



NORTHERN TERRITORY COUNCIL OF SOCIAL SERVICE

YOUTH JUSTICE SYSTEM REVIEW SUBMISSION

July 2011

Summary of Recommendations

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ANNEXURES

Annexure A: Table - Juvenile Detention Rates, by jurisdiction and sex

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In the development of this submission, NTCOSS has consulted with around 30 organisations from the community youth, legal and health sectors, across Darwin, Katherine, Tennant Creek, Alice Springs and remote areas.

This submission to the Youth Justice Review aims to examine the youth justice system across the Northern Territory.

NTCOSS supports the submission of the **Central Australia Youth Justice (CAYJ) Committee** including the Background to Submission, Principles and the CAYJ Recommendations. The CAYJ recommendations are listed here:

- 1. That Youth Corrections be transferred to a newly created Division or Branch of Youth Justice**
- 2. That a separate court for all Youth Justice matters be established in Alice Springs and regional areas**
- 3. That a pre-sentence Youth Justice Conference program be implemented**
- 4. That there be improvements made to services in order to provide effective bail support to young people**
- 5. That training for youth workers be established to ensure they can provide effective court support, advocacy, provide support as a responsible adult and understand diversion matters.**
- 6. That the recommendations from the Youth Camps Evaluation be implemented, including development of a matrix of which Youth Camps are available and who funds them**
- 7. That police officers who deal with young people or who are primarily engaged in the prevention of youth crime be specially instructed and trained.**
- 8. That a comprehensive, independent review of youth services be conducted across the NT.**
- 9. That there be significant reinvestment in intensive case management and family support for at-risk young people and their families**
- 10. That access to access to programs across regional and remote NT for young people (particularly under 16) with behavioural issues, including alcohol, drug or substance abuse problems, be improved.**

CAYJ's detailed report on the youth justice system provides a thorough overview. To avoid duplication, this submission will refer to the CAYJ submission where appropriate.

SUMMARY OF RECOMMENDATIONS

1. **The NT Government should commit to an Aboriginal Justice Agreement;** to develop appropriate justice agreements with Indigenous communities.
2. **The NT Government should introduce targets to reduce youth incarceration rates;** Introducing targets to primarily reduce youth incarceration rates would provide an incentive to develop new and creative ways of lowering the current figures.
3. **The NT Government should consider a 'dual track' system for young people up to 21 years of age;** Victoria's dual-track system of justice administration is widely recognised as a successful model of diverting young people away from detention.
4. **The NT Government should adopt an approach of justice reinvestment to help meet youth justice challenges;** 'Positive spending' is required to address the underlying issues which contribute to the high rates of youth offending in the Northern Territory and to limit further spending on incarceration.
5. **The NT Government should implement more rigorous data collection systems, particularly around police referral processes;** Without accurate and timely data, there is no evidence to determine need. Collecting strong data will assist in the setting and monitoring of targets, and monitoring trends in offending behaviour.
6. **The NT Government should establish Police Youth Liaison Officers across the NT;** There is a need for dedicated police liaison officers in the major regional centres, to promote positive relationships and to keep young people out of the criminal justice system.

DISCUSSION

1. YOUTH JUSTICE MODELS

1.1 Are there other youth justice models that could or should be adopted by Government, or examined in this Review?

1. The NT remains the only jurisdiction in Australia that has not established a system of justice for young people which is separate and distinct from the adult criminal justice system. There is no separate department administering youth justice and therefore limited, and in most cases none at all, specialist juvenile justice workers.
2. This approach does not recognise the special needs and issues relating to young people who come into contact with the criminal justice system. This means that young people within the criminal justice system in the NT are unable to access the same level of support that is available to young people in other jurisdictions.
3. Juvenile Justice Departments in other jurisdictions utilise a youth specific approach in working with young people as compared to working with adults within the system, including greater consultation with youth, increased contact with the young offender's family and support persons and recruitment of employees with youth specific training. For example, in Victoria, juvenile justice comes under the health department in recognition of the fact that many of the causal factors for offending behaviour are linked to social and care and protection needs.
4. **Aboriginal Justice Agreement;** The Northern Territory and Tasmania are the only Australian jurisdictions without an Indigenous Justice Agreement or equivalent strategic document¹. The House Standing Committee on Aboriginal and Torres Strait Islander Affairs have noted the importance of such agreements and urged the Northern Territory to 'develop appropriate justice agreements in partnership with their Indigenous communities'. Considering the NT's high Indigenous population, and representation in the criminal justice system, this should be recognised as a matter of urgency, if the NT Government is serious about appropriate justice practices for Aboriginal people.

RECOMMENDATION 1: The NT Government should commit to an Aboriginal Justice Agreement.

¹ *Doing Time – Time for Doing: Indigenous youth in the criminal justice system*, House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs, Canberra, June 2011; p.38

Example: Western Australian Aboriginal Justice Agreement (2004)²

The Western Australian Aboriginal Justice Agreement: A partnership between Justice-related State Government Agencies and the Aboriginal and Torres Strait Islander Commission was developed under the Statement of Commitment to a New and Just Relationship (2001) (AJA). The AJA was formulated by Western Australian justice-related agencies, ATSIC, the Aboriginal and Torres Strait Islander Services (ATSIS) and the Aboriginal Legal Service of Western Australia (ALSWA) - and within the context of a number of State and Commonwealth Government commitments, policies and initiatives. The AJA is five years in duration from the date of signing (March 2004).

It is, broadly, a framework or partnership between Government and Aboriginal communities to work together at a state, regional and local level to improve justice outcomes for Aboriginal people. It aims to achieve a number of objectives, including to reduce Indigenous contact with the justice system and to lower the incarceration rate of Aboriginal people.

There are three nominated **justice outcomes** in the AJA - (i) safe and sustainable communities; (ii) a reduction in the number of victims of crime; and (iii) a reduction in Aboriginal over-representation in the criminal justice system. With respect to the latter, relevant elements include the following -

- targeting resources for the development of diversionary programs
- reduced number of people, particularly children, entering the justice system
- imprisonment recognised as a sanction of last resort as a matter of practice
- improved opportunities for input from Aboriginal people into sentencing options
- enhanced Aboriginal leadership in the criminal justice system
- developing an evidence base specific to Aboriginal people to ensure the effectiveness of penalties used.

There are also **five strategic focus** areas to enable the development of strategic actions for implementation in the State, local and regional Aboriginal justice plans. Focus area C is concerned with the criminal justice system, and sets out a number of elements which are relevant to improving criminal justice responses to Indigenous people, including the following:-

- targeting intervention strategies for first offenders
- Aboriginal customary law
- broader range of sentencing options
- safety and security of individuals in custody
- education, training and rehabilitation programs
- aboriginal input into the review and reform of justice-related legislation and policies.

5. **Targets to reduce incarceration rates;** Having clear statistical targets demonstrates a tangible commitment to change. Introducing targets to primarily reduce youth incarceration rates, including remand rates, would provide an incentive to develop new and creative ways of lowering the current figures.
6. Further to this, introducing targets to reduce time young people spend on remand, and reduce bail rates and the time spent on bail, would also encourage change in these problematic areas.

