think you really hit the nail when you said the street relational response. It's bringing it back in, knowing your street, knowing your community, knowing where you come from. In that piece, that's where the response around self-determination matters so much. How are we ensuring that our local communities are fully supported to be self-determined and make the decisions for our communities? I can speak for one place, but I can't speak, potentially, for the experiences that are happening in Moree, or I can't speak for the experiences in Bourke, or I can't speak for the experiences in Brewarrina. But I can speak for the place that I belong to and that I actually have a responsibility to serve.

I say to our local Ministers and our local governance and council, how are we building that local response to build a relationship and to acknowledge what you just shared—that we're not here for surveillance and we're here to back what's necessary and needed—and then put the funding towards the community controlled organisations and spaces? I mentioned that in my community we have a really small, underfunded community centre. It would be incredible to see that fully funded as a full wraparound support space because it has the relationship with the community, it's known for being safe, and families aren't going to carry shame. If mum, partner, dad or caretaker is struggling or can't pay the bill, you can go down and have that support.

Often it is that basic foundational support that will actually make families feel included and safe and also get you through the day. We're globally and nationally in a political crisis with the economy. Then just imagine what that is like for people from marginalised communities. But when we create the spaces in our own community to say, "I will respond to you and meet the need," and we create the self-determination for our communities to do so, it creates belonging and safety, and it really removes that fear of surveillance, because it's in the hands of community. A prime example—

The Hon. CAMERON MURPHY: Will it build up trust over time if that approach is taken?

VANESSA TURNBULL-ROBERTS: Absolutely. When it's done by community for community, that's the strength. A prime example is what's recently—it has been going since 2020 in the City of Sydney and inner west: First Nations Response. First Nations Response is about that. It's about what are the responses that they're providing to families from the basic need of food supply and food justice. Then there are programs that are starting to respond to youth leadership and emerging programs. We saw, in my local community, suicides

going up quite drastically. So our community members said, "We need to meet with our local Ministers and we need to have a conversation."

But it needs to go—what we mentioned before—more than conversation to that proper investment. For example, we look at how much we're spending on youth incarceration. If we just modelled it and took—let's say we took 10 children out of custody tomorrow and we said we're going to create a culturally safe space embedded through community, ground-up, and we're going to test that model, do you know the money that we'd be saving? The expenditure that goes into prison versus what could be going into community and the outcomes—if we just modelled it with five young people or 10 young people, the changes we would see would be immaculate.

The Hon. STEPHEN LAWRENCE: Ms Turnbull-Roberts, thanks for your evidence. Your submission's really, really excellent. I want to ask you about one particular part of it. You say on the third page:

A further concern arises where organisations funded by the department hold on in relation to police intervention and the laying of charges against children and young people (NSW Department of Communities and Justice, 2019). This creates a serious risk that care settings become gateways to criminalisation ...

Could you expand on that and what you mean by "hold on"? I was assuming that you probably meant where kids in care get charged with criminal offences where they wouldn't in a normal family environment.

VANESSA TURNBULL-ROBERTS: That's correct. That particular statement is in relation to what we see in particular with residential care facilities, or where there is a holding on of the department funding, or they have an external contract with a residential facility or an organisation. What we tend to see with children and young people who are subject to either residential care facilities or their other home environments is that, if there is an incident inside the residential facility, or if a wall is smashed, or if a child or young person is disassociating because maybe they don't feel safe, or maybe something has happened—or maybe they're just being a child and it just hasn't worked. Who knows?

Depending on the situation, what we often see is the police response are called. We see the way insurances and warranty needs to be protected. To do that, you need to put the formal police report in. As a result, that child or young person is then criminalised into the pipeline of youth justice because they have a charge against their name. If they're known to the system or if it has happened before or they've run away from their residential facility because they're scared of going into custody, if they're picked up by police along the way, the likelihood is going to be youth incarceration.

The Hon. STEPHEN LAWRENCE: Just on what you were talking about before about the non-helpful effect of the punitive approach, are you aware of any work being done in UNSW or anywhere else to really examine the link between, for example, punitive bail laws and social outcomes? Because one of the things that I've really noticed in politics in the last few years is politicians tell the community that punitive bail laws are going to keep them safe. The community, I guess, to some extent responds to that messaging, and then things like punitive bail laws get passed. But when I look at crime stats, there doesn't seem to be any evidence whatsoever that any of it has any positive effect.

