



Northern  
Territory  
Government

# YJAC

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## ANNUAL REPORT 2013/14



YOUTH JUSTICE ADVISORY COMMITTEE  
NT DEPARTMENT OF CORRECTIONAL SERVICES



**YJAC**

ANNUAL  
REPORT  
2013/14

The Hon Jon Elferink  
Minister for Correctional Services  
Parliament House  
Darwin NT 0801

30 August 2014

Dear Minister

The Youth Justice Advisory Committee (YJAC) in accordance with section 213 of the *Youth Justice Act* (the Act) is pleased to present the 2013/14 Annual Report.

In the 2013/14 reporting period, YJAC has again seen a change in some of its committee members. The current YJAC committee now has a more representative focus on the needs, issues and barriers of young people and their family members at the 'grass roots' level with their involvement in the youth justice system.

This is prior to a young person's involvement in the youth justice system; their current involvement in the youth justice system; and providing for their after-care involvement in the youth justice system; with an emphasis on reducing or ceasing the involvement of the increasing number of young people and their families in the youth justice system.

The primary focus of YJAC meetings, discussions and correspondence in 2013/14 has involved:

- Input and consultation into the development of the Youth Justice Framework.
- Advocating for bail support programs; or programs and services as alternatives to detention and Youth Justice Court involvement. Researching programs that address young people's needs, issues and barriers in a case management framework prior to, during and after their involvement in the youth justice system, using a through-care planning approach.
- Questioning of and corresponding with the Chief Magistrate in regard to Youth Justice Court Practice Directions as they relate to young people and families under section 64 of the Act in regard to referrals from the Youth Justice Court to a diversion program in Central Australia.
- Advocating for the Peer Court Program model as an alternative to the Youth Justice Court for young people and their families.
- Advocating and reviewing the role of the Official Visitor's Program as it relates to young people and their family members.
- Researching and discussing the advantages and disadvantages of electronic monitoring as an alternative to detention for young people and their families.
- Reviewing the Act in relation to the naming and shaming of young people. The Northern Territory and Queensland are the only jurisdictions in Australia that allows the naming of young people in the media. YJAC is corresponding with the Minister to recommend having this part of the Act amended.
- Submission to the amendments of the Correctional Services Legislation, as it relates to young people, their families, case managers and the Act.
- Input and consultation into the Early Intervention Boot Camp guidelines and assessment documents in regards to case management of young people and their families prior to camp and after-camp case management and holistic support service provision.
- Overseeing the service provider of the Register of Appropriate Support Persons in Darwin, Katherine and Alice Springs.

YJAC is already planning its future direction with a strong and robust involvement in the implementation of the Youth Justice Framework; supporting youth justice in developing and implementing a community-based youth supervision model to provide alternatives to detention; the ongoing monitoring and evaluation of the administration and operation of the Act as per section 204; and advising the Minister of programs and services of best practices to reduce the number of young people associated with, and recidivist involvement in, the youth justice system.

I especially appreciate the thorough efforts of the YJAC committee members and commend the Secretariat's tireless support of YJAC, throughout this period.

In accordance with the Act, I am pleased to present to you the 2013/14 Youth Justice Advisory Committee Annual Report.

Yours sincerely

A handwritten signature in blue ink that reads "Stewart Willey".

**Stewart Willey**

Chair

Youth Justice Advisory Committee

# FUNCTIONS

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The functions of the committee are:

- (a) to monitor and evaluate the administration and operation of the Act
- (b) to advise the Minister (whether on request by the Minister or otherwise) on issues relevant to the administration of youth justice, including the planning, development, integration and implementation of government policies and programs concerning youth
- (c) to collect, analyse and provide to the Minister information relating to issues and policies concerning youth justice
- (d) any other functions imposed by the Act
- (e) any other functions as directed by the Minister.

# MEMBERSHIP

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- (1) The committee consists of not fewer than eight and not more than 12 members appointed by the Minister.
- (2) The members are to be comprised, as far as practicable, of:
  - (a) one person nominated by the Director
  - (b) one person nominated by the Commissioner of Police
  - (c) one person nominated by the agency responsible for protection of children and young people
  - (d) one person nominated by the agency responsible for the education of youth
  - (e) one person nominated by the agency responsible for crime prevention
  - (f) one person nominated by a peak youth organisation
  - (g) one person nominated by the Law Society Northern Territory
  - (h) the remainder drawn from the community generally, and the Aboriginal community in particular.
- (3) The Minister must be satisfied that each person appointed to be a member has experience, skills, qualifications or other credentials that the Minister considers appropriate for that person to contribute satisfactorily to the committee's work.

