

# YOUTH JUSTICE ADVISORY COMMITTEE NORTHERN TERRITORY

Annual Report 2017-18



GOOD

CHOICES



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The Hon Dale Wakefield  
Minister for Territory Families  
Parliament House  
Darwin NT 0801

Dear Minister Wakefield

The Youth Justice Advisory Committee (YJAC) in accordance with the Youth Justice Act is pleased to present the 2017/18 Annual Report.

In the reporting period Youth Justice Advisory Committee (Committee) member's involvement in the Youth Justice System (YJS), as per section 204 of the Youth Justice Act (the Act) has included; the monitoring and evaluation of the operation of the Act, advising the Minister on needs and issues within in the YJS, adherence to the Act and the youth justice sector to inform government policy and program direction, especially with the amendments to Youth Justice legislation, Territory Families requesting an increased Committee's involvement with reforms to youth justice and child protection and especially with the Royal Commission recommendations into Child Protection and Youth Detention.

In the last six months of 2017 the Committee increased its meeting format from quarterly to monthly meetings pre-empting the need to provide the Minister and Government with an informed response to the Royal Commission recommendations.

This change in meeting format did not always result with a quorum, despite these meetings being held by video link and/or teleconference. This was due to Committee Member's work and leave commitments, and resignations. The Committee consented to allow proxy members as these circumstances did not always allow for consistency of proactive Committee involvement regarding the Royal Commission recommendations.

As of 31 December 2017, there were four community member positions (including the chair's position) and two government member positions vacant as their appointment had expired. This also coincided with the youth justice legislative changes in relation to the transfer of responsibility from the Northern Territory (NT) Correctional Services to Territory Families which resulted in an additional Territory Families member.

Although Committee members had anticipated the recruitment process starting in October 2017, the recruitment to these positions was constrained, possibly due to government processes and the resignation of the Acting Territory Families Committee Secretariat. The Committee notified and corresponded with the Minister's Youth Justice Policy Advisor and Territory Families of this predicament, as well as advocating for a youth peak representative, given the NT is the only Australian jurisdiction that does not have a youth peak (except there is a youth advocacy position with NTCOSS).

The Committee also advocated for the recruitment of Aboriginal Committee members from regional and remote communities and for more 'grassroots' Government membership from Education, Police and Territory Families to better perform the Committee functions as per section 204 of

the Act. The Committee saw this as an opportunity to be proactive with the Royal Commission's recommendations, proposed Territory Families reform and the Committee's involvement with Territory Families.

In the first six months of 2018, the overall functions of the Committee were constrained, due to not having a quorum, as the nominated members had not been appointed and therefore the Committee was unable to nominate a Chairperson from the existing appointed members.

Nevertheless, the Committee's focus has been on the following considerations, research and correspondence, and has involved:

- Proposing justice reinvestment program models as an alternative to a young person's involvement in the YJS, especially in regional and remote communities;
- Proposing alternatives to detention to address a young person's offending behaviours through a regionalised case management approach with residential bail support programs, transitions from residential rehabilitation and young people at risk of being homeless, as per the Youth Justice Framework, 2015/17;
- Advocating for the Committee to continue negotiating with Territory Families Youth Justice and the Minister with proposing to monitor, evaluate and provide advice on all aspects of Territory Families Youth Justice operations as per the Youth Justice Framework, 2015/17 and the Act and proposing that the Committee Secretariat position be independent to Territory Families;
- Monitoring the effectiveness of diversion programs with pre and post court referrals to diversion programs to address a young person's recidivist offending including re-establishing and exploring a restorative justice approach to youth justice issues;
- Monitoring, supporting and evaluating the Responsible Adult Support Program (RASP);
- Monitoring alternatives to detention programs and services; guidelines, program, service delivery and evaluation as per sections 204, functions and 205, powers of the Act;
- The Committee inspecting the Youth Detention Centres as per section 168 of the Act;
- Committee input and advocating for priority areas of the Royal Commission recommendations, especially those relates specifically to the Committee including; Committee involvement with the Minister and Territory Families, and the resourcing for the Committee;

Additionally, in the 2018 meetings, Committee members have identified and prioritised the following Royal Commission recommendations as focus areas:

- Implications of raising the age of criminal responsibility (RC recommendation 27.1);
- Decriminalising bail breaches (Royal Commission recommendation 25.19(4));
- Availability of Section 84 of the Act conferencing (Royal Commission recommendation 25.40);

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- Separation of child and adult court matters (Royal Commission recommendation 25.23 & 25.24);
- Through-care (Royal Commission recommendation 24.1);
- Availability of reports for young people with mental health conditions/intellectual disability (Royal Commission recommendation 25.37 & 25.38); and
- Future role and functions of the Committee – Reference to Volume 4 of the Royal Commission Report Interface between child protection and youth justice.

In addition, the Committee was also involved in:

- Identifying and advocating for regional and community based solutions to address social disadvantages, mental health issues and disabilities for young people involved in the youth justice and child protection systems;
- Advocating for section 83 and 84, as per the Act, referrals to presentence conferencing, especially in regional and remote communities;
- Providing input into Territory Families Youth Outreach and Re-engagement Office/Team positions, and requesting input into the evaluation of the Territory Families Youth Outreach and Re-engagement Office/Team, especially in regional and remote communities; and
- Providing input into the Territory Families dual pathways program.

YJAC in accordance with the Youth Justice Act is pleased to present the 2017/18 Annual Report.

Stewart Willey  
Chair

## Introduction

The Youth Justice Act commenced in 2006, with Part 13 of the Act providing for the establishment of the Committee.