² Accessed at <http://www.app.unsw.edu.au/western-australian-aboriginal-justice-specific-policy-frameworks> on 10/7/11

7. Through proactive data collection (see 2.1), analysis can reveal patterns and trends in offending that would undoubtedly improve the NT Government's capacity to break these cycles. For example, a mapping of what specific regions are most represented by young people in detention, types of offences, and sentencing outcomes would reveal a great deal about what the major contributing factors are to youth detention populations. With this knowledge, targets could be realistic and based on evidence.

RECOMMENDATION 2: The NT Government should introduce targets to reduce youth incarceration rates.

8. **Victoria's 'Dual-track' system;** Victoria employs a system of processing young people between the ages of 18 – 20 under Section 32 of the *Sentencing Act 1991*, commonly referred to as the 'Dual-track' system. It is widely recognised as a successful model of diverting young people away from detention.
9. Section 32 of the *Sentencing Act 1991* legislates that some 18 to 20 year olds can receive a custodial sentence to a Youth Justice centre instead of an adult prison if the court believes the young person has reasonable prospects for rehabilitation, or is particularly impressionable, immature or likely to be subjected to undesirable influences in an adult prison.
10. The strength of the dual-track system is in its therapeutic approach. It recognises the vulnerabilities that still exist for young people beyond the age of legal adulthood, and seeks to give them a chance to correct their behaviour by improving their access to more appropriate restorative services.
11. Given the NT's high recidivism rates that appear to continue into adulthood, such a system should be considered by the NT Government as part of the suite of reforms necessary to improve the Youth Justice system.

RECOMMENDATION 3: The NT Government should consider a 'dual-track' system for young people up to 21 years of age.

1.2 What are some emerging issues affecting youth justice in the Northern Territory? (You may wish to comment on social changes in society, new or existing laws and government policy or general community concerns).

12. The issues raised in this paper are not new, and while there are ongoing factors that change the social and political landscape, NTCOSS' concern is that best practice models and approaches are continually not being applied to help deal with the issues affecting youth justice. The Northern Territory is a unique jurisdiction, but despite this can learn from the successes and failures of the rest of Australia.
13. **Justice Reinvestment;** Since 2003, the concept of justice reinvestment (JR) has been promoted as 'a data driven approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen neighbourhoods.'³ By introducing progressive policies aimed at

³ Bode, A 2011. 'What is Justice Reinvestment' in *Of Substance*, Vol. 9, no.1, 2011, p.14-15

reducing prison populations, the state of Texas saved US\$210.5 million in 2008-09, part of which was reinvested in disadvantaged communities with a high proportion of prisoners. Two year later, the Texas prison population 'stopped growing for the first time in decades.'⁴ The Australian Human Rights Commission has proposed JR as a method to address the over-representation of Indigenous Australians in the criminal justice system.⁵

When something isn't working, we need to be bold and creative in thinking outside our safe policy parameters for alternative solutions.⁶

14. **Incarceration is costly;** The Strategic Review of the NSW Juvenile Justice System found that the daily cost of keeping young people in detention (control order or remand) is \$556 per person per day.⁷ The cost of keeping a young person in detention in the NT was found to be \$648 a day in 2008-09.⁸ This comes to a total of approximately \$236,520 per year, per person spent on juvenile incarceration in the NT. This type of money could be much better spent on early intervention, prevention and support programs which keep young people out of detention in the first place.

RECOMMENDATION 4: The NT Government should adopt an approach of justice reinvestment to help meet youth justice challenges.

1.3 What aspects of service delivery within the youth justice system in the Northern Territory require improvement and why?

Refer 1.3 in CAYJ submission

15. The following discussion relates to the recommendation of **a separate court for Youth Justice matters** in the CAYJ submission, which not only recommends a physical space where appropriate, but also the establishment of youth-specific legal practitioners across the NT.
16. **Gaps in youth services;** The NT's Youth Justice Act (2006) refers to a number of services that, if they existed, would result in more equitable and successful justice outcomes for young people. Pre-sentence conferencing is one such example, along with bail programs and established community service programs. Often services referred to in the Act simply do not exist, particularly in remote areas but also urban and regional centres.
17. **Youth-specific practitioners;** Best practice Youth Justice models include provision of youth-specific practitioners i.e. Magistrates, prosecutors, police, and legal aid lawyers. There is an absence of specifically trained practitioners in regards to administering the Youth Justice Act in particular regions of the NT (e.g. Alice Springs, Tennant Creek and bush courts). The lack of such practitioners is in breach of the Convention on the Rights of the Child (Beijing) Rules, and is inconsistent not only with rest of Australia but even Darwin.

⁴ Ibid, p.15

⁵ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission, p.9

⁶ Ibid.

⁷ The Audit Office of New South Wales, *Performance audit : addressing the needs of young offenders : Department of Juvenile Justice, NSW Police Force, 2007*

⁸ 'Hellhole accommodation cost a state secret', *The Australian*, 30/9/2011, accessed at <http://www.theaustralian.com.au/news/hellhole-accommodation-cost-a-state-secret/story-e6frg6p6-1225780973415> on 15/7/11

18. **Youth Magistrates;** NTCOSS notes that Darwin follows best practice principles and has a Youth Magistrate. Where possible, an appointed Youth Magistrate should be appointed to the Youth Court. This is of particular importance in Alice Springs. In Tennant Creek, Katherine and bush courts, where it may not be possible to have an appointed Youth Magistrate, Magistrates who deal with youth matters must understand the importance of treating young people differently to adults, and be held accountable to this. NTCOSS has been informed by the Youth Justice Advocacy Project (YJAP) coordinator and CAALAS practitioners that when Magistrate Oliver from Darwin recently served in the Alice Springs Youth Court, positive feedback was received from families whose young people were attending court. It is clear she is appropriately trained to serve in the Youth Justice Court. Though her penalties can often be harsh and are by no means a 'soft' option, she acts with commendable dignity towards practitioners, young people and families.
19. **Youth Magistrate for Alice Springs;** It has recently been announced that a youth-specific Magistrate will be designated to the Alice Springs court house. NTCOSS welcomes this announcement, and strongly recommends that this appointment be fully accompanied with the appropriate training necessary, particularly given the complex nature of the young people that come before the court in Alice Springs.
20. **Youth Lawyers;** Particularly in Tennant Creek, Katherine and bush court circuits, lawyers with a solid understanding of, and positive attitude towards, working with young people are critical. Indeed, this is made difficult by the number of lawyers and large case loads. Shortages of lawyers (e.g. at bush courts) can result in a young person having to deal with a different lawyer every time their matter is brought before the court. The lack of continuity of representation often results in multiple adjournments due to the new lawyer not having enough time to discuss the previous instruction with their colleagues.
21. **Court Support;** Court support for young people and their families is critical. The justice system can appear alienating and intimidating, and having effective court support in place not only helps those unfamiliar with the system to engage more fully with it, but can also improve timeliness of proceedings. Currently, there is no consistent approach to court support.
22. The **Youth Justice Advocacy Project** with Central Australian Aboriginal Legal Aid Service (CAALAS) is the only specifically court support role for young Aboriginal people in the NT. This position is federally funded by the Attorney General's Department. It not only provides court support to young people and their families, but also supports young people pre-, during and post-release.
23. Given that youth matters tend to be heard one day a week, court support roles do not need to be full-time, and could be integrated within an agency delivering pre-sentence Youth Justice conferences (or Victim Offender Mediations). Ideally, there would be a male and female court support worker, with the aim to broker the assistance of Aboriginal community members as support workers/conference conveners.
24. **In-kind support from youth agencies;** NTCOSS is aware that in the past there has been a push for agencies working with young people to provide support in court, on a rotating roster basis between youth workers. This model of in-kind support from youth agencies could be effective at fulfilling this need. However, facilitation of this roster, appropriate training for youth workers (see the CAYJ submission) and a capacity to deal with ongoing retention challenges needs to be considered. Agencies are often stretched to capacity, however, and this can impact on their ability to commit to such a scheme.