# REPRESENTATIVES

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## REPRESENTATIVE BODIES MEMBERS

APPOINTED UNDER SECTION 206(2)(F) OF THE *YOUTH JUSTICE ACT*



**Stewart Willey** Chair

TENNANT CREEK

For the last 29 years, Mr Willey's experience has been in designing, implementing and evaluating programs to develop and empower young people through education and training, life skills and case management. He has also been involved with the training, development, assessment and sustaining of youth workers to ensure that quality programs and services are delivered with positive outcomes.

During the last 15 years, Mr Willey has further focused on engaging with disengaged at-risk Indigenous and non-Indigenous young people, especially in relation to their involvement in the youth justice system. This may include, but is not limited to, court support, early intervention and acting as an appropriate support person,

Mr Willey is currently employed as the Operations Manager with Barkly Youth Services (BYS), a recently formed not-for-profit organisation in the Barkly region. The BYS engages young people in early intervention, prevention programs and services including diversion activities, in conjunction with other youth service providers, case management, pre-court diversion, post-court pre-sentence diversion, and post-court programs such as bail programs and co-case management of supervised programs with the Department of Correctional Services.



**Shahleena Musk**

DARWIN

Ms Musk was born in Darwin and was educated locally. She is a proud Larrakia woman, and her mother, grandmother and great grandmother are recognised as traditional owners of the lands encompassing Darwin and the greater Darwin region.

Ms Musk is the Manager of the Youth Justice Team at the Northern Australian Aboriginal Justice Agency (NAAJA) and has held this position for more than 18 months. The NAAJA Youth Justice Team currently includes three lawyers and a Youth Justice Worker dedicated to representing and providing advice to Indigenous youth. Ms Musk completed her Bachelor of Laws in 1997 and was admitted as a legal practitioner to the Supreme Court of the Northern Territory in 1998. Since then she has worked as an Indigenous policy and research officer, Crown Prosecutor, State Prosecutor, defence lawyer and Children's Court solicitor.

# GOVERNMENT REPRESENTATIVES

APPOINTED UNDER SECTION 206(2)(F) OF THE *YOUTH JUSTICE ACT*

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**Superintendent Sean Parnell**

**DARWIN**

Superintendent Sean Parnell was nominated by the Commissioner of Police for his extensive experience in policing in the Northern Territory.

Over the past 26 years, Superintendent Parnell has served at Alice Springs, Harts Range, Yuendumu, Wadeye and Darwin and is currently responsible for the Territory Police Prosecutions Division, which includes the Youth Diversion Unit.

Superintendent Parnell graduated from the Australian Institute of Police Management Manly, NSW and the Royal Military College Duntroon, ACT and is an executive member of the Northern Territory Police Association, as well as vice president of the Northern Territory Police Museum and Historical Society.

Superintendent Parnell is also the chairman of the Northern Territory Catholic Education Council, the Northern Territory parent representative for the National Catholic Education Commission and a member of the Indigenous Partnerships Council Alice Springs.



**Luke Twyford**

**DARWIN**

Mr Twyford is the representative from the agency responsible for the protection of children and young people (Department of Children and Families – DCF). He joined the Northern Territory child protection agency in 2012 after eight years with the Commonwealth public service. He has a Bachelor of Laws and has undertaken further studies specialising in the design of systems that strengthen regulation and compliance.

Mr Twyford is the acting Executive Director of the DCF Professional Practice Division. He is responsible for monitoring the quality of DCF's casework practice and identifying strategies to improve the safety and wellbeing of vulnerable children. Mr Twyford is keen to maintain and strengthen the relationship between the Northern Territory's youth justice and children protection services to ensure vulnerable and at-risk children and young people receive the support they require.



## **Superintendent Brent Warren**

### **ALICE SPRINGS**

Superintendent Warren joined the Northern Territory Police Force in 2000.

He began his career in Darwin, working within both General Duties and Investigative areas before completing a secondment to the Strategic Planning Command. In 2006 he moved to Alice Springs as a detective sergeant within Southern Investigations, before completing a secondment to the Australian Crime Commission's National Indigenous Intelligence Task Force.