On 1 July 2008, responsibility for the Act (except Part 3 and provisions relating to youth detention) transferred from the Minister for Justice and Attorney-General; and the Department of Justice to the Minister for Children and Families; and the Department of Children and Families.

On 1 July 2012, responsibility for the Act (except Part 3 and provisions relating to youth detention) was transferred from the former Minister for Children and Families and Department of Children and Families to the Minister for Justice in accordance with the Review of the Northern Territory Youth Justice System in September 2011.

August 2012 saw a change in government and responsibility for the Act transferred to the Department of Correctional Services. The Youth Justice Division of Department of Correctional Services was responsible for providing administrative and secretariat support to the Committee.

Machinery of government changes resulted in amendments to the Youth Justice Act in 2017 and 2018, shifting responsibility for the administration of youth justice services to Territory Families. These amendments also transferred all powers formerly delegated to the Commissioner, Northern Territory Correctional Services to the Chief Executive Officer, Territory Families.

These changes also transferred the Secretariat services for the Youth Justice Advisory Committee from Northern Territory Correctional Services to Territory Families.



## Part 1

### Functions

The functions of the Youth Justice Advisory Committee are defined in Section 204 of the Youth Justice Act as:

- a) To monitor and evaluate the administration and operation of the Youth Justice Act;
- b) To advise the Minister 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 with information relating to issues and policies concerning youth justice;
- d) Any other functions imposed by the Youth Justice Act; and
- e) Any other functions as directed by the Minister.

To undertake these functions, the Youth Justice Advisory Committee will:

- Provide strategic knowledge-based and impartial advice and perspectives to the Minister, including:
  - Measures to support young people engaged with youth justice services and those at risk of engaging with youth justice services, along with their families and communities;
  - Issues affecting the care, protection and best interests of young people engaged with youth justice services; and
  - Responses and strategies that respond to the diverse needs and circumstances of young people in the Northern Territory.
- Provide a mechanism for non-government and government experts to work together to provide equitable, best practice and integrated advice on matters affecting youth justice services;
- Undertake projects and activities on key focus areas;
- Monitor and comment on the impact of public policy relating to the administration and operation of youth justice services in the Northern Territory;
- Focus on strategic advice whilst ensuring operational issues raised are considered from a thematic perspective and if required, forwarded to the Minister or relevant organisation; and
- In its processes, the Committee will:
- Provide advice and recommendations based on evidence, expertise and best practice;
  - Ensure recommendations and advice are made in the best interest of all young people;
  - Request information and data relating to all areas of youth justice services, including, but not limited to youth camps, diversion, detention along with statutory and non-statutory community based services.



## Structure and Membership

Sections 203 and 206 of the Youth Justice Act provides for the structure and membership of the Committee, which must reflect the composition of the community at large, and accordingly, as far as practicable, should consist of the following:

- a) Equal numbers of male and female members;
- b) At least two members who are Aboriginal;
- c) At least one member who is under the age of 25 years at the time of appointment; and
- d) At least one member who has formerly been a detainee;
- e) One member who is an official visitor within the meaning of Part 9 of the Youth Justice Act;
- f) At least one member who, at the time of appointment, resides in the Alice Springs area; and
- g) At least one member who, at the time of appointment, resides in a remote community.

The Committee must consist of at least eight (8) members and not more than 12 members appointed by the Minister. The members are to be comprised, as far as practicable, of one person nominated by the:

- a) Chief Executive Officer of Territory Families (or formerly Department of Correctional Services);
- a) Commissioner of Police;
- b) Agency responsible for protection of children and young people;
- c) Agency responsible for education of youth;
- d) Agency responsible for crime prevention;
- e) Peak youth organisation; and
- f) Law Society Northern Territory.

The remainder of the membership must be drawn from the community, particularly the Aboriginal community.

## Committee Membership – June 2017 – December 2017

Committee Member	Representing	Appointed Under	Committee Position
Ms Louise Blacker	Correctional Services	206(2)(a)	Member
Mr Kristopher Evans	Police	206(2)(b)	Member
Ms Dorrelle Anderson	Territory Families	206(2)(c)	Member
Ms Marion Guppy	Education	206(2)(d)	Member
Mr Clement Ng	Attorney-General	206(2)(e)	Member
Ms Jane Bochmann	Law Society	206(2)(g)	Member
Mr Stewart Willey	Community	206(g)(h)	Chair
Ms Meg Geritz	Community	206(g)(h)	Member
Mr Matthew Bonson	Community	206(g)(h)	Member
Mr Danny Curtis	Community	206(g)(h)	Member
Ms Michelle Bates	Community	206(g)(h)	Member
Ms Melissa May	Community	206(g)(h)	Member

# Youth Justice Advisory Committee Northern Territory

In December 2017, Mr Curtis resigned from his position on the Committee as a community representative. Additionally, five appointments expired on 31 December 2017, namely:

- Ms Blacker
- Ms Guppy
- Mr Willey
- Ms Geritz; and
- Ms May.

The Committee Secretariat coordinated an advertising campaign and in April 2018, the new agency nominations and community applicants were forwarded to the Minister for consideration and appointment.