1.4 Do you think a coordinated response by government and non-government agencies, and communities, are necessary to achieve a reduction in youth offending?

25. Achieving reductions in youth offending requires a whole-of-community response and includes young people themselves. For this reason, a commitment to coordination at all levels is critical.
26. **Government departments;** Currently, three different Ministers have responsibility for Youth Justice in the NT.⁹ This results in huge use of resources when attempting to improve and streamline youth justice systems and processes, due to the tangled web of accountabilities between ministerial areas.

For the needed reforms to the Youth Justice system to manifest, these functions should be consolidated in one Government Branch or Division, under one Minister. This issue is explored in greater detail in the CAYJ submission, but below is a brief discussion around what this entity must entail. This would both model a coordinated response to the issues facing youth justice, and improve service delivery.

What would a new Youth Justice Division or Branch entail?

A new Youth Justice Division or Branch ('entity') must sit with a Department which operates from a professional basis and has sound policy development. The Department would require a cultural approach of therapeutic and restorative practices. This is vital to the success of a new Youth Justice entity.

A specifically Youth Justice entity would need to be entirely separate, including having its own budget, accountability and output measures. This entity must also have its own Minister. Logistically, there are huge difficulties in having Ministers across three ministerial areas, particularly in streamlining processes and improving systems that need to go through a complex web of ministerial responsibilities, as is the current case.

Wherever such an entity ends up sitting, the accountabilities of a Youth Justice entity would have to be separate from those of any other Division or Branch. For example, in the case of Child Protection, given the current reform agenda in response to the Board of Inquiry report, Youth Justice must be kept separate from this, as bringing two such major reforms together would only serve to dilute the impact of both, and youth justice could lose out to a bigger agenda.

We would recommend that the Youth Justice entity would include the following areas: youth corrections, youth diversion, youth detention, bail, court support. This requires a dedicated youth workforce, with the appropriate set of competencies and expertise.

27. **Non-Government sector;** Currently, within the non-Government sector, there exists a general commitment to work together and an understanding that coordination is fundamental to change. However, the pressures of service delivery, meeting funding requirements, recruitment and retention issues, and the challenging nature of the NT's social environment can, at times, limit organisational capacity.

⁹Ministers with responsibilities to Youth Justice in the NT.

The Hon. Delia Lawrie: *Youth Justice, including courts*

The Hon. Kon Vatskalis: *Youth Justice Act; Youth Justice Advisory Committee; Family Responsibility Program*

The Hon. Gerry McCarthy: *Correctional Services*

Nonetheless, positive coordination is occurring with great potential to be expanded on:

- The active youth networks in Darwin, Palmerston, Nhulunbuy, Galiwin'ku, Katherine, Tennant Creek, and Alice Springs, that aim to better coordinate services and provide information and networking opportunities.
- The NT Youth Affairs Network, providing information to the sector and convening a sub-committee of representatives from the geographic regions of the Territory to discuss youth matters.
- The CAYJ committee, a strong, community advocacy group for issues of youth justice, bringing together representatives from the community sector and other advisors.
- Inter-agency case management meetings, aiming to provide coordinated case management the Government and non-Government staff, particularly in Alice Springs where the Youth Hub is providing much-needed secretariat support.

28. **Community;** Community perceptions towards youth justice concerns everyone, and is a responsibility of all those that work with young people to be positive about their potential, and the important need to encourage and provide safe spaces for young people to express themselves. The power the media has over delivering messages about young people to the public must be recognised as a strength, and an avenue to spread positive stories about young people.
29. For the community to better understand the context and needs of young offenders takes positive action by the Government and non-Government sector. For example, investment in improving community work order programs could build stronger relationships between young people and local businesses. A campaign to improve community perceptions of diversion may result in increased public willingness to engage with youth conferences, as a victim of crime.
30. **Young people;** Undoubtedly, we must expect that young people play an active role in taking responsibility for their own offending. However, to do so, they must also feel included in their community. Young people require positive avenues of expression, public acceptance and inclusion and an opportunity to integrate their negative experience in a way which will secure a strong and healthy sense of identity.

1.5 In what ways could the Youth Camp Intervention Strategy be improved in order to better service youths who have made contact with the criminal justice system?

Refer to 1.5 in CAYJ submission

2. CONTACT WITH POLICE

2.1 What legislative or other support can be provided to Police to assist them to work with youth?

31. NTCOSS recognises the difficult role that Police fill in youth intersections with the criminal justice system.
32. The UN Committee on the Rights of the Child identify standards of practice in dealing with young people and police relationships.¹⁰ For example, Rule 12 of the Beijing Rules provides that in order to

¹⁰The Committee on the Rights of the Child 'General Discussion Day on Juvenile Justice' reported at UN Doc CRC/C/37

best fulfil their functions, police officers who deal with young people or who are primarily engaged in the prevention of youth crime should be specially instructed and trained. Given that the police are the young person's first point of contact with the youth justice system it is important that they act in an informed and appropriate manner.