In 2008, Superintendent Warren moved to Darwin, where he was appointed to the position of Staff Officer to the Assistant Commissioner Crime. In 2009, he moved to Katherine where he was appointed to the position of Superintendent Arnhem Division, with responsibility for managing the delivery of police services to remote Indigenous communities in Arnhem Land. In 2010, he moved into the portfolio of Superintendent Katherine Division, where his focus was on delivering police services to the Katherine community.

In July 2012, Superintendent Warren took up his current role as detective superintendent in charge of the Southern Investigations Division, where he has responsibility for the Child Abuse Taskforce and liaison between Alice Springs Police and the Office of Children and Families. He is a core member of the Alice Springs Multi-Agency Assessment and Coordination Team and a member of the Alice Springs-based Integrated Response to Family and Domestic Violence Reference Group.

Superintendent Warren has a number of tertiary qualifications including a Master of Arts in International Relations from Deakin University, a Graduate Certificate in Applied Management from the Australian Institute of Police Management, a Graduate Certificate in Leadership and Strategic Management, and a Bachelor of Laws and Bachelor of Business from Charles Darwin University.

There are currently two vacancies under government representatives. These vacancies are representatives from the Department of Education and the NT Department of Correctional Services.

# COMMUNITY REPRESENTATIVES

APPOINTED UNDER SECTION 206(2)(F) OF THE *YOUTH JUSTICE ACT*



**Bernie Wilson**

**DARWIN**

Mr Wilson moved to Darwin from Melbourne in January 2013 to take up a position with the YWCA as a case manager in the Northern Territory Youth Diversion Program. He works closely with young people, their families and supporting community agencies. Through this role, he is able to bring insight and experience about restorative justice and youth diversion programs to the committee.

Mr Wilson previously worked in youth services in Melbourne including alcohol and other drugs, and youth housing. He has a passion for social justice and moved to the NT with a desire to be challenged in a new environment. He has a strong interest in ensuring that young people have a voice that is listened to in their communities.

Mr Wilson completed a Bachelor of Social Work at RMIT University Melbourne in 2011, graduating with First Class Honours. He aims to use his degree to help influence policy and develop programs using the voice of young people in the Northern Territory. At 25 years of age, Mr Wilson is able to bring both a professional perspective, and a young person's.



**Keith Williams**

**DARWIN**

Mr Williams has had a lifelong interest in working with young people, starting as the leader of a church youth group. He completed a two-year degree in Youth Leadership at the then YMCA College, and was employed in a wide range of positions for 25 years, including five years working in Indigenous communities in the Northern Territory.

During his time working at the Melbourne YMCA, Mr Williams became an Honorary Probation Officer, working predominantly with young people from country Victoria as well as those from interstate.

Mr Williams has lived in the Northern Territory for more than 30 years and for most of that time has worked either professionally or voluntarily with young people, mainly though not exclusively Indigenous. He became involved in substance misuse work in West Arnhem Land, working primarily with Indigenous youth engaged in petrol sniffing, drinking and consumption of other substances.

Mr Williams is currently an Official Visitor Detention Centre, and has been doing this work for five years.



**Karina Gray**

**DARWIN**

Ms Gray completed her education in Perth. Since then she has experience working in urban, regional and remote places in Western Australia, the Australian Capital Territory and New South Wales.

After many visits to the NT, Ms Gray moved to Darwin in 2008. Since then, she has held positions with the Tiwi Islands Shire Council, Darwin High School, the Department of Health and Families, Saint Mary's Football, Sporting and Social Club, and ABC Local Radio – Sport, giving her the opportunity to build strong networks and experience in the community and sports sectors in the Northern Territory.

Ms Gray has a strong commitment to and passion for improving the lives of young people and community development.



### **Kevin Kadirgamar**

#### **DARWIN**

Since moving to the Northern Territory nine years ago, Mr Kadirgamar has been actively involved with youth-led community initiatives promoting a sense of unity among young people of diverse cultural backgrounds. This includes being founding chair of Multicultural Youth Northern Territory, vice convener of the National Ethnic and Multicultural Broadcasters Council Youth Committee, public officer of the Northern Territory Committee for Human Rights Education and a board member of the Australia Day Council NT.

Mr Kadirgamar recently graduated from Charles Darwin University and is currently a lawyer with the Northern Territory legal firm, Ward Keller Lawyers, where he has a focus on migration law.



