

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

To Commissioner Anne Hollands,

Yuwaya Ngarra-li submission: Youth Justice and Child Wellbeing Reform across Australia

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 responds to the questions posed on how best to respond to Aboriginal children and young people's involvement in the youth justice system by detailing our work together in Walgett in remote north-west NSW.

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.

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. 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.

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. In March 2018, Yuwaya Ngarra-li held a [Youth Justice Forum](#) in Walgett. 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.

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

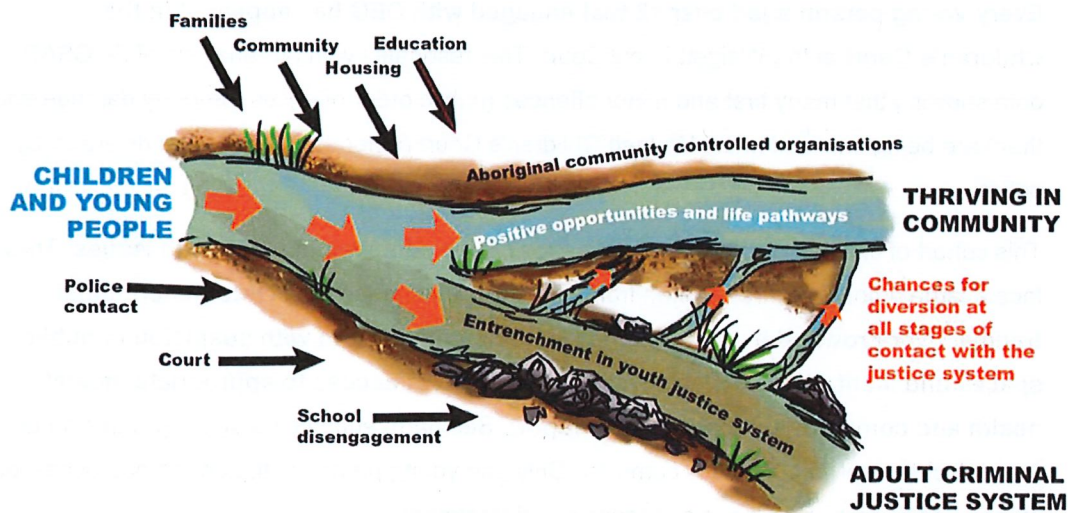
YN has since developed an innovative new youth diversion model known as *Baulaarr Bagay Warruwi Burranba-li-gu* (Gamilaraay), which translates to 'Two River Pathway to Change'. The model **has three interlinked strategies**:

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 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.

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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. In summary:

- **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 aged over 12 that engaged with DEG has 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 by 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.** Self-harm 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; for example, the assumption that WAMS is accessible is leaving young people without pathways to health services unless they have a support person. These health pathways need to be set up formally through a new model.
- 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 in the class).

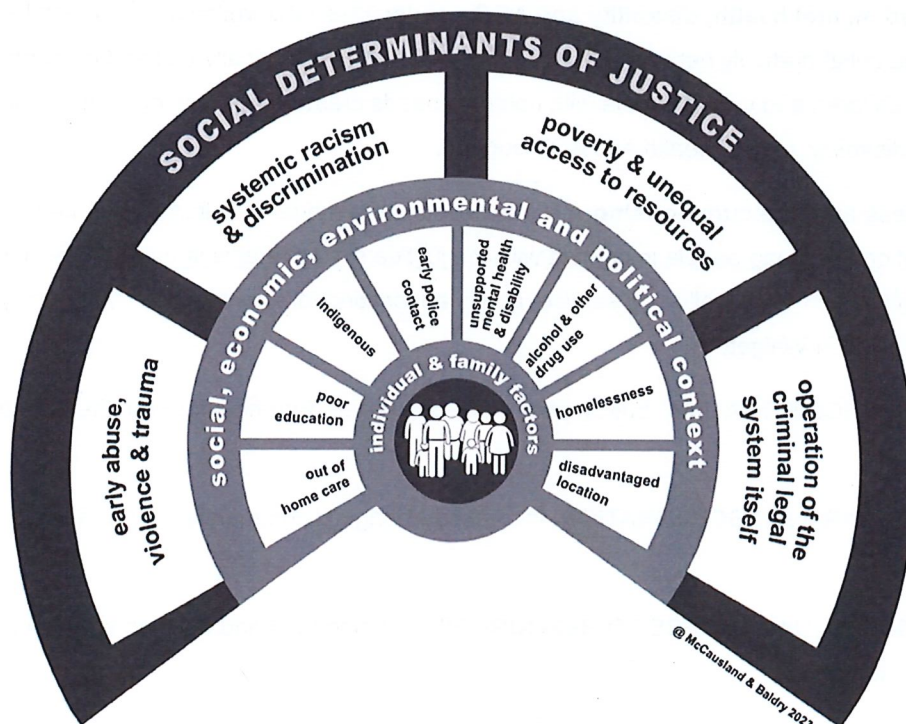
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These insights reinforce a core aspect of the *Baulaarr Bagay Warruwi Burranba-li-gu* model – that **addressing the criminalisation of young people cannot just focus on changes to the justice system, it must focus on broader conditions for children 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, 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.

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

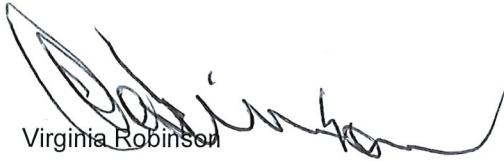
POVERTY & UNEQUAL ACCESS TO RESOURCES: reducing debt and building skills and employment outcomes

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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.

Yours sincerely,



Virginia Robinson

Secretary, Dharriwaa Elders Group



Associate Professor Ruth McCausland

UNSW Director of Yuwaya Ngarra-li

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