Your submission, I think, is powerful evidence that it has a negative effect in terms of the kids' outcomes. We've obviously got these bail laws at the moment where there's a higher test for children than adults. We're definitely locking up kids who will never get a control order and we're putting them straight into institutions. I'm just curious, in terms of your experience and the different positions you've held, have you ever come across any work being done actually looking at the connection between these punitive bail laws and other regimes and what they actually do in terms of crime rates or anything positive?

VANESSA TURNBULL-ROBERTS: I would love to take that question on notice because it's worthy of a proper, substantial response. I note you make reference to particularly UNSW. Some previous colleagues of mine I know have presented evidence here with you all, and I'd really like to make sure that's given its quality essence. But also, just on an extension, I appreciate the reality of what you're saying. We're actually not seeing the outcomes. That's often when we see that using Aboriginal and Torres Strait Islander people, but particularly children and young people—so that's all children and young people—as a tool to inflict fear and worry in the greater community population. This is where we say, "Stop using children and young people as a political football." It costs their futures and it's resulting in a space that actually causes more division in our communities. I think it's safe to say we're in a space where we don't want to see greater division; we'd rather see more connection. The easiest target is often our children and young people.

The Hon. STEPHEN LAWRENCE: Yes, one hundred per cent.

VANESSA TURNBULL-ROBERTS: The recent ICS report—it's an absolute abomination of this State that we have five 10-year-old Aboriginal children in custody. Why do we have 10-year-olds in prison? It's often that we look to the Northern Territory about these issues and we say, "Look what's going on up there. It's horrific."

But it's right here. It's here in New South Wales. That's why I really acknowledge this youth justice inquiry and its potential, because we really can be braver as a State.

Ms SUE HIGGINSON: When you were talking about the solutions and what we have to do in response to Mr Murphy's question, I was not so long ago invited to the community of Cumeragunja down on the border, down south, by a lovely chap, Russell Weston, who I've done some work with. I was seriously astounded. You were talking about the community centre. There's a little community centre there, but at the moment the only thing that is keeping the community centre alive and functioning and running is a medical officer that is resourced to be there one or two days a week. But around that one tiny bit of resource, the whole community tries to keep this community centre functional and operational.

What I was witnessing was it was barely surviving. It was literally through the sweat and blood and tears of a few incredible First Nations Elders that were trying to keep that going. Is that the sort of thing you mean? I was only there for a couple of hours in a day, and the amount of people that wanted to be part of that and access it—young people and middle-aged people. That seemed to be the beating heart, but it was a heart that was being starved of blood and oxygen. Is that what you're referring to? Are these the sorts of measures that we should be pouring money into instead of these prisons, which are not on community, are miles away from people, and are punitive and harmful?

VANESSA TURNBULL-ROBERTS: Absolutely. Quite often, because of the exhaustion, and because of just the way—responses have been so fast and punitive, punitive, it results in community exhaustion. It results in, "Here's another thing that's targeting our children. What energy and spirit do we have left to respond to things?" But you do meet community members and leaders who are saying, "I've had enough of this and I'm going to do something about it." The burnout, the cultural load and the exhaustion—we hear about this in all different workplaces for Aboriginal and Torres Strait Islander people. It's exhausting and the cultural burden is real. That's exactly right, Sue. It's seeing community organisations on the ground be fully supported so they can prevent those things such as exhaustion.

Where there are risks of community organisations burning out or there is lack of resourcing and support, what are we doing as a community to step up? What is the onus and accountability response on government to say, "We need to adequately respond to this organisation, because we know potentially what the outcome could lead to if we don't support this organisation"? That's the strength. It's also supporting education access. As I mentioned before, if we identify that children and young people have particular needs with their disability, or they might have neurodivergence—they might be on the spectrum—how are we responding? Equally, how are we ensuring, where we have a police force, that they are adequately trained and have the knowledge around different trauma dissociations, different disabilities and different impacts before they come into a community and potentially enact further harm?