## Current Committee Membership

Committee Member	Representing	Appointed Under	Committee Position
Mr Ian Lea	Police	206(2)(b)	Member Darwin
Ms Meg Geritz	Territory Families	206(2)(c)	Member Katherine
Ms Susan Macpherson	Education	206(2)(d)	Member Darwin
Mr Clement Ng	Attorney-General and Justice	206(2)(e)	Member Darwin
Ms Sarah Holder	Peak Youth	206(2)(f)	Member Alice Springs
Ms Jane Bochmann	Law Society	206(2)(g)	Member Darwin
Mr Stewart Willey	Community	206(2)(h)	Member Tennant Creek
Ms Thomasin Opie	Community	206(2)(h)	Member Katherine
Mr Matthew Bonson	Community	206(2)(h)	Member Darwin
Ms Tierneigh Parnell	Community	206(2)(h)	Member Alice Springs
Ms Michelle Bates	Community	206(2)(h)	Member Tennant Creek
Mr Desmond Campbell	Community	206(2)(h)	Chair Darwin

Due to machinery of government changes resulting in the Chief Executive Officer of Territory Families being responsible for both nominations under Section 206(2)(a) and (c), it was determined only one representative from Territory Families would be nominated.

In July 2018, the Committee voted to appoint Mr Desmond Campbell as its Chair. The Committee and Secretariat sincerely thank the outgoing Chair, Mr Stewart Willey, for his long standing commitment to the Youth Justice Advisory Committee as Chair.



Incoming YJAC Chair Des Campbell (L) with outgoing YJAC chair Stewart Willey (R)



Current YJAC at Nhulunbuy June 2018

## Member Profiles

### Mr Desmond Campbell, Chair

Mr Desmond Campbell was born in Darwin and grew up in the Northern Territory and identifies as a proud Aboriginal man of the Ngalakan nation of south east Arnhem Land. Desmond is appointed as a community representative and was elected as the new YJAC Chair in July 2018. Desmond brings a community social justice understanding to the committee as well as correctional services experience through his work as the Manager of the Family Violence Program for NT Correctional Services. He has a range of community sector networks that also reach into government agencies that he can call on to assist in providing guidance to the Minister around Youth Justice in the Northern Territory.

### Mr Stewart Willey, Former Chair

Mr Stewart Willey is a Community Member from Tennant Creek and he was the YJAC Chair from 2009 to 2017. Mr Willey is currently employed by Papulu Apparr Kari Aboriginal Corporation as the Parent and Community Engagement (PaCE) Project Manager. PaCE engages with family members, schools and youth service providers in Tennant Creek and the Barkly Region to address the needs, issues and barriers to a young person's school attendance and engagement.

## **Ms Meg Geritz**

Over the last 19 years Ms Meg Geritz has worked in the Katherine Region in the field of Community Services and Development. This has included implementation of and brokerage for Youth Services and Youth Justice initiatives. Ms Geritz is the Senior Director Territory Families Big Rivers Region, leading the integrated responses to Territory Families responsibilities across the Katherine Region. This includes service delivery functions in the areas of child protection, youth services, child and family support, domestic violence and Non-Government Organisation (NGO) engagement and development, to deliver place based, integrated and responsive services. Previously, as the Regional Manager for Australian Red Cross, Ms Geritz was responsible for the development and implementation of community Programs responding to community priorities in Katherine, Kalano and Daly River (Naiyu), including the Register of Appropriate Support Persons (RASP), Personal Helpers and Mentor Support, and the Pop-up Shak in Naiyu – a community capacity building initiative for young people.

Ms Geritz has been a support and promotor for regional networks including the Youth Justice Advisory Committee, the Community Helping Action and Information Network (CHAIN), and the Naiyu Action Group (NAG) driving Suicide Intervention and Prevention Strategies and in 2018 is a finalist in the 2018 Telstra Business Awards as a Social Change Maker.

## **Mr Ian Lea**

Mr Ian Lea was born in Darwin and after working with the CSIRO Cotton Research Unit in Northern NSW returned to the NT to join the Police in 1982. Ian's current position is the Superintendent of the Custody and Judicial Services Division. This includes responsibility for custody policy, Judicial Operations in Darwin, Police Prosecutions outside of Darwin and Police Youth Diversion.

He has spent 10 years of his policing career at the PFES College, has been the Divisional Superintendent for the Barkly Region, spent three years in Ethical Standards and has extensive front line policing experience.

## **Ms Susan MacPherson**

Susan Macpherson has worked in education and training for more than 30 years. She has had a diverse career, working across the private and public sectors and across three jurisdiction. She has worked as a teacher, in school leadership positions, and at the executive and senior executive levels in the public service. Ms Macpherson has a particular interest in the education of vulnerable young people, and in working collaboratively to broker whole-of government solutions to complex social policy issues.

## **Mr Clement Ng**

Clement Ng was born and raised in Hong Kong. He came to Australia in 2004, and graduated with a Bachelor of Arts and Bachelor of Laws from the University of Melbourne. He was admitted to practice as a lawyer in 2010, and moved to Alice Springs in 2011 where he started working for the Northern Territory Legal Aid Commission (NTLAC) as a criminal lawyer, a position he maintained for six years. Between 2011 and 2017, he was the designated youth justice lawyer in the Alice Springs office. He primarily represented both Aboriginal and non-Aboriginal young offenders in the Youth Justice Court and the Supreme Court.

His past involvements in the youth justice sector also include drafting submissions to the Youth Justice Framework and the Juvenile Detention Review, planning and delivering community legal education sessions to high school students and advising NTLAC on various youth justice issues.

Mr Ng also represented NTLAC as part of the Central Australian Youth Justice Coalition (CAYJ). He has presented papers and published on issues in relation to youth justice in the Northern Territory. Mr Ng completed his Master of Laws degree at the University of New South Wales in December 2016, specialising in criminal justice and human rights.