### **Katie Murphy**

#### **ALICE SPRINGS**

Ms Murphy relocated to Alice Springs in January 2012 from Brisbane, Queensland. She originally came to Central Australia to assist in the facilitation of the sport and recreation program in Harts Range with the not-for-profit organisation Linkz Incorporated. She has worked for Centralian Middle School in a position targeting behavioural and attendance concerns and volunteered her time to Riding for the Disabled, Alice Springs. For the past two years, Ms Murphy has worked for Relationships Australia as a case worker for the Northern Territory Youth Diversion Program.

Ms Murphy previously worked with youth services in Brisbane including the mentoring and support of culturally and linguistically diverse and disengaged at-risk young people. She is committed to building and supporting the personal skills, knowledge, abilities and resilience of young people and their communities.

Ms Murphy completed a Bachelor of Arts and a Bachelor of Education (Middle Years of Schooling) at the University of Queensland in 2011. She is now working towards a Masters of Social Work externally through Deakin University.



# MEETINGS

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YJAC HELD THREE MEETING DURING THE 2013/14 FINANCIAL YEAR, ALL HELD IN DARWIN AT OLD ADMIRALTY TOWERS.

Following each meeting, minutes were prepared by the Secretariat and distributed to members. The minutes were also forwarded to the Minister for Correctional Services, the Hon John Elferink MLA, through the Commissioner of the Department of Correctional Services for noting.



YJAC HELD THREE MEETING  
DURING THE 2013/14  
FINANCIAL YEAR

# PRIORITY TASKS

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The following priority tasks were identified by YJAC for the 2013/14 financial year:

- monitoring the Register of Appropriate Support Persons
- researching the pros and cons of electronic monitoring
- contributing to the development of the Youth Justice Framework
- preparing the YJAC Annual Report
- advocating for bail support and programs as alternatives to detention
- advocating for the peer court program as an alternative to youth justice court
- advocating and reviewing the Official Visitors program to young people in detention
- input into the Early Intervention Youth Boot Camp (EIYBC) guidelines

# BACKGROUND

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## YJAC'S INVOLVEMENT IN THE OFFICIAL VISITORS PROGRAM YJAC ANNUAL REPORT 2013 – 2014

The Youth Justice Advisory Committee (YJAC) responsibility as it correlates to the *Youth Justice Act* (the Act) is in reporting its activities to the Minister and providing the Minister with information on issues in Youth Justice.

In Section 204 of the Act, YJAC functions are:

- (a) to monitor and evaluate the administration and operation of this Act
- (b) to advise the Minister (whether on request by the Minister or otherwise) on issues relevant to the administration of youth justice, including the planning, development, integration and implementation of government policies and programs concerning youth
- (c) to collect, analyse and provide the Minister information relating to issues and policies concerning youth justice
- (d) any other functions imposed by this Act
- (e) any other functions as directed by the Minister

In addition, Section 170 of *the Act*, Functions of official visitors are:

- (1) an official visitor must inquire into the treatment and behaviour of, and the conditions for, detainees in the detention centre for which the official visitor is appointed
- (2) an official visitor must, as soon as practicable after each visit to a detention centre, report in writing to the Minister
- (3) if the Minister has directed that the official visitor report in relation to a specified matter to the Director, the official visitor must also report in relation to that matter to the Director
- (4) the official visitor must have regard to this Act and the Regulations when he or she prepares report for this section.

Integrating Section 204 (b) and (c) and Section 170 of *the Act*, YJAC raised a concern at both the June and September 2013 YJAC meetings, regarding the official visitor's program in relation to official visitors program visiting times to best meet the needs, issues and the interests of young people involved in detention.

### Existing situation as discussed by YJAC, Youth Justice, NTDCS and the Minister

A YJAC committee member and an official visitor raised their concerns about the increasing difficulty in having adequate time with detainees due to lockdown periods, school classes and other mandatory and formal programs during office hours, to conduct an adequate official visitor's program visit.

The Official Visitors were given permission to conduct an after hour's visit and they found this experience to be more beneficial for engaging with young people involved in the Don Dale Youth Detention Centre. Although, at one stage, due to short staffing the official visitor's had to be flexible in regards to security and safety.

However, after providing their written report to the Minister they were advised to keep future visits to office hours due to operational needs.