33. Given that Police often constitute a young person's first point of contact with the justice system, such contact should, as far as possible, be conducted in a positive and respectful manner.
34. Police need ongoing training in dealing with all young people and their powers under the relevant legislation, particularly the YJ Act and the Police Administration Act. This training is particularly needed in understanding behaviours that cause young people to offend, interviewing young people, and cross-cultural communication.
35. **Young people meeting with new Police officers;** Having local young people of various cultural backgrounds meet with Police during new officer training periods could be a positive way of improving these relationships. While the young people participating may not necessarily be offenders, they can give a local perspective and help build mutual respect, also by providing an opportunity for Police to foster their cross-cultural and age-appropriate communication skills.
36. **Data collection systems;** Collection of strong data will assist the setting of appropriate targets and monitoring of targets as per **Recommendation 2** above as well as monitoring trends in offending behaviour. Without accurate and timely data, there is no evidence to determine need. A reliance on anecdotal evidence makes countering negative media messages inadequate, and reveals a significant weakness in the system. The Northern Territory is required to report minimum data sets to the Australia Juvenile Justice Administrators, but NTCOSS has reason to believe that the standard of reporting could be improved.
37. Data currently available through the NT Department of Justice shows the NT quarterly daily average number of juveniles held in detention, with a breakdown by gender and ethnicity (see Table on page 15¹¹). But more specific information around young people in the youth justice system is warranted. Data systems producing accessible and timely figures, with a focus on young people, should show, for example:
 - Numbers of young people (YP) who are charged each year
 - The numbers of these YP who are summonsed to appear at court vs. those placed on remand
 - The proportion of these YP summonsed who are subject to bail conditions (whether placed on bail by the police or the court)
 - The numbers of YP on remand – and the lengths of time YP spend on remand
 - A breakdown of this data by gender and ethnicity – and by region
38. **Police referral data systems;** The below model has seen positive results in Queensland, and could be applied to Police processes in the NT. This has been used in contexts involving Indigenous youth-at-risk. This program recognises that Police are often the first point of contact with young people at risk, and gives police support to find refer them to a service that can provide the appropriate intervention. This program also has the benefit of collecting data on young people and offending behaviour.

¹¹The Committee on the Rights of the Child 'General Discussion Day on Juvenile Justice' reported at UN Doc CRC/C/37

RECOMMENDATION 5: The NT Government should implement more rigorous data collection systems, particularly around police referral processes.

Example model: Coordinated Response to Young People at Risk (CRYPAR) Program, Queensland

First developed in 2006, the CRYPAR program aims to assist at-risk young Queenslanders through a simple referral process which allows police officers in the field to refer young people, with their consent, to an appropriate agency which has agreed to respond within 48 hours.

- CRYPAR uses the innovative SupportLink e-referral pathway (SupportLink Australia)
- It is a whole-of-government initiative which aims to assist young people in addressing issues which are often identified as contributing factors in the development of criminal and self-harming tendencies and antisocial behaviour
- Collaboration between Queensland Government and non-government agencies to deliver services for those in the community who need it the most
- Between 2006 - 2010, over 3,000 referrals had been made to partnership agencies, covering a range of issues such as family conflict, drug and alcohol issues and suicide prevention

39. **Police Youth Liaison Officers;** In addition to special instruction and training for police who work with young people, there is a need for dedicated police liaison officers in the major regional centres, to promote positive relationships with young people in order to solve issues before they become serious, and to keep young people out of the criminal justice system.
40. **Police Multicultural Liaison Units;** A successful model for police community liaison has been submitted to NTCOSS for consideration by the Review. The Victoria Police in Dandenong were experiencing difficulties in the relationships between Sudanese young people and police officers. In response, they developed a Sudanese Community Cross Cultural Training package for Police. The training was developed in conjunction with the Sudanese community, through the Police Multicultural Liaison Unit.¹²
41. **African Liaison Officers;** In Darwin, the advent of an African Liaison Officer within the Police was publically discussed, but thus far there has been no movement. Such a role would give much-needed attention to the challenges young people of African descent face in their relationships with NT police and difficulties they have understanding Australia's legal system. Exploration into how Police can improve their relationships with this cohort of young people is of great importance (see 3.4).

RECOMMENDATION 6: The NT Government should establish Police Youth Liaison Officers across the NT.

¹² Information accessed at http://www.immi.gov.au/media/publications/settle/empowering_refugees/pdf/21-training-for-police.pdf on 12/07/11

Example Model: NSW Police Youth Liaison Officers¹³

The Youth Liaison Officer (YLO) delivers cautions to young people and makes the final decision about referring them to a Youth Justice Conference. This is a forum to bring the offender, their families and the victims together, face to face, to agree on a suitable outcome. YLOs are the key contact points between the local area police command and the Department of Juvenile Justice's conference administrators who organise conferences.

Additionally, the Youth Liaison Officer might:

- undertake innovative problem solving with young people to reduce youth crime and victimisation
- implement and coordinate crime reduction programs
- coach other police to interact effectively with young people and network with other agencies and community groups
- support the Police Service's Youth Policy Statement
- represent the Police at youth-related community forums and meetings

2.2 Are the current range of diversionary options offered by the NT Police sufficient? What improvements can be made?

Refer to 2.2 in CAYJ submission

42. NTCOSS has been advised that diversion is effective when implemented in a timely manner by the appropriate Police personnel. However, it seems diversion is not utilised as often as it should be, that it is not always carried out with a genuine concern for the young person's behaviour, and that the process can take an arduously long time, ultimately minimising the impact of the program.
43. Currently, there are remote communities in which diversion programs are not available to young people, and others where these processes are informal and rely entirely on willing Police personnel. In this sense, diversionary options are insufficient.
44. The Northern Australia Aboriginal Justice Agency (NAAJA) outlines the need for expanded diversion.¹⁴

Every Aboriginal community in the Northern Territory needs diversionary programs operated by local people who understand the local socio-cultural fabric such that effective diversion occurs. These diversionary programs need to be properly resourced and supported by government if there is to be a serious attempt to divert Indigenous youths from the criminal justice system.

2.3 What improvements can be made to diversion programs and policies in order to reduce youth re-offending?

45. The NT is the only jurisdiction in which the Police are the diversion agents. NTCOSS suggests that a review of the effectiveness of diversion across the Territory be conducted, including whether the Police are still the appropriate agents of diversion, to better inform this important process.

¹³Information from NSW Police website. Accessed 7/6/11 at http://www.police.nsw.gov.au/_data/assets/pdf_file/0007/113839/youth_liaison_officers.pdf

¹⁴ Northern Australia Aboriginal Justice Agency (NAAJA) submission to the Standing Committee Inquiry into Indigenous youth in the criminal justice system, p.9

46. For purposes of diversion, the definition of 'youth' could be expanded beyond 17, and up to 24, in recognition of the unique difficulties young people continue to experience beyond the legally-recognised age of adulthood.

2.4 What improvements can be made to improve Youth Justice Conferences? Should the requirement that an admission or indication of guilt be made before a conference can be convened be retained?

47. The following discussion relates to the critical importance of **implementing a Youth Justice Conference** program across the NT. *Further details in Annexure C and the CAYJ submission.*
48. NTCOSS supports conferencing as a meaningful restorative justice initiative and considers it an important diversionary program which has the potential to foster positive social engagement, socially responsible development and strong family relationships. Youth Justice conferences are widely used in every Australian jurisdiction, apart from the NT, with great success. It is recommended that an appropriate Youth Justice conference program, based on an existing best practice model, such as the Jesuit Social Services (JSS) model, be funded in the NT.
49. In relation to the JSS Community Justice Group Conferencing model in the CAYJ submission, implemented in Victoria, there must be recognition of the unique differences experienced in the Northern Territory; such as a small, remotely dispersed population, and a large Aboriginal population requiring services. The principles underlying best practice models are nonetheless relevant, and with the right expert leadership, can be applied for the NT's appropriation. For example, this might involve a process of training up a pool of local people, under the supervision of larger, experienced NGOs, to deliver services on the ground.
50. For appropriate behaviour to be restored there must first be an admission of guilt and a willingness by the offender to engage in the diversion process. For this reason, NTCOSS believes the admission or indication of guilt should be retained as precursor to acceptance onto a diversion program.