Most recently, he was awarded a Churchill Fellowship to study mental health courts and other justice responses to youth with mental health issues in Canada, USA and New Zealand. Mr Ng was nominated by the Law Society as the member of the Youth Justice Advisory Committee (YJAC) between 2015 and 2017. He joined the Department of the Attorney-General and Justice (AGD) as a senior policy lawyer in March 2017, and was nominated by AGD as its representative on YJAC.

### **Ms Jane Bochmann**

Ms Jane Bochmann is a Senior Summary Prosecutor, currently based in the Summary Prosecution section of the Director of Public Prosecutions (DPP), Darwin. She was previously in Crown Prosecution at the DPP in Darwin, a role taken after moving from Adelaide, where she was a criminal defence lawyer at the Legal Services Commission of South Australia for over 6 years, and part of the Complex Criminal Law Panel. She has also worked as a South Australian District Court Judge's Associate and in private practice in a major Adelaide law firm.

### **Ms Sarah Holder**

Ms Sarah Holder is the Child and Youth Policy Officer with the Northern Territory Council of Social Service (NTCOSS), where she has worked for the past year and a half. Prior to taking on this role, Ms Holder was employed as Policy Officer with Jesuit Social Services, with a particular focus on social justice issues in the NT. Both roles encompass policy development, feedback on policy/programs to government, advocacy and representation to government and the wider community, consultation, lobbying and networking with allied interest groups. Ms Holder has completed post-graduate studies in youth justice and has commenced a Masters in Policy and Applied Social Research.

Ms Holder has worked in remote communities in Central Australia in youth work and community development roles, and has a strong understanding of the needs of young people in remote communities and the issues they face in relation to social exclusion, homelessness, poverty and youth justice. Ms Holder represents NTCOSS on the Making Justice Work group, and was the previous Chairperson of the Central Australian Youth Justice network, which she has been a member of for the past 14 years.

### **Ms Thomasin Opie**

Ms Thomasin Opie is the Managing solicitor for the Katherine office of the Northern Territory Legal Aid Commission. In this role she regularly represents children in the Youth Court. Ms Thomasin Opie is also the Chair of the Katherine Youth Justice Reinvestment Group (KYJR). KYJR aims to reduce incarceration and offending rates for young people aged from 10-24 using a justice reinvestment approach. The group engages in consultation with the community and government to develop strategies for early intervention, crime prevention and youth diversion.

## **Mr Matthew Bonson**

Mr Matthew Bonson was born in Darwin and grew up in the Northern Territory. He is a proud Aboriginal man of the Gurindji/Jawyown nation. Mr Bonson is a graduate of Charles Darwin University Law School with 17 years of management and policy experience in the Justice and Alcohol and other Drugs sector, including five years as the CEO of the Council for Aboriginal Alcohol Programs Services, the then largest Alcohol and Other Drugs Rehabilitation service in the top end of Australia.

Mr Bonson has also worked at the Central Australian Aboriginal Legal Aid Service as the Law and Justice Manager. He was a Board Member of the National Aboriginal Alcohol and Other Drug Committee (NIADAC) for three years. The primary purpose of NIADAC was to advise the Australian Government on Alcohol and Other Drug Policies. Mr Bonson's understanding of youth justice issues developed in these senior management positions and he hopes to contribute to a meaningful discussion on youth justice services.

## **Ms Tierneigh Parnell**

Ms Tierneigh Parnell was born and grew up in the Territory, finishing her school at Centralian Secondary College, Alice Springs. Today Ms Parnell is a legal practitioner with the Central Australian Women's Legal Service. Her main practice area is domestic violence. Ms Parnell also undertakes relief residential support work with Alice Springs Youth Accommodation and Support Services, working with young persons on bail. She is passionate about Youth Justice, domestic violence, the environment and the Alice Springs community. In addition to YJAC, Ms Parnell sits on the Alice Springs Town Council Environmental Advisory Committee, she is Secretary of the NT Young Lawyers Committee and Secretary of her local Federals Netball Club.

## **Ms Michelle Bates**

Appointed to YJAC in 2017 as a community representative, and working for First Peoples Disability Network, a systemic advocacy body, Ms Michelle Bates offers insights and learnings from years of work in strategic and operational leadership roles, nationally in the disability support sector. This experience includes the establishment of a successful team operating in the National Disability Insurance Scheme (NDIS) Trial Site, in Tennant Creek and Barkly NT. A descendant of the Anaiwan nation, for four years Ms Bates has cared for children as a foster carer and is an active community member of Tennant Creek. Ms Bates's particular interest is in advocating for the needs of and identifying barriers and issues faced by children and young people with diagnosed and yet to be assessed/diagnosed disabilities and complex care needs who are engaged in child protection and youth justice systems.

## Our Focus

During the 2017/2018 financial year, the Committee focused on the following areas:

- Advocating for priority consideration of recommendations put forward by the Royal Commission into the Protection and Detention of Children in the Northern Territory
- Justice reinvestment program models as an alternative to engagement in statutory youth justice services (including detention), especially in remote and regional communities
- Alternatives to detention in addressing a young person's criminogenic risks and needs through a regionalised case management approach, including bail support programs, transition services and services to young people who are homeless, or at risk of homelessness
- Review of the Committee's Secretariat role and propose to improve its independence, in line with the recommendations put forward by the Royal Commission in to the Protection and Detention of Children in the Northern Territory
- Monitoring the effectiveness of referrals and participation in youth diversion programs
- Monitoring, supporting and evaluating the Register of Appropriate Support Persons program, which is facilitated by Red Cross
- Advocating for regional and community based solutions to address social disadvantage, disability and mental health issues for young people engaged in youth justice services
- Evaluation of the functioning and effectiveness of the Youth Outreach and Re-Engagement Teams, particularly in regional and remote communities; and
- Advocating for increased referrals to pre-sentence conferencing under Section 84 of the Youth Justice Act.