# OUTCOME

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YJAC discussed is it more effective for official visitors to visit during office hours to experience, observe and engage with all aspects of a detainee's detention experience or after hours so they have more time to engage with the detainee to hear about their detention experience.

After a discussion with an investigation by the Minister, the Minister has requested that official visitor program visits be restricted to office hours due to operational needs.

The preference by the majority of official visitors is to conduct their visits in office hours, despite the problems and difficulties involved.



# ELECTRONIC MONITORING

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YJAC has continued to scrutinise the development of electronic monitoring and surveillance of offenders as an alternative to imprisonment. This use of this type of technology was flagged by the Department of Corrections in 2011 and progressed to the awarding of a contract to G4S in June 2014.<sup>1</sup>

In the first stages it is proposed to trial electronic monitoring devices on offenders serving at the Barkly Work Camp, and those subject to court-ordered release into the community. With the advantage of allowing offenders to be tracked and monitored without them being placed in a prison, electronic monitoring appears to offer a low-cost alternative to incarceration that avoids many of the negative consequences of imprisonment, while potentially improving public safety, as noted recently by the Northern Territory Coroner.<sup>2</sup>

While YJAC understands that the initial focus of the electronic monitoring trial will be on adult offenders, it is clear that the project could be extended to include young offenders and those subject to bail conditions imposed by a court. It is likely that the Northern Territory Police Force will consider asking magistrates to consider electronic monitoring as part of a suite of bail conditions for young offenders as an alternative to them being remanded into detention.

YJAC has argued in favour of bail support programs in the Northern Territory for several years, most recently in the 2012/13 Annual Report, and continues to promote structured and supported alternatives to remanding youth into detention.

Electronic monitoring has been employed on a permanent or trial basis in a number of jurisdictions, with some success. Broadly speaking, positive attributes of an electronic monitoring system include:



1. <http://newsroom.nt.gov.au/mediaRelease/9520>

2. <http://corrections.net.au/2014/03/21/nt-coroner-calls-for-gps-tracking-of-crims-nt-news/>

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- a reduction in offenders detained in custody
  - a financial saving, since monitoring is cheaper than custody
  - a reduction in recidivism through avoiding exposure to other offenders in gaol
  - a reduction in recidivism through maintaining offender contact with family and support networks
  - pinpointing offender locations in real time, which is useful from a public safety perspective as well as offering an alibi support for offenders who might otherwise be linked to offending behaviour.<sup>3</sup>

There may be a number of negative attributes associated with electronic monitoring, including:

- the cost involved in entering an electronic monitoring program may discriminate against poor families (in some jurisdictions the cost of monitoring is borne by offenders and their families)
- false alarms generated by equipment failure and poor mobile phone coverage
- emotional effects on some offenders who suffer the stigma of wearing a tracking device which identifies them as an offender.<sup>4</sup>

In the Northern Territory significant parts of the landscape have no mobile telephone coverage and it may be that electronic monitoring cannot be deployed outside urban areas and very large remote communities, which potentially discriminates against remote offenders.

Nonetheless, electronic monitoring appears to offer a positive alternative to imprisonment, particularly remand prior to conviction, and this is to be commended. YJAC will continue to monitor the development of the electronic monitoring program and its impact on young offenders.



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3. Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 2 – 3.

4. Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 3 – 4.

# YOUTH PEER COURT PROJECT

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In October 2013, YJAC received a presentation from Jared Sharp of NAAJA on his Churchill study tour of the United States, New Zealand and Canada that focused on the different youth justice models in these countries. Part of the presentation involved the Peer Youth Courts model used in New York. The model functions as a diversionary and rehabilitative program which centres on direct participation by young people in the administration of the youth justice system. The presentation highlighted the effectiveness of the program and flagged the possibility of it being trialled in the Northern Territory.

## Youth Peer Courts – an overview

The peer court model involves training a panel of young people to act as advocates and jury to hear cases of minor offences committed by young people. Participation in the youth peer court is entirely voluntary, with the young offender being able to opt out of the program. The primary goal of the system is to use positive peer pressure to ensure that young people who have committed minor offences pay back the community and receive the help they need to avoid further involvement in the justice system. The youth 'jury' questions the young offenders to gain an insight into their circumstances, attitude towards the offence and personal goals. The jury is trained to approach this exercise in a non-judgemental and non-punitive manner. The questions asked by the jury are extremely effective as they compel the young offender to respond to matters that would not normally be addressed in the court system, and this has a positive peer pressure effect. The youth jury then engages in a decision-making by consensus exercise, through which they decide on a suitable disposition for the young offender; this can be a period of time in community service or a reflective essay on the negative impact of the offence. The effectiveness of the program is demonstrated in the fact that 94% of dispositions made by the youth jury in the New York Peer Youth Courts are satisfactorily complied with, despite the non-binding nature of the youth jury's decisions.