The CHAIR: With regard to policing, are there any policing reforms that you believe would, instead of criminalising young people unnecessarily, but also maintaining that community safety—because people are always saying that community safety is paramount. Is there a way to reform policing and what we're doing at the moment so that we're not unnecessarily criminalising young people but we still have that community safety aspect?

VANESSA TURNBULL-ROBERTS: It's a complicated question in the essence of all of the data, all of the evidence and all of the research. It tells us that, systematically, policing can't be reformed in this moment because of the impact that we are seeing and the harm that is being done. However, I would like to imagine a world and imagine a place where we can support our own communities, respond to our own communities, and create a space, through non-reformist reform, that allows for our communities to work towards safe responses. Quite often, particularly when it comes to mental health—bless my father. He's in the Dreaming. Before he passed away, he said, "If anyone in our family ever has a mental health episode, promise me you'll never call the police. Promise me you'll call an ambulance. Don't mention that he's acting in X, Y, Z."

What we often see in the response is the reactive response, as opposed to a safe response with what's necessary. I was removed by police officers, being taken from my dad at 10½. The use of policing, historically, with our communities doesn't have a beautiful rap. Also, for Indigenous and non-Indigenous people in this country—and I would say some police would agree—they're not the best respondents and the safe respondents to be doing the things they are being called out to do. That's where we need to make sure we have a leadership and a government that actually supports mental health facilities and supports local health organisations where there are incidences going on with youth and young people, where we have a call-out team that is represented, designed and elected by community to be that response. It also creates less responsibility for policing itself and says that policing can stay here because we have the leading experts and we have people who are properly trained with therapeutic responses to meet that child or young person's need.

As a mum, I'm quite scared. I'm raising a beautiful, young First Nations daughter in this State. For me, I worry about what does a world look like for other children of colour, other Koori kids, other First Nations children. I worry about what does it mean for neurodivergent children in a world where, particularly in the law world, we say, "Remain silent at all times." For children and people who are non-verbal, sometimes police take that as a moment of, "We can execute further risk and harm." If a child is stimming in any way, we see harmful responses. We need to see the right people responding to the circumstances that need that response. We need to see more caring investment in that response.

Ms SUE HIGGINSON: When you said about the fact that we have these 10-year-old children incarcerated at the moment, is it your view, along with so many other experts, that we should raise the age of criminal responsibility as an absolute first step, now?

VANESSA TURNBULL-ROBERTS: I absolutely think we do need to raise the age of criminal responsibility here in New South Wales. But also, in terms of raising the age to 14 to 15, we know, developmentally, children do not have the capacity mentally to respond to circumstances and reasonableness in a moment where something may be happening. This is where I say we need to actually get that better investment and better support for children and young people, either prior to entering the custody system or actually when they are being processed into youth prison. We need to make sure that they are not further punished by not being able to access things such as NDIS support, such as FASD assessments and such as cognitive impairment assessments, because for children and young people entering the system, we seem to have this narrative that they are undeserving of absolutely everything.

We proudly talk about rehabilitation, we proudly talk about reform and prisons to reform the child or young person so they come out better, but we not only deprive them of their liberty and connection; we're also depriving children and young people of access to things such as occupational therapy needs, NDIS support, connection, community and further extension of what that means. Often we see with our kids in custody that it is their birth families that are doing their best to try to step up and support them, but you hear nothing from the department. You hear nothing from the so-called parental person that holds responsibility for the young person checking in on that kid.

It astounds me that as soon as a kid enters their most vulnerable moment, potentially acknowledging the alleged nature of their offences, we have this narrative that they are undeserving of everything and anything because we're actually not going to create a world of reform and rehabilitation. We're going to create a world, which we already are, of children and young people that are severely disconnected, Indigenous and non-Indigenous—who don't know where they belong. It just enacts further division. To be honest, you learn more inside custody than you do out. Youth prison is the undergraduate degree for a postgraduate degree into the adult prison system, and then you might have the full PhD from being forcibly removed as well. It's a full 360, and we can do better.

The CHAIR: I believe you took one question on notice, so the secretariat will be in contact. We will probably have some supplementary questions for you. Thank you for appearing today, and I hope you have a good day. That concludes our public hearing.

(The witness withdrew.)

The Committee adjourned at 9:50.