The Youth Justice Advisory Committee has set the following priority focus areas for the 2018/2019 reporting period:

- Implications of raising the age of criminal responsibility (RC recommendation 27.1)
- Decriminalising bail breaches (RC recommendation 25.19(4))
- Availability of section 84 (Youth Justice Act) Pre-Sentence Conferencing (RC recommendation 25.40)
- Separation of child and adult court matters (RC recommendation 25.23 & 25.24);
- Through-care (RC recommendation 24.1)
- Availability of reports for young people with mental health conditions/intellectual disabilities (RC recommendation 25.37 & 25.38)
- Future role and functions of the Youth Justice Advisory Committee – with reference to Volume 4 of the Royal Commission Report; and
- Interface between child protection and youth justice.

## Part 2

### **Outgoing Chair Review of the 2017/2018 Activities**

**Mr Stewart Willey**



The Committee commend and respect Territory Families' involvement of Committee members in the current Northern Territory Government long term reforms with the Reform Management Office (RMO), as related to the Recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory. Territory Families is proactively seeking the Committee's input, as evidenced by the RMO briefings and involvement. Additionally, the Committee has been involved with high profile policy and procedure input, including the visioning workshop in designing the new Youth Training Centres, and consultation regarding the legislative reforms to the Youth Justice Act as recommended by the Royal Commission.

However, whilst the Committee appreciates the long term commitment by Territory Families to the reforms, the Committee has immediate concerns regarding young people's involvement in the youth justice and child protection systems. These concerns particularly relate to those young people with disabilities, mental health issues, high level support needs and those who reside in regional and remote communities. Further, the Committee has concerns where young people are sent off country, where regionalised solutions with Elders, and respected community members and their families are already in place, but the solutions are impacted upon by the financial resourcing of the programs and services.

This also relates to the involvement of mainly Aboriginal young people in diversion programs resulting in involvement with the youth justice court. These diversion programs should include Victim Offender Conferencing (VOC) and Restorative Conferencing (RC) as alternatives to court and ensure that young people can gain life skills through a therapeutic case management approach. Developing young people to take responsibility for their actions and reduce their participation in anti-social behaviours, through proactive case management and diversion program alternatives is key.

Furthermore, the Committee continues to advocate with Territory Families for regional residential bail support programs and through-care plans that include families and elders, particularly for young people from regional and remote areas who are involved in the youth justice system. The Committee continues to call for more evidence based programs and services to prevent young people from entering the youth justice system and to reduce the likelihood of re-offending.

The principles and the provisions of the Youth Justice Act will require change if there is to be alignment with young people who are also involved in the child protection system.

The Committee continues to advocate for more serious offences to be included in diversion programs, including driving offences if these programs involve families and they proactively address the young person's offending behaviours.



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This approach requires a commitment by service providers to implement proactive alternative programs and services is required. And a commitment by Territory Families to adequately resource early intervention and prevention programs, diversion programs, on country residential programs, pre-sentence conferencing and delivering through-care programs.

The next proposed legislative reform will involve the raising the minimum age of criminal responsibility, as per the Royal Commission recommendations. There is imperative need for the Committee to be proactive with advocating for more appropriate diversion, early intervention and prevention programs of best practice partly due to this recommendation of raising the age of criminal responsibility.

This must involve legislative change that must involve effective and engaging through-care case management, VOC, RC and making young people responsible for their offending behaviours though giving back to their community and participating in programs and services to address their offending behaviours and their needs, issues and barriers and supporting of school attendance and engagement, as an alternative to changes to youth diversion with the proposed legislative change to with Royal Commission Recommendations of the change in age of criminal responsibility.

As the outgoing Chair, I hold a concern that the Committee is only effective as an advisory committee with the appointed members being representatives of the Northern Territory as a whole, and a commitment to fully engaging in the activities of the Committee, including advocating for programs and services which support best practice and regional and remote communities. This also includes members' participation in the purpose and promotion of the Committee to better inform the Minister of the needs, issues and barriers in current practice and proposing evidenced based solutions which can be implemented in regional and remote communities.

These concerns are evidenced through the lack of a quorum for last half of 2017 meetings, during an imperative time for the Committee to have an impact on advocating for young people to inform the Minister on the Royal Commission Recommendations and the succession planning for the expiration of member's terms to ensure the Committee can fulfil its role under the Youth Justice Act.

There is also a need for more appropriate representation from government members whom have regular contact and are better informed with the daily needs, issues and barriers that young people are facing in the youth justice system. They may also have an increased capability to attend and participate in meetings due to work commitments of senior government representatives.



*Youth Justice Advisory Committee meeting in Nhulunbuy June 2018*

In the succession planning of Committee member's terms of appointment expiring on 31 December 2017, the Minister, Committee members and Territory Families identified that there was need to have a more representative Northern Territory membership, especially from regional and remote communities, Aboriginal representatives and adhering to the intent of sections 203 and 206 of the Youth Justice Act.

There is a concern under sections 203 and 206 of the Act, that the newly appointed Committee members are not representatives of the Northern Territory community as a whole, with five being from Darwin, two from Katherine, two from Alice Springs and one from Tennant Creek. The ongoing members are from Tennant Creek and Darwin. There are concerns that three members who applied for, and were appointed to, community positions are also employees of the Northern Territory Government.