2.5 Should youth offenders be separated from adult offenders when being held in police watch houses, in Court cells, and in Correctional services facilities? Are existing facilities satisfactory?

51. It is of critical importance that youth offenders be separated from adult offenders when being held in custody at all times. Failure to do so is in contravention of international and national laws and models of best practice¹⁵. Furthermore, it highlights a failure of the system to comprehend the inherent differences between adults and young people and, as such, the need to adopt different practices.
52. Refer to **2.5** in CAYJ submission for discussion concerning the **Alice Springs Juvenile Detention Centre**.
53. **Don Dale Juvenile Detention Centre;** NTCOSS has been informed that the Don Dale Juvenile Detention Centre appears to be satisfactory facility for detention of young people. There is a strong procedures manual to instruct staff which is currently missing from the Alice Springs Juvenile Detention Centre. This allows consistency of procedure and management techniques. Legal practitioners have also commented on the relationships with case managers as being generally positive and productive.

¹⁵ UN Convention on the Rights of the Child (Beijing Rules): Article 37(c); NT Youth Justice Act: section 26

2.6 What changes in policy, practice or bail conditions might reduce the number of youths presently held on remand in the Northern Territory?

Refer to CAYJ submission for Bail Support Program details

54. Data reflecting numbers of young people held on remand, under bail, and for what periods of time appears to be difficult to access and inconsistently captured. Improving data collection systems would help us better understand the need, and hence what changes to policy and practice might reduce numbers.
55. **Target setting;** In conjunction with target setting proposed under **1.1**, Government targets should be set to reduce numbers of young people on bail and remand. This would serve the public, who want to see a reduction in crime, and would give the system incentive to find new and creative approaches to this challenge.
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3. Indigenous Youth Offenders

3.1 What types of services, resources or programs should be established or delivered in order to reduce offending rates amongst Indigenous youth offenders?

3.2 Can the justice system be more responsive to the needs of Indigenous youth offenders? If so, how?

3.3 How can better outcomes be delivered in areas of education, health and welfare for young indigenous Territorians?

56. While there is no question that young people of all backgrounds come into contact with the criminal justice system, the overrepresentation of Indigenous people across the criminal justice system indicates that solutions aiming to improve the system must take into account the specific needs and contexts of Indigenous people. This paper reflects the needs of all young people in the NT, regardless of background, but all recommendations have strongly considered the context of young Indigenous Territorians.

NT: Quarterly Daily Average Number of Juveniles Held in Detention¹⁶

	Sep Qtr 2008	Dec Qtr 2008	Mar Qtr 2009	Jun Qtr 2009	Sep Qtr 2009	Dec Qtr 2009	Mar Qtr 2010	Jun Qtr 2010	Sep Qtr 2010
Total Number of Detainees									
All Detainees	22	26	30	32	27	31	27	30	30
Detainee Gender and Ethnicity									
All Indigenous	20	24	27	29	25	29	25	27	29
All Non-Indigenous	1	2	3	3	2	2	3	3	0
All Males	19	22	23	29	25	30	25	28	28
All Females	3	4	6	4	2	1	3	2	4
Indigenous Males	18	21	21	26	23	28	22	25	25
Non-Indigenous Males	1	1	2	2	2	2	3	3	0
Indigenous Females	2	3	5	3	2	1	3	2	4
Non-Indigenous Females	1	1	1	1	0	0	0	0	0

57. The reviewers are no doubt aware of the June 2011 Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry report, *Doing Time - Time for Doing: Indigenous youth in the criminal justice system*. This timely report gives extensive information, on a national level, of where Australia is currently failing young Indigenous people. NTCOSS recommends the NT Youth Justice review taking up a number of these recommendations, in particular:

- State and Territory justice agreements;
- Indigenous mentors;
- Foetal Alcohol Spectrum Disorder;
- Hearing tests;
- Improving effectiveness of transitioning from education to the workforce;
- Police training;
- Court services;
- Alternative sentencing options;
- Pre-court conferencing

3.4 What types of services should be made available to youth offenders from other cultural groups in the Territory? Are there particular considerations which should be given to achieve better outcomes for this cohort of young Territorians?

58. The legal and judicial challenges faced by refugee and migrant young people in the NT, and particularly in Darwin, deserve attention in their own right and should not be considered simply as 'other'. This group faces legitimate disadvantage in accessing appropriate services and information.

59. It is a matter of great importance that the NT Youth Justice system become aware of the insufficient information and support available to young people from refugee and migrant backgrounds and

¹⁶ NT Quarterly Crime and Justice Statistics, Issue 33: September Quarter 2010; Department of Justice website <http://www.nt.gov.au/justice/policycoord/researchstats/index.shtml> accessed on 10/07/2011

attends to this as an issue in its own right. In doing so, meaningful opportunities for real conversation between this cohort of young people and the justice system must be sought and encouraged.

60. **Conflict between young Aboriginal and African people;** There has been a great deal of media in Darwin about the negative relationship between young Aboriginal and African people. This issue is frequently referred to by African youths as a problem to their community. This is heightened by a feeling of 'otherness' in a system that they have not been educated about and that fails to communicate its boundaries to them.
 61. **Community Legal Education;** The effects of limited understanding about Australia's legal system amongst refugee and migrant families in Darwin (and to a lesser degree in Alice Springs) has been referred to as a significant component of family breakdown. In situations where young people know more about the system than their elders (particularly in regard to family violence and child protection), this knowledge can be taken advantage of and disrupt traditional power structures and inter-generational relationships. In some cases this has led to youth homelessness. The potentially common links between community legal education, fractured families and youth intersections with homelessness and the justice system must be explored.
 62. **Expediency;** There is a great deal of frustration around the length of time legal processes take, particularly when there is limited understanding of Australian law. This can result in young people seeking to take matters into their own hands, and as such there have been incidents of retribution that may have otherwise been avoided.
 63. **Youth Law workshops;** This initiative is a partnership between the NT Legal Aid Commission (NTLAC) and Multicultural Youth NT (MyNT). Due to the constant requests from, in particular, African young people recognising the lack of legal knowledge amongst their community, NTLAC and MyNT have designed community legal education workshops. Currently, these workshops are piloting a 'Peer Education Model', which seeks to spread knowledge and information through peer networks. This type of workshop has the capacity to explore creative ways in information presentation and knowledge dissemination, and is a model that should be supported and potentially replicated elsewhere.
 64. **Police meeting with young leaders;** A positive example of relationship-building between Police and young people from diverse backgrounds has been through meetings with the Police Superintendent. Recently, such a meeting was held between Superintendent O'Brien and a group of Congolese, Liberian and Sudanese young people in Darwin. This meeting was facilitated by MyNT in conjunction with the Office of Multicultural Affairs (OMA). This willingness to meet with young leaders allows them to be heard and listened to by those in positions of power, and gives the Police and broader justice system the opportunity to reach out to these young people. This has a meaningful effect on stakeholders and can be seen as a type of 'informal mediation'. The participating Superintendent must be skilled at listening to young people, and able to approach them with humility, able to acknowledge systemic issues, be accessible and open to ongoing conversations. Furthermore, it should be facilitated by an impartial party who has a respectful relationship with both parties.
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4. Sentencing Options

