

**Belinda Wilson  
5 October 2018**

**The Honourable Martin Pakula**

Dear Attorney General,

**Funding for Balit Ngulu**

The Law Institute of Victoria (LIV) writes to reiterate concerns previously expressed in our letter dated 19 July 2018 (enclosed) regarding the Victorian Government's decision to decline to fund the Aboriginal and Torres Strait Islander Youth Legal Service known as Balit Ngulu.

The LIV understands Balit Ngulu was forced to cease operations on 28 September 2018 due to a lack of funding.

The concerns previously expressed by the LIV have now been emphasised and highlighted in the recently tabled Annual Report from the Commission for Children and Young People released on 20 September 2018.

Among other things, the Annual Report stresses the urgent need to address the increasing over-representation of Aboriginal and Torres Strait Islander children in the youth justice and child protection systems.

Balit Ngulu provided integrated and culturally appropriate legal services to Victorian Aboriginal and Torres Strait Islander children requiring assistance with youth justice, child protection, family law, and civil law matters.

LIV members report that, over the past year, the intervention of Balit Ngulu resulted in the implementation of successful diversion programs, the prioritisation and facilitation of placement for children within a kinship network, as well as other practical and community based outcomes. The services offered by Balit Ngulu implemented and exemplified the strategy outlined in the Victorian Aboriginal Justice Agreement Phase 4 by seeking to increase culturally appropriate legal responses for Aboriginal and Torres Strait Islander children, whilst meeting the needs of these vulnerable children and young people in the child protection system.

The ongoing operation of Balit Ngulu would further permit the Victorian Government to implement its previously stated support of recommendations numbered 10 and 11 in the Final Report of the Inquiry into Youth Justice Centres in Victoria, tabled in Parliament on 20 September 2018.

In responding to the recommendations, the Government emphasised the important role of legal representation in facilitating a child's understanding of and participation in proceedings before a court. A lack of legal representation has led to many children feeling disconnected from the process, a feeling that is demonstrated by one child's statement:

'[M]y experiences of lawyers and the courts [has been] bad, because I'm Aboriginal, feel like they discriminate against me.'

Through Balit Ngulu, Aboriginal and Torres Strait Islander children were able to access high quality, integrated and culturally appropriate legal assistance. The impressive Balit Ngulu service model of providing each child with Client Service Officers ensured they were supported to maintain and strengthen their connection to culture and family, whilst also assisting them to access education, employment and leadership opportunities.

These critical and tangible outcomes demonstrate how Balit Ngulu was an invaluable tool in the Government's strategy to address the significant over-representation of Aboriginal and Torres Strait Islander children in the youth justice and child protection systems.

The LIV reiterates its call for the Victorian Attorney General to urgently allocate independent funding of at least \$1 million and to make a commitment to provide ongoing and specific funding to Balit Ngulu.

The LIV further notes and supports the Government's formation of the Aboriginal Youth Justice Taskforce as announced on 8 August 2018. However, the LIV considers Aboriginal and Torres Strait Islander children require the immediate reinstatement of the services offered by Balit Ngulu as a conjoint effort with the work to be undertaken by the Taskforce.

The LIV and members of its Family Law Section Committee would be pleased to meet with you to discuss the future of Balit Ngulu or, alternatively, to provide further information about the importance of funding for this service. If you wish to discuss this letter further, please do not hesitate to contact the LIV Family Law Section on (03) 9607 9311 or at [FamilyLawSection@liv.asn.au](mailto:FamilyLawSection@liv.asn.au).

Yours sincerely

Belinda Wilson  
**President**