Disappointingly, a concern was raised that there was no recorded transparent process in the vetting and nominating of the yet to be appointed members by the Territory Families Secretariat.

Additionally, I have concern about Secretariat services being delivered by Territory Families, when this is the only government department involved in administering youth justice services. This can be perceived a conflict of interest. The Committee has advocated for an independent secretariat for the last ten years.

As per the Royal Commission's Recommendations there is proposal for a new Commission for Children and Young People to focus on young people in the youth justice and child protection systems, and the Committee will then only focus on youth justice policy and procedure advice, dependant on the amendments to the Youth Justice Act and the timing of these amendments.

In conclusion, the Minister and Territory Families still needs to consider the Committee proposals and input, especially related to regional and remote solutions and this is also an opportunity for the Committee to be proactive with the Royal Commission recommendations, the proposed Territory Families reforms as indicated through meetings with the Territory Families Chief Executive Officer and Deputy Chief Executive Officer, for high level consultation.

### **Projects and Achievements**

The Committee progressed the following projects and achievements over the reporting period.

#### **Royal Commission into the Protection and Detention of Children**

The Committee's involvement in the Royal Commission commenced after the Royal Commission's Terms of Reference were finalised. The Chairperson received a Notice to Produce documents relating to the Committee activities over a 10 year period. Additionally, members of the Youth Justice Advisory Committee participated in community consultation sessions in Central Australia, the Barkly Region and the Katherine Region, providing feedback to the Committee for consideration.

Following the release of the Royal Commission's Report and Recommendations, the Committee prioritised the recommendations and thematic issues and identified those for which they could take a strategic advocacy role. This priority list was reviewed in June 2018 with the appointment of new members, and the following items have been prioritised for action:

- Implications of raising the age of criminal responsibility (Recommendation 27.1)
- Decriminalising bail breaches (Recommendation 25.19(4))
- Availability of s84 (Youth Justice Act) Conferencing (Recommendation 25.40)
- Separation of child and adult court matters (Recommendation 25.23 & 25.24)
- Through-care (Recommendation 24.1)
- Availability of reports for young people with mental health conditions/intellectual disability (Recommendation 25.37 & 25.38)
- Future role and functions of the Youth Justice Advisory Committee (Reference to Volume 4); and
- Interface between child protection and youth justice.

The Committee supports the Royal Commission's recommendation to shift responsibility for the administration of the Youth Justice Advisory Committee to a new Commission for Children and Young People. The Committee considers that this would support it to fulfil its functions under the Youth Justice Act and would allow the secretariat role to be independent of the department responsible for administering youth justice services.

## **Young People with Disabilities**

During this reporting period, the Committee identified an increased need to focus on supports available to young people in the youth justice system who present with mental health issues and/or disabilities. The Committee has taken an active approach to advocating for comprehensive assessments by qualified clinicians to ensure appropriate supports are identified and implemented to allow these young people to engage in education and develop their life skills.

Funding and the availability of qualified clinicians to complete comprehensive assessments is a barrier which must be overcome to ensure young people from regional and remote communities are able to access supports under the National Disability Insurance Scheme (NDIS) and non-government organisations. Without access to adequate funding and qualified clinicians, the Committee is concerned that these young people will remain in contact with the youth justice system.

This has been included on the Youth Justice Advisory Committee's Issues Register, and is a priority for the Committee. The Committee has focussed on advocating for comprehensive cognitive assessments, conducted by suitably qualified cognitive psychologists; however, the issues of payment for services and access to assessments in regional and remote communities, so young people and their family members can access NDIS and support services, continue to be of concern.

## Justice reinvestment

The YJAC remains committed to encouraging the Minister to endorse and implement appropriate justice reinvestment initiatives within the Youth Justice Framework.

It is the committee's view that justice reinvestment (JR) has the ability to transform the entire system by preventing offending, minimising the remand population and curbing recidivism through re-directing the state budget on incarceration into expenditure back in certain crime-prone neighbourhoods to fund community based programs with the aim of overcoming the underlying causes of youth offending.

Building on three years of work the Katherine Youth Justice Reinvestment (KYJR), facilitated through considerable investment from Australian Red Cross Place Based Community Development, consulted with key stakeholders to ensure transformation is grounded in place-based evidence. The Northern Territory Law Society has provided a grant of \$65,550 to Australian Red Cross on behalf of the KYJR, enabling a successful Expression of Interest engaging JR experts from Charles Darwin University and Menzies to commence research providing important baseline data from which to measure the success of community strategies in reducing youth incarceration.

In 2017 the KYJR developed Terms of Reference including the aim "to influence Government to direct into justice re-investment at least 50% of savings delivered by a 10% reduction in youth prison numbers." KYJR members engaged with and supported the Royal Commission into the Protection and Detention of Children in the Northern Territory.

In 2018 KYJR hosted the New Territory Forum, during which NT and National Leaders on Justice Reinvestment came together to commence building a strategy for the Katherine Region for the benefit of all Territorians. There were 92 delegates who attended the presentations from the NT Minister for Territory Families, NSW's Justice Reinvest, renowned Australian Justice Reinvestment expert Dr Jill Guthrie, Australian Red Cross and NT Making Justice Work. Fairfax media covered this important landmark event during which the Katherine group supported the broader community to gain important information to develop the KYJR Strategic Plan.