4.1 Are Community Courts effective, and what can be done to improve them?

65. Community Courts in other jurisdictions have proven to be effective, and NTCOSS recommends the NT Government commit to adequately funding and resourcing appropriate models across the major centres. Such models promote restorative justice practices and must be given appropriate levels of support and funding to ensure they can be effective, and lead to a reduction of young people re-entering the criminal justice system. Such a model would see the court sitting more informally, and include considerations such as addressing the young person by their first name, requesting family sit at the bar table, and not standing when counsel makes submissions.
66. **Minimum Standards for Aboriginal and Torres Strait Islander Courts;** The NT Government should commit to the minimum standards in this document, a joint project between Australia's Aboriginal and Torres Strait Islander legal services of Western Australia, South Australia, Victoria, Queensland and Northern Territory (North).

4.2 Are the sentencing dispositions contained in S83 of the Youth Justice Act sufficient?

67. NTCOSS believes that the Youth Justice Act is a sound example of progressive legislation. To this end, the sentencing dispositions contained in S83 are sufficient, but suffer at the implementation stage. In many regions of the NT, the many good sentencing options set out in the Act are not viable due to lack of infrastructure or resources.¹⁷

4.3 Should alternative detention be used more by the Courts?

68. Alternative detention should be used as often as possible by the Courts.
69. Remote location models that are used as alternatives to detention are also examples of prevention and early intervention models as well. For the below models, clients are referred through a range of avenues; Corrections, Department of Health, NT Police, family. These are primarily for Aboriginal young people.
- Mt Theo Outstation (WYDAC): cultural rehabilitation, educational activities, maintenance of outstation, underlined by the focus on cultural skills and knowledge; limited to Warlpiri language group.
 - Ilpurla: a working station where young people learn bush and farming skills. All Aboriginal language groups welcome.

4.4 How can the transition of a youth from a detention setting back into the wider community be improved?

Refer to 4.4 in CAYJ submission

70. NTCOSS believes that every young person transitioning from detention back into the wider community requires a thorough transition plan and quality case management, appropriate to their needs. This includes key considerations of accommodation, education, training, work, behavioural needs, and family support.

¹⁷ Preliminary findings from the NT component of an Australian Research Council funded National research project on the intersection between the youth justice system and child protection.

71. **Throughcare;** NAAJA's Throughcare program has seen great success at assisting young people with this stage of transition. Further information about this program is available in the NAAJA submission to this Review. NTCOSS would support this program, or similar programs, being rolled out across the Territory. This would ensure that no young person exiting detention falls through the cracks.
72. **Mt Theo Jaru Pirrjirdi program;** Again for Aboriginal clients, programs such as the Mt Theo Jaru Pirrjirdi (youth leadership and development program) provide support and mentoring to young people when they leave detention. This is a progressive personal development model that starts with engaging returned ones as 'trainee' youth workers, and ultimately leads to training and employment, as well as mentoring of other young men and women who have got into trouble.
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5. Safe youth, safe families, safe communities

5.1 Do you think the operation of Part 6A is an efficient way to approach the reduction of youth crime in the Northern Territory?

73. The operation of Part 6A (Family Responsibility Agreements) may be an efficient way to help support families, supposing it is properly resourced.
74. Currently, the Family Support Centre (FSC) fills a gap that is often not filled by other services. For example, the FSC has a mandate to assist families with agreements by taking children to school for a specified period.
75. **Family Responsibility Orders;** In line with a belief in therapeutic justice, NTCOSS does not support the use of court ordered Family Responsibility Orders as a mechanism for addressing entrenched and complex family problems, as they may serve to further exclude families from engaging with programs that can assist with the underlying causes of familial dysfunction.
76. It would appear more effective to further resource the Family Supports Centres in the NT, to enable them provide intensive assistance to more families, and to increase the capacity of existing staff to provide more intensive case management and support services, particularly in remote locations.

5.3 How can services be improved to better target at risk children, either before they make contact with child protection services, or before they make contact with the criminal justice system?

Refer to 5.4

5.4 What early intervention strategies can you recommend in the Northern Territory context?

Refer to 5.4 in CAYJ submission

77. NTCOSS accepts that there are those young offenders who, given the inherent criminality of their offending, should face court and serve time in detention in the interests of community safety. However, interaction with the criminal courts should always be the last resort. Criminal behaviour amongst young people is generally indicative of unmet health and wellbeing needs, which are likely to be heightened by inappropriate and unnecessary involvement in the criminal justice system.
78. **Youth services as an essential service for communities;** There are a number of examples of good quality programs that provide positive early interventions for young people. However, NTCOSS has

received feedback that, particularly in more remote areas, young people often suffer from lack of quality interventions by properly trained staff. In many communities, sport and recreation staff are employed to do work that should be done by trained youth workers. While sport and recreation is extremely important, it cannot be expected to provide the specific, holistic, ongoing interventions that youth work does. Youth services should be seen as an essential service.

79. In Prof. Tony Vinson's research report *Dropping off the Edge*, he recommended the following five areas of Government investment to build social cohesion in disadvantaged communities:¹⁸
- Education and Training
 - Employment opportunities and income generation
 - Improving health
 - Promoting parenting skills
 - Developing local leadership capacities
80. **Mental Health** (refer 8.3); Headspace is established in Palmerston and Alice Springs as a one stop shop for young people experiencing mental health and drug and alcohol related problems, and the community sector in Tennant Creek and Katherine continue to identify the need for extension of this service. The strong work of organisations such as TEAMHeath and the Mental Health Association of Central Australia (MHACA) could also be strengthened to work more intensely with young people.
81. **Remote community-driven services;** Counselling services that are grown in communities, using and developing local skills in partnership with professionals living in the community, have been found to be more effective than fly-in, fly-out mental health services. The Warra Warra Kanyi Counselling Service, which is a Warlpiri specific counselling program blending Warlpiri culture and modern methodologies has been found to be remarkably effective.¹⁹
82. **Housing;** Housing shortages are a constant challenge across the NT. The impacts on young people through over-crowding and poor health conditions are well understood. Access to accommodation is a significant determinant in young people's contact with the justice system.²⁰ The housing crisis extends to services for young people, particularly in Katherine where there are currently critically limited options for emergency youth accommodation. NTCOSS welcomes the work that intends to address this issue in Katherine shortly, but recognises there are many communities in which social services bridging the gap to appropriate short-, mid- or long-term accommodation are limited or non-existent.
83. **Remote Youth Programs;** The presence of an active and viable youth program in remote communities is essential for the development of young people, and one of the most important means of minimising substance misuse, including the use of inhalants. Funding is required for both wages and one-off infrastructure costs such as recreational halls, accommodation and vehicles.
84. **Training** (refer 7.2); Meaningful engagement in training and skills-building is a consistently noted by NTCOSS as a need at every end of the spectrum, from young people at risk to those leaving detention. The **Roper Gulf Shire Youth Program** that has trained 12 young people from 3 remote communities to be accredited youth workers is a strong model for success. Other programs that focus on mechanics, building, animal and land management and tourism have also been successful.