Vet Education Class.





### Possible implementation in the NT

In its March 2014 meeting, YJAC invited Janet Truong, a member of the Chief Minister's Round Table of Young Territorians (Round Table) to present on her project which aims to investigate the adaptability of the Youth Peer Court model in the Northern Territory. Janet is currently conducting demonstrations of the peer court model to stimulate public discussion on the program. As part of her role as a member of the Roundtable, she is compiling a report which will be presented to the Chief Minister, the Hon Adam Giles MLA and the Attorney General and Minister for Justice the Hon John Elferink MLA and other stakeholders including YJAC at the end of the year. YJAC members were invited to observe the demonstrations, the first of which took place during National Youth Week. There have been three such demonstrations to date that have all had positive responses from young people, professionals and the community at large. The third demonstration, held at Charles Darwin University on 30 June 2014, was attended by Her Honour the Administrator, the Honourable Sally Thomas and the member for Drysdale, Ms Lea Finocchiaro. YJAC will be closely following the progress of this project and looks forward to hearing from Janet on the findings of her report at the end of the year.

YJAC is fully supportive of Janet's project, and is of the view that the possibility of incorporating the Youth Peer Court model into the NT youth justice system should be explored.

Left: Demonstration of Peer Court.

Right: NAIDOC Week 2014.

THE YOUTH 'JURY' QUESTIONS THE YOUNG OFFENDERS TO GAIN AN INSIGHT INTO THEIR CIRCUMSTANCES, ATTITUDE TOWARDS THE OFFENCE AND PERSONAL GOALS.

# NAMING AND SHAMING

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## NAMING AND SHAMING YOUNG PEOPLE IN THE MEDIA: UNTIL RECENTLY, THE NORTHERN TERRITORY IS THE ONLY JURISDICTION IN AUSTRALIA THAT ALLOWS THE NAMING AND SHAMING OF YOUNG PEOPLE IN THE MEDIA.

During 2012, a number of young people involved in the youth justice system were named in the Northern Territory media, along with their alleged offences. The naming of these young people prompted the NT Children's Commissioner Dr Howard Bath, NT Anti-Discrimination Commissioner Mr Eddie Cubillo and NT Information Commissioner Ms Brenda Monaghan to call for the *Youth Justice Act* to be reviewed in order to protect unnecessary naming of a young person and / or their alleged offences. Bath, Cubillo and Monaghan (2012) called for

*'... A CHANGE TO THE YOUTH JUSTICE ACT TO ENSURE THAT THERE IS A PRESUMPTION OF CONFIDENTIALITY FOR CHILDREN AND YOUNG PEOPLE AT ALL LEVELS OF THE JUDICIAL PROCESS THAT CAN ONLY BE OVERRIDEN WHERE IT CAN BE SHOWN THAT PUBLICATION OF DETAILS IS TRULY IN THE PUBLIC INTEREST.'*

In early 2014, a young person was named in the media and, furthermore, footage of another incident involving young people was also broadcast by Northern Territory media outlets. This resulted in YJAC reviewing best practice research, including;

Duncan Chappell and Robyn Lincoln. (2007) 'Abandoning identity protection for juvenile offenders', *Current Issues in Criminal Justice*, 18 (3), 481-487.

Chappell, D & Lincoln, R. (2009) 'Shhh ... we can't tell you: an update on the naming prohibition of young offenders', *Current Issues in Criminal Justice*, 20 (3) 476-484.

O'Leary, J. (2013) 'Naming young offenders: Implications of research for reform', *Criminal Law Journal*, 37, 377-389.

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YJAC found that youth developmental psychological studies suggest that young people are often not mature enough to understand the consequences of their decisions and thus should be granted the opportunity to learn from their mistakes. Naming young people in a public forum prevents them from moving on from their mistakes in the future, as this information can become permanently available.