KYJR continues to support and contribute to the University of NSW's Comparative Youth Penalty Project which shares state and territory YJR progress building a cohesive National Voice, and the NTCOSS Making Justice Work initiative bringing together stakeholders to engage with and provide feedback on their evidence based approach to 'law and order' in the community.

KYJR Stakeholders continue to include members with influence, skills, expertise and ability to commit to a long-term project. These members are Traditional Elders and Youth, organisations such as NAAJA, NT Legal Aide Commission, Red Cross, Anglicare, Relationships Australia, Wurli Wurlijang Health Services, Banatjahl Strong Women's Group, Charles Darwin University the Stolen Generation, YMCA and the NT Youth Justice Advisory Committee, and Local, State and Federal Government Departments such as NT Police, Education, Prime Minister and Cabinet and Health. In 2018 KYJR Chair Thomasin Opie was nominated and accepted to represent the Katherine Region as a member of the Youth Justice Advisory Committee.

Moving toward the close of 2018 KYJR is focussing on amplifying the voice of Youth and Aboriginal people toward greater influence of the work in this space.

## Electronic Monitoring

Electronic monitoring was introduced in the 2015-2016 financial year as an option for courts to monitor and supervise young people on bail.

The Bail Amendment Act 2017 was introduced to give police additional power to require an accused person, including a young person, to wear an electronic monitoring device as part of their bail condition. The Bill was passed and became operational in late March 2017.

During the 2017-2018 financial year, the Youth Justice Legislation Amendment Act 2017 was passed in order to give effect to machinery of government changes in relation to administrative responsibility over youth justice. Effectively, Territory Families took over the administration of youth justice from the Department of Correctional Services from 5 January 2018. Therefore, during this financial year there have been three different government agencies responsible for managing young people involved in the youth justice system through the use of electronic monitoring.

Responsible agencies have provided the following data:

Agency responsible	Number of young people
Police	7
Community Corrections	51
Territory Families	43

There is no consistent data about the frequency of use of electronic monitoring devices or where electronic monitoring is imposed by the court or police across different regions in the Northern Territory. However, the Committee has been advised that electronic monitoring can be utilised in all urban and major regional centres, including Katherine and Tennant Creek. So far, the Committee is not aware whether electronic monitoring has been utilised in the more remote parts of the Northern Territory.

The Committee also understands that electronic monitoring has been used as a tool to monitor other conditions of bail or court orders, such as curfews, requirements to stay away from certain places, or requirements to stay in a particular residence.

It is noted that the Royal Commission into the Protection and Detention of Children in the Northern Territory has made the following recommendation 25.17:

**‘Electronic monitoring conditions should only be considered when there is no other alternative to remanding the child or young person in detention’.**

In response to this recommendation, the Northern Territory Government has provided an additional funding of \$506,000 per year to facilitate electronic monitoring of young people on bail. It is the Committee’s understanding that this funding is intended to support the court’s decision to impose electronic monitoring conditions on young people upon an assessment of risk.

The Committee shares concerns raised by the Royal Commission that electronic monitoring can be potentially stigmatising for a young person and his/ her family, although it may reduce the likelihood of the young person being placed on remand.

While we are yet to see how this recommendation will be adhered to in practice, it is acknowledged that Territory Families is in the process of exploring other program alternatives which do not require electronic monitoring.

## Register of Appropriate Support Persons

The Register of Appropriate Support Persons (RASP) provides the Northern Territory Police with access to Support Persons who can be present and assist unaccompanied young people when they are required to attend interviews and engage with police in relation to possible criminal matters.

The appropriate support person acts as an independent observer for the young person, by providing appropriate support and non-legal guidance. In the Northern Territory the Register of Appropriate Support Persons is provided by the Australian Red Cross.

The RASP program relies on the recruitment, training and availability of appropriate people who are committed to volunteering their time. The Australian Red Cross partners with key stakeholders, particularly the NT Police and Territory Families and legal organisation such as NAAJA to ensure that the volunteers are appropriately trained and able to fulfil their functions.

Maintaining the RASP is a key function of the Youth Justice Advisory Committee. To better fulfil YJAC statutory function a full list of all the registered volunteers has been requested to allow YJAC to better understand any relevant issues.

This financial year has also seen the YJAC putting a particular focus on the induction program and training provided to the RASP volunteers. YJAC was advised that each volunteer is encouraged to attend a generic volunteer induction that allow them to familiarise themselves of the history and processes of Australian Red Cross. As part of the core training, each volunteer receives two hour of initial induction sessions on topics including the RASP's legal framework, the scope and limitations on their role as support persons and the rights of young people. The induction will usually be completed with a half hour walk-through at the local watchhouse with the officer-in-charge. From July 2018 onwards, ongoing volunteers are required to participate in a refresher induction session once every two years. All volunteers also have access to over 300 online courses through the Australian Red Cross Electronic Learning Gateway.

The annual data relevant for this financial year 2017-18 are as follows:

Outcome	Measure	Data by Location			
		Darwin	Katherine	Alice Springs	TOTAL
Provide 24 hour support service to young persons being interviewed, questioned or charged by Police	Total number of call outs	73	10	54	137
	No. of individuals supported	52	5	39	96
	Volunteer hours contributed	65:10 hours recorded	11:30 hours recorded	36:30 hours recorded	113:10 hrs

Overall, we note that the hours of support, the number of call outs and the number of individuals supported have decreased in the last two years. Whilst it is clear that there are sufficient number of volunteers to provide the service, we are currently investigating the reasons why the services have not been more utilised when compared with previous years.