¹⁸ Vinson, T 2007. *Dropping off the Edge*, Jesuit Social Services/Catholic Social Services Australia, Victoria

¹⁹ More information on Warra Warra Kanyi available at <http://www.mttheo.org/home/warra-warra-kanyi/>

²⁰ Justice Health, NSW Government; *2009 NSW Young People in Custody Health Survey*, p.13, available at http://www.justicehealth.nsw.gov.au/publications/YPICHS_full.pdf, accessed on 23/06/2011

85. **Indigenous specific community education around legal issues for young people;** As per the Community Legal education workshops under point 3.4, it has been suggested to NTCOSS that no such training, to our knowledge, is happening for Aboriginal young people. Such a project has great potential to engage this cohort and expand community understanding of the justice system. Holding these workshops in local Aboriginal language and in easily accessible places may contribute to success.
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6. Crime Prevention

6.1 Is it preferable to concentrate the provision of youth justice services Territory wide with one government department or non-government agency, or should services be spread across a broad range of government and non-government agencies?

86. NTCOSS endorses that government provision of youth justice services be transferred from Corrections to a separate Division or Branch of Youth Justice. (Refer to 1.4, and CAYJ submission)
87. It is inevitable that the provision of youth justice services needs will be met by a range of Government and non-Government agencies. To this end, effective coordination of interagency case management is of critical importance. Alice Springs interagency case management meetings have commenced under the banner of the Alice Springs Youth Action Plan, with secretariat support from the Youth Action Plan. Such support will be critical to effective case management meetings taking place in major centres around the Territory.

6.2 What early intervention strategies work best? Should these services be offered outside the context of the criminal justice framework, or closely to that which presently exists under Part 6A of the Youth Justice Act?

Refer to 5.4.

7. Education and Employment

7.1 Given that youths in the Northern Territory must now be enrolled in an approved training program until they attain the age of 17 years, what other strategies can you suggest to reduce re-offending, when combined with formal schooling or skills development?

7.2 Can you suggest further specialist or alternative education, training, employment programs or mentoring programs which could be implemented for youth offenders?

88. School attendance issues, which are linked to patterns set at home (e.g. drinking), have been highlighted to NTCOSS, along with a need for more alternative education programs and extra tutoring options. In particular there is a critical need for a TAFE system, with its focus on a skills-based learning model. Under this system young people from the bush could attend courses such as mechanics for a six week block. The needs for alternative education providers in all regions remain high. There is also a need for community awareness programs to encourage parents to involve themselves in education.

89. The legislation that young people up to 17 years of age must be enrolled in an approved training program, to be successful, must be accompanied by programs and/or initiatives that improve access to such approved training. Currently, this is a particular challenge for young Aboriginal people, and for those living remotely.
90. **Hearing loss;** NTCOSS recommends the provision of hearing-modified classrooms, and the expansion of support services to allow organisations to work with the families of non-attending children. Continually, limited funding is allocated for these needs, despite 60% of Indigenous children having hearing loss, which contributes to poor learning outcomes and disengagement from school. Support organisations lack specific funds to support children and families around education issues, and to put in place creative projects which will meet identified needs, for example, responses to transport or attendance issues, would progress this issue.
91. **Education during incarceration;** An observation from the Youth Justice Advocacy project (YJAP) is that when a young person has spent a period of time in detention at Don Dale they are required to participate in school on a daily level. This, in most cases, is the first contact a young person has had with the education system in a lengthy period of time. Surprisingly, individual progress reports from Don Dale often highlight that the young person has actively participated in school and their literacy and numeracy level have greatly improved. In addition, intensive follow up and support post release is critical to maintaining any momentum gained around education while young people were in detention.
92. **Truancy Officers;** There is a diversity of opinions around the advent of Truancy Officers across the NT. NTCOSS hopes that resulting data from these roles will show positive schooling outcomes for children and young people. As an alternative to reliance on disciplinary measures to improve schooling rates, we would suggest more creative solutions to attendance and school engagement issues which attempt to tackle the underlying causal factors behind these issues. There are a number of existing models which could be built upon, such as: Programs that work to encourage family unity (Families as First Teachers); Programs that introduce families and children to school routines at a young age (Families and Schools Together); and breakfast programs (Red Cross).
93. **Mentor programs;** The *Doing Time – Time for Doing* report recommends ‘the Commonwealth Government support a national program to develop and provide local mentors for Indigenous youth at risk before, during and after custody’.²¹ There is telling national evidence that mentoring programs play a vital role in the youth justice system as a rehabilitative intervention.
94. Evidence suggests that young Aboriginal people can often respond well to mentors from their local community.²² Mentoring programs are important at the three key stages of involvement with the justice system: for young people displaying at risk behaviour, for those within a custodial setting, and during reintegration back into community.
95. Currently, there are limited formal mentoring programs for young Aboriginal people in the NT. Some exist, such as the YWCA’s Brotherz Program, Mt Theo’s Jaru Pirrjirdi and these programs should be encouraged. But there is potential for more specific and focussed mentoring and case management programs.
96. In remote communities, such programs could be facilitated by Shire community and youth service providers, or other non-Government organisations working with young people in remote

²¹*Doing Time – Time for Doing: Indigenous youth in the criminal justice system*, House of Representatives, Standing Committee on Aboriginal and Torres Strait Islander Affairs, Canberra, June 2011, p.64.

²² *Ibid.*, p.61

communities. Employing and training community members in this role would be a necessary component of a remote mentoring scheme.

97. **Apprenticeships;** The *Doing Time – Time for Doing* report also recommends incentive programs for employers to take on Indigenous apprentices. There is currently a resource entitled *Making Indigenous Australian Apprenticeships your business resource kit*²³, that could be better utilised if financial incentives were made available to businesses.

7.3 Do you agree that referral to Family Support Centres (under part 6A of the Youth Justice Act) is appropriate should a child continually fail to attend school? What other strategies for early intervention can you suggest?