Naming in the media further stigmatises young people who are generally already disengaged or at a high risk of school disengagement. This stigmatisation increases social isolation and may lead to a lower level of self-esteem, limiting a young person's ability to seek assistance. There is also a risk that a young person's immediate and extended family may experience this stigmatisation and social isolation as result of the person being named in the media. This reduces their ability to access their own resources and supports to help the young person address their offending-related behavior. Furthermore, naming a young person may also lead to the identification of victims and / or witnesses.

Finally, naming and shaming is contrary to the United Nations Convention on the Rights of the Child, Beijing Rules, where: *'The juvenile rights to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling'*.

YJAC acknowledges that there will be occasions when the need to ensure community safety will outweigh privacy considerations and understands that in exceptional circumstances police will need to release identifying information to ensure the timely arrest of young offenders. However, there is no provision in the Act to prevent the media from naming young people at their discretion, to the detriment of the young people, families, siblings and their communities. Therefore YJAC recommends, as per the Bath, Cubillo and Monaghan (2012) joint media release that amendments to the Act legislation are made to prevent this from occurring in the future.

YJAC wrote to the Minister in June 2014 advising him of its findings and recommended that he consider amending the *Youth Justice Act* as highlighted.



First Aid Course, Alice Springs Youth Detention Course.

# YOUTH JUSTICE FRAMEWORK

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In May 2013, the Chief Minister, the Hon Adam Giles MLA and the Attorney General and Minister for Justice the Hon John Elferink MLA announced the *Pillars of Justice: Law Reform for Territorians*, introducing initiatives for youth justice under the Youth Turn Pillar:

1. YOUTH JUSTICE FRAMEWORK
2. YOUTH BOOT CAMPS
3. REVIEW OF DETENTION CENTRE OPERATIONS
4. COMMUNITY-BASED YOUTH SUPERVISION MODEL.

The Department of Correctional Services has led the development of the Youth Justice Framework (the framework), in collaboration with government, non-government and community stakeholders from more than 40 organisations. The framework aligns with the NT Government's *Pillars of Justice: Law Reform for Territorians*.

YJAC has actively contributed to the development of the Framework through consultations and working groups and is looking forward to the final document.



Boot Camp 2013.

# REGISTER OF APPROPRIATE SUPPORT PERSONS

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## Background

Australian Red Cross Northern Territory (Red Cross) commenced the administration of the Register of Appropriate Support Persons (RASP) program in Darwin and Katherine in August 2013, and in Alice Springs in September 2013.

Red Cross has provided appropriate support people for vulnerable children who are required to be interviewed by police when another responsible adult (parent/carer) is unavailable.

## Volunteers

Voluntary service is one of the seven fundamental principles of the Red Cross. Red Cross volunteers have been helping Territorians since 1914.

The success of the RASP program is in the recruitment of appropriate people who are committed to volunteering their time. The program is providing Red Cross volunteers the RASP program. There are 45 RASP volunteers in Darwin, of whom around half volunteer several times each month. Red Cross staff also volunteer in their own time, helping to support volunteers and to ensure the quality of the program is managed.

## Relationships

Red Cross has worked with key stakeholders including police, NT Department of Correctional Services, Youth Justice Advisory Committee (YJAC), Northern Australian Aboriginal Justice Agency (NAAJA), YMCA, Central Australian Aboriginal Legal Aid Service (CAALAS), Red Cross staff and volunteers.

Red Cross Regional Managers and coordinators work closely with the police, who

have provided excellent support and training to Red Cross staff and volunteers. This has played an important role in building confidence and competence.

The majority of youth being interviewed in the three locations are repeat offenders, which has led to a building of trust and respect on both sides, with some requesting Red Cross people as their support.

## Training

CAALAS and NAAJA provided training to volunteers at the beginning of the program. Red Cross has volunteers being recruited weekly. Regular relevant training was required to enable volunteers to be ready for call outs soon after being registered. On-site training for up to four volunteers on a regular basis, facilitated by police, has proved successful. Volunteers have the opportunity to visit police stations and go through the process step by step. This training continues to work very well.

## Future

As one of the largest humanitarian organisations, Red Cross is increasing awareness to the wider community of the role of the RASP Program, and is working to increase the numbers of Aboriginal and Torres Strait Islander volunteers, with comprehensive cross cultural awareness training developed for all staff and volunteers.

## Red Cross NT Contact:

### Terryl White

Senior Regional & Community Programs Manager

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**Phone:** 08 8924 3931









**PREPARED BY:**

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