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Engage Pasefika Inc.

Submission: Youth Justice and Child Wellbeing Reform  
across Australia

Engage Pasefika Inc. is a Pacific Island community led organisation operating in the northern suburbs of Melbourne. Our mission to advance intergenerational Pacific Health equity from an intersectional, cultural lens. The health and wellbeing of our young Pasefika youth is significant to the future of our diaspora in Australia. We advocate strongly for changes to reduce their disproportionate overrepresentation in the justice system as a major concern that needs to be addressed collectively, flexibly, wholistically, culturally and with community.

We also acknowledge and advocate for the disproportionate and unjust treatment of our First Nations young people in the youth justice system. A system that currently privileges outdated modes of rigid colonial paradigms. We put forth our submission to advocate for changes in the youth justice system that lends to greater flexibility, consideration of cultural nuances, familial dynamics, enduring and harmful impacts of colonisation and stressors of migration.

### **What factors contribute to children's and young people's involvement in youth justice systems in Australia?**

In the context of Pacific Island children and young people there are varying contextual factors that contribute to involvement in youth justice systems.

- Migration and acculturation to a new environment places undue stress on many parents and families to seek out permanent employment in a precarious casualised labour market. As a result, young people are tasked with imbalanced caring responsibilities of their younger siblings, including cooking, homework which in a lot of contexts leads to family breakdowns and disunity as family dynamics reach tipping points.
- The pull and push of visa status of many families means it offers temporary solutions and restrictions on education and employment opportunities for our young people. This often pushes young people at risk of vulnerability and disadvantage out to the margins and in industries that were not their first choice. This in turn reducing their ability to exercise agency, and develop confidence to explore a range of opportunities and possibilities. The consequence, increased risk factor of being exposed to criminality as a substitute for social belonging and building social networks.

- Pervasive and persistent structural racism and discriminatory systems are embodied in a way that First Nations and Pasefika young people from demographically marginalised areas are othered and stigmatised in educational, social, legal and political landscapes. The system perpetuates ethnic disparities at various system points and further compounded in the press and historically seen as extra burden on the welfare system with the potential to create social unrest (McDonald, Rodriguez & George, 2019). Law makers and governments need more representation at the decision making tables from the Pacific Island diaspora in order to create a multi-dimensional and culturally intersectional lens for young people to be diverted away from the justice systems.
- Evidence shows Social Determinants of Health impact access to economic stability, education engagement and equitable health access. The social determinants of health for young people from First Nations and Pasefika need to be addressed in order to reduce risky criminal behaviours for young people as they don't have the same equality of opportunities as other population groups. These sorts of indicators need to be absorbed into community initiatives, policy making and program design. Pacific Island community led organisations together with other stakeholders in schools, health providers, legal, police and government have an opportunity to work collaboratively across sectors to formulate multidisciplinary teams. The goal to amplify understanding of the nuances of reciprocal relationships.
- Lack of investment into community led organisations to design and lead programs and initiatives that meet young people's unmet needs or gaps in education, sport, employment or future aspirations. These organisations have trust, reach and insider knowledge of cultural scripts, norms and rituals. A lot of government programs are not created in collaboration or co-produced with grassroots organisations and often lead to lack of engagement or active participation from Pasefika young people. Programs are dictated by funding deliverables over driving real sustainable impact for young people in order to thwart the temptations of criminality. Programs run by local government or mainstream organisations absent of Pacific Island heritage workers lack cultural sensitivities and often perpetuate disparity and power differentials.

**What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people? What are the barriers to change, and how can these be overcome?**

- There is an urgent need for a system overhaul and policy framework that gives equitable voice to priority population groups such as our First Nations young people and Pacific Island children and youth. We challenge the Government to break away from the existing status quo of the youth justice system that is punitive, colonial in its roots and incongruent with evolving community and social values. The United Nations Convention on the rights of the child should be at the centre of policy making. Article 8 and 9 of respecting a child's family ties and not separating them unless it's for their own good needs to be underscored as young people from Pasefika heritage family and community can be protective factors to preventing connections with the system.
- Workforce diversity in youth justice decision making spaces and advisory roles need to be emphasized as lacking and under recognised. The value of cultural insights that come with recruitment strengthens perspectives, policy design and creativity of solutions. Pacific Island staff bring a multifaceted approach to youth justice but are rarely seen in high level policy decision changing spaces yet the disproportionate rate of Pacific Island youth from school to prison continues to rise. Workforce diversity is significant to inoculate the inherent bias, stereotyping and targeting of our young people. Research points to the cultural stereotypes that impact perceptions and reactions to minority groups in school and courts (Mallet, 2016)
- Diversionary programs are commonly offered by courts or community-based agencies which are mainstream and rarely by ethnic specific community organisations that can offer a different array of alternatives. These non-mainstream community organisations should be supported a lot better to offer restorative cultural models for after school, in school, school holiday and gender specific initiatives. However current funding models favour established organisations that provide programs which fall short of our young people's needs and aspirations. The non-mainstream community organisation are often at grassroots level and are constricted by lack of funding or resources to provide necessary preventative programs. Currently in the Victorian children's court under their court-based diversion scheme there is a provision to adjourn a criminal matter for young people for up to four months to allow the child or young person to attend the diversion program. However, although it has proven to be successful a critical barrier to consistent availability of diversion for children and young people is based on the Victorian Police Prosecutors consent for the accused young person to be diverted or attend these diversionary program's (Save the Children, 2023). Once again, the system is perpetuating inequity, discrimination and bias between certain groups such as First Nations young people as outlined in the Save the Children report. This would be no

different for minority groups including Pacific Island youth. The power is being held by a certain group of people rather than offering these restorative options across the board.

- Collaborative approach between courts, police, schools, health, legal, child protection, community, corrections and government need to occur more frequently rather than working with a fragmented silo approach. This allows for young people that enter with trauma, family violence, health challenges, undiagnosed disabilities to be identified earlier to support their needs by appropriate services. It also introduces better practice of sharing information and solutions between different institutions. It has the capacity to address gaps in the systems and maintain the rights of the child or young person are not being abused or misappropriated by stakeholders.

**Can you identify reforms that show evidence of positive outcomes, including reductions in children's and young people's involvement in youth justice and child protection systems, either in Australia or internationally?**

- NZ government and youth justice system have a family group conference system where they work with the families of the young person to find solutions that will work. Rather than traditionally working from a deficit paradigm this allows for advantaged thinking that lends to integrating the voice of the child and their family and a more wholistic approach that is non punitive in its focus but rather restorative.
- Close to Home Initiative like that introduced in New York (2012) offered opportunities for young people to be close to home and in places that didn't resemble state youth prisons. The purpose to keep the young people close to their families and communities. Youth crime declined within 4 years of the program commencing. The program was adopted beyond the state due to its success in reducing youth incarceration. It demonstrated the results of thoughtful planning and multisystem collaboration which lacks in Australia.

**From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?**

- Yes, there are benefits in taking a national approach it provides consistency and palatable approach to the youth justice system. The community needs multiple chairs at the table to offer shared solutions that are not just meaningful but are sustainable for the young people entering for the first time and those deeper in their engagement in the system.
- Some of the approaches that have worked overseas noted earlier in the submission are centred in family and community. Therefore, engagement with these actors needs to happen more frequently and not just when the system is at crisis point.
- Youth voice needs to always be invited into these spaces of reform and how Australia can do better for our future generations. This is not just at transactional capacity but in an ongoing voice to sustaining improvements such as a national youth advisory board to youth reforms.
- Funding models need to be re-evaluated in who is receiving the funding and who's voices are we silencing in the process.

## References

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