Refer to 5.4

98. Children may continually fail to attend school for a number of reasons. If the reasons for a child's non-attendance appear to be due to dysfunction at the family level, it is appropriate that a referral to the Family Support Centre would be made. The reality is that the Family Support service meets a need around intensive support for school attendance issues, given the time required in terms of transport and liaising with schools and families in situations where students may have been chronic non-attenders and disengaged from the education system. While there are a range of supports available for students through the Department of Education (including a number of schools receiving project funding under the Alice Springs Youth Action Plan to support attendance), and programs such as those offered by Reconnect, the Clontarf Academy and the Smith Family ('Girls in the Centre'), as well as other NGOs, significant needs remain.
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²³ Available at <http://www.australianapprenticeships.gov.au/documents/IndigenousAABusinessKit.pdf>

8. Alcohol and other Drugs

8.1 Of the intoxicating substances you know are available in your local area, which of these you do believe are most likely to generate youth contact with the criminal justice system?

8.2 Of the intoxicating substances you know are available in your local area, which of these you do believe are most harmful to youths?

8.3 Do you believe there is a nexus between mental health issues in young people and substance abuse?

Refer to **8.3** in CAYJ submission

99. In the 2009 NSW Young People in Custody Health Survey Report, it was found that:

The majority (87%) of young people were found to have at least one psychological disorder, and nearly three-quarters (73%) were found to have two or more psychological disorders... Aboriginal young people were significantly more likely than non-Aboriginal young people to have an attention or behavioural disorder (75% vs. 65%) or an alcohol or substance use disorder (69% vs. 58%).²⁴

100. Indigenous Australians suffer disproportionately from alcohol and volatile substance abuse, which exacerbates pre-existing mental health problems. It is particularly difficult for residents of remote communities where services are limited or non-existent, to access adequate mental health care. Travel to regional towns often involves long journeys on poor quality roads, and there are additional difficulties in terms of arranging accommodation.²⁵

²⁴ Justice Health, NSW Government; 2009 NSW Young People in Custody Health Survey; p.15

²⁵ NTCOSS Pre-Budget Submission 2011-2012, p.19

ANNEXURE A

Source: Noetic Solutions, *A Strategic Review of the NSW Juvenile Justice System: A report to the Minister for Juvenile Justice*, April 2010²⁶

Table: Juvenile Detention Rates, by jurisdiction and sex

Jurisdiction	Number of young people in juvenile detention (per 100,000)		
Australian Jurisdictions (in 2007) ²³	Males	Females	Total
Northern Territory	232.2	15.6	127.9
Western Australia	101.6	14.2	59.4
New South Wales	68.0	6.4	38.0
Australian Capital Territory	61.4	11.6	37.0
South Australia	64.0	7.5	36.5
Queensland	56.4	7.0	32.3
Tasmania	50.0	7.5	29.1
Victoria	16.8	0.8	9.0
International Jurisdictions	Total		
United States (in 2006) ²⁴	295		
United Kingdom ²⁵	23		
France ²⁶	6		
Spain ²⁷	2		

²³ Australian Institute of Criminology, *Juveniles in Detention Monitoring Program 1981–2007*, 2007.

²⁴ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Census of Juveniles in Residential Placement Databook*, September 2008.

²⁵ Guardian, *UK headed for prison meltdown*, <http://www.guardian.co.uk/uk/2007/mar/31/ukcrime.prisonsandprobation2> accessed 8 December 2009.

²⁶ *ibid.*

²⁷ *ibid.*

²⁶ Accessed at http://www.djj.nsw.gov.au/strategic_review.htm on 20/6/2011

ANNEXURE B

Source: Australian Institute of Criminology, *Juvenile’s contact with the Criminal Justice System in Australia, 2009*²⁷

Table: Number of Juveniles under supervision, 2006 – 07, by jurisdiction and sex

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total ^a
Number of juveniles									
Male	2,593	1,293	1,961	1,495	762	289	167	239	8,799
Female	451	248	477	391	163	73	50	17	1,870
Total	3,044	1,541	2,438	1,892	925	362	217	256	10,675
Percentage of juveniles									
Male	85	84	80	79	82	80	77	93	82
Female	15	16	20	21	18	20	23	7	18
Total	100	100	100	100	100	100	100	100	100
Rate per 1,000 juveniles									
Male	7.2	4.9	8.6	13.2	9.5	10.8	9.7	18.7	8.0
Female	1.2	0.9	2.0	3.2	1.9	2.6	2.8	1.2	1.6
Total	4.1	2.8	5.2	8.1	5.6	6.6	6.2	9.6	4.7

a: Totals include juveniles of unknown sex

Source: Adapted from AIHW 2008b: 29

²⁷ Accessed at <http://www.aic.gov.au/publications/current%20series/mr/1-20/07.aspx>, on 5/7/2011

ANNEXURE C

Implement a pre-sentence Youth Justice Conference program

The YJ Act is currently supportive of restorative justice principles and practices as demonstrated by provisions for pre-sentence conferencing to be available where appropriate. Unfortunately this has not been resourced and thus section 84 of the YJ Act has not been implemented in the Youth Justice Court in Central Australia.

CAYJ supports conferencing as a meaningful restorative justice initiative and considers it an important diversionary program which has the potential to foster positive social engagement, socially responsible development and strong family relationships. Pre-sentence, post-court diversion conferencing is widely used to great success in every Australian jurisdiction apart from the NT. It is recommended that an appropriate Youth Justice Conference pilot program, based on the Jesuit Social Services model, be initiated in Central Australia.

Example Model: Community Justice Group Conferencing

Jesuit Social Services (JSS) in Victoria have run a program known as Community Justice Group Conferencing. The aim is to bring together the young person who has offended, their family, community members and the victim of the crime in order to discuss ways for the young person to make amends for the harm done by the current offending behaviour. It provides an alternative pre-sentencing option with the aim of diverting young people from further or more serious offending.

A Group Conference provides a safe environment for all people affected by an offence to come together and:

- talk about what happened
- discuss how they were affected
- decide how to make things better

The young person is provided with an opportunity to apologise. The young person and their supports prepare a proposed plan about what should happen to make amends for some of the harm to the victim and to prevent further offending.

The JSS program is for young people aged between 10 and 18 years, who have:

- Pleaded guilty or have been found guilty of offences that do *not* include homicide, manslaughter, sex offences or serious crimes of violence; and
- Committed offences serious enough to warrant a probation or youth supervision order to be considered by the court; and
- Consented to participate; and
- Been assessed as suitable by a Department of Human Services Youth Justice Officer.

This program was evaluated by KPMG in 2010 and it was found that the experience of Conferencing has a strong and lasting effect. The differential effect of Conferencing and of other interventions is clear after one year, and even clearer after two years. While 57% of young people involved in other interventions had not reoffended after two years, over 80% of young people involved in a Conference had not reoffended, more than *halving rates of reoffending*. The KPMG evaluation also noted the importance to the program of its highly skilled and competent convenors.

Further information, particularly around costing, can be made available. A number of programs following the same principles have been employed in other Australian states, to great success.

