

**Belinda Wilson  
19 July 2018**

**The Honourable Martin Pakula**

Dear Attorney-General,

**Funding for Balit Ngulu**

It has come to the attention of members of the Law Institute Victoria ('LIV') that the Victorian Government has declined to fund the Aboriginal and/or Torres Strait Islander Youth Legal Service known as Balit Ngulu.

It is the LIV's understanding that without access to immediate funding, Balit Ngulu will be required to cease operation on 4 August 2018.

The term 'Balit Ngulu' means Strong Voice. It provides services - and a voice - to Victorian Aboriginal and/or Torres Strait Islander children needing legal help and assistance with youth justice, child protection, family law, and civil law matters.

The LIV considers Balit Ngulu meets a crucial need for culturally appropriate legal services to Aboriginal and/or Torres Strait Islander children.

Balit Ngulu was established by Victorian Aboriginal Legal Service (VALS) when it became clear that neither VALS nor Djirra were able to provide assistance to a large number of Aboriginal and/or Torres Strait Islander children as a result of professional conflict arising from the work undertaken by the agencies in the same or related matters.

The inability of VALS and Djirra to provide legal assistance to these children led to Aboriginal and/or Torres Strait Islander children either being left unrepresented or inappropriately represented. Balit Ngulu provides a valuable service in the provision of culturally appropriate legal services and facilitates access to justice for these children.

Victoria's Aboriginal and/or Torres Strait Islander children are significantly over-represented in both the child protection and youth justice systems. As at 30 June 2017, 2,091 Aboriginal and Torres Strait Islander children were in out-of-home care in Victoria – a rate of 95.9 per 1,000 children, which is 15.9 times the rate for non-indigenous children.<sup>1</sup> Aboriginal and Torres Strait Islander children are

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<sup>1</sup> Australian Institute of Health and Welfare, 'Data tables: Child protection Australia 2016-2017' (9 March 2018), [Supplementary Table 43].

additionally detained in Victoria at 13 times the non-indigenous rate, making up 53% of all children in detention on any average night.<sup>2</sup>

The negative ramifications for Aboriginal and/or Torres Strait Islander children coming into contact with the child protection and youth justice systems are widely known.

They are often separated from their community and culture, and subjected to disconnected care. This contact can place Aboriginal and/or Torres Strait Islander children on a pipeline to offending or reoffending, by exacerbating existing cycles of poor education, economic and health outcomes.<sup>3</sup> Intervention and diversion with the support of culturally appropriate services at an early stage in the lives of these young people reduces exposure to the criminal learning environment, prevents the reinforcement of criminal identity and reduces recidivism.

Through Balit Ngulu, Aboriginal and/or Torres Strait Islander children are able to access high quality, integrated and culturally appropriate legal help. The impressive Balit Ngulu service model of providing each child with Client Service Officers ensures they are supported to maintain and strengthen their connection to culture and family, while also assisted to access education, employment and leadership.

LIV members report that, over the past year, the intervention of Balit Ngulu in cases involving Aboriginal and/or Torres Strait Islander children has resulted in:

1. successful diversion programmes being implemented as opposed to children entering the criminal justice system; and
2. prioritisation and facilitation of placement for children within a kinship network as opposed to anonymous out of home care.

These real and tangible outcomes are an invaluable tool in addressing the significant over representation of Aboriginal and/or Torres Strait Islander children in the youth justice and child protection systems.

Balit Ngulu's service represents a crucial step towards creating safer communities and reducing the strain on Victoria's over-burdened child protection, youth justice and court systems.

The LIV notes that the cost per young person subject to detention-based supervision on an average day in Victoria is \$1,349.12.<sup>4</sup> Additionally, the cost per young person placed in out-of-home care services per placement night in Victoria is \$158.49, which results in a real expenditure per child in out-of-home care of \$54,938.52.<sup>5</sup>

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<sup>2</sup> Australian Institute of Health and Welfare, *Youth Detention Population in Australia 2017*, p 17.

<sup>3</sup> <https://balitngulu.org.au/about/>.

<sup>4</sup> Australian Government Productivity Commission, *Report on Government Services 2018*, Part 5, 'Ch 17 Youth Justice Services' [Table 17A.21].

<sup>5</sup> Australian Government Productivity Commission, *Report on Government Services 2018*, Part F, 'Ch 16 Child Protection' [Table 16A.32] [Table 16A.33].

Balit Ngulu is currently providing integrated and culturally appropriate services to 100 Aboriginal and/or Torres Strait Islander children, which the LIV postulates, will facilitate an overall reduction in government expenditure together with ensuring a better service is offered to these children and compliance with International Conventions and Obligations regarding the rights of children.

The LIV calls on the Victorian Attorney-General's Department to immediately allocate independent funding of \$1 million before 4 August 2018, to enable Balit Ngulu to continue to operate over the coming year. The LIV further calls for the State Government to make an ongoing commitment to provide recurrent, secure and separate funding to Balit Ngulu.

The LIV and members of its Family Law Section Committee would be pleased to meet with you to discuss the future of this service or, alternatively, to provide further information as to the priority placed by LIV members on the ways in which this service is of such valuable assistance to the Aboriginal and/or Torres Strait Islander children in our community.

Yours sincerely

Belinda Wilson  
**President**