# Youth Justice Advisory Committee Northern Territory

We have also decided to publish all quarterly statistical data we received from the Australian Red Cross in this financial year.

## REGISTER OF APPROPRIATE SUPPORT PERSONS NT QUARTERLY REPORT: July – September 2017

### Statistical Data - Callouts

Outcome	Measure		Data by Location			
			Darwin	Katherine	Alice Springs	
Provide 24 hour support service to young persons being interviewed, questioned or charged by Police	Total number of call outs		24	9	18	
		No. of individuals supported	16	4	14	
	Age breakdown	10				
		11				
		12				
		13		3		
		14		6	1	5
		15		5		3
		16		3	5	8
		17		6	3	2
		18				
		Unknown	1			
	Gender	M		18	9	16
		F		6	0	2
	Ethnicity	ATSI		24	9	18
		Other		0	0	0
	Usual place of residence	Darwin/Palmerston		18		4
		Katherine			9	1
		Alice Springs		2		11
		Tennant Creek				1
		Remote community		4		1
	Interstate					
	Number of young people unable to be supported			0	0	0
	Reason					
Referrals made to other services	Legal		11	4	13	
	Housing					
	Welfare/ Territory Families		2			
Maintenance of Roster	Total number of persons on register		11	8	14	
	Gender	M	3	2	3	
		F	8	6	11	
	Ethnicity	ATSI	Not Recorded	3	Not Recorded	
		Other	Not Recorded	5	Not Recorded	
Volunteer hours contributed		24.25 Hours recorded	7.5 Hours recorded	11.75 Hours Recorded		

## REGISTER OF APPROPRIATE SUPPORT PERSONS NT QUARTERLY REPORT: October – December 2017

### Statistical Data - Callouts

Outcome	Measure		Data by Location			
			Darwin	Katherine	Alice Springs	
Provide 24 hour support service to young persons being interviewed, questioned or charged by Police	Total number of call outs		23	1	11	
	No. of individuals supported		17	1	9	
	Age breakdown	10				
		11				
		12				
		13		1		2
		14		4		2
		15		5		1
		16		4		2
		17		8	1	4
		18				
		19		1		
	Unknown					
	Gender	M		18	1	11
		F		5		
	Ethnicity	ATSI		19	1	11
		Other		4		
	Usual place of residence	Darwin/Palmerston		23		1
		Katherine			1	6
		Alice Springs				
		Tennant Creek				
		Remote community				4
	Interstate					
Number of young people unable to be supported		0	0	0		
Reason						
Referrals made to other services	Legal		5	1	6	
	Housing					
	Territory Families		1			
Maintenance of Roster	Total number of persons on register		12	8	14	
	Gender	M		2	2	5
		F		10	6	9
	Ethnicity	ATSI		Not Recorded	3	Not Recorded
		Other		Not Recorded	5	Not Recorded
	Volunteer hours contributed		17.25 Hours recorded	4 Hours recorded	6.25 Hours Recorded	



## REGISTER OF APPROPRIATE SUPPORT PERSONS NT QUARTERLY REPORT: January – March 2018

### Statistical Data - Callouts

Outcome	Measure		Data by Location			
			Darwin	Katherine	Alice Springs	
Provide 24 hour support service to young persons being interviewed, questioned or charged by Police	Total number of call outs		17	0	21	
	No. of individuals supported		13		13	
	Age breakdown	10				
		11				
		12		2		1
		13				4
		14		1		1
		15		2		7
		16		5		4
		17		7		3
		18				
		19				
	Unknown				1	
	Gender	M		12		19
		F		5		
		Unknown				2
	Ethnicity	ATSI		15		19
		Other		2		2
	Usual place of residence	Darwin/Palmerston		15		
		Katherine				
		Alice Springs				16
		Tennant Creek				2
		Remote community		2		3
Interstate						
Number of young people unable to be supported		0	0	0		
Reason						
Referrals made to other services	Legal		8		12	
	Housing		1		2	
	Territory Families		2			
Maintenance of Roster	Total number of persons on register		15	8	19	
	Gender	M	1	2	4	
		F	14	6	15	
	Ethnicity	ATSI	Not Recorded	3	Not Recorded	
		Other	Not Recorded	5	Not Recorded	
	Volunteer hours contributed		12.75 Hours recorded	0 Hours recorded	14.75 Hours Recorded	

## REGISTER OF APPROPRIATE SUPPORT PERSONS NT QUARTERLY REPORT: April – June 2018

### Statistical Data - Callouts

Outcome	Measure		Data by Location			
			Darwin	Katherine	Alice Springs	
Provide 24 hour support service to young persons being interviewed, questioned or charged by Police	Total number of call outs		9	0	4	
	Cancelled prior to commencement		3		1	
	No. of individuals supported		6		3	
	Age breakdown	10				
		11				
		12				
		13				2
		14		1		
		15		3		1
		16		2		
		17				
		18				
	19					
	Gender	M		5		3
		F		1		
	Ethnicity	ATSI		5		3
		Other		1		
	Usual place of residence	Darwin/ Palmerston		4		
		Katherine		1		
		Alice Springs				1
		Tennant Creek				1
		Remote community		1		1
	Interstate					
Number of young people unable to be supported		0	0	0		
Referrals made to other services	Legal					
	Housing					
	Territory Families					
Maintenance of Roster	Total number of persons on register		17	9	16	
	Gender	M	1	2	10	
		F	16	7	6	
	Ethnicity	ATSI	Not Recorded		Not Recorded	
		Other	Not Recorded		Not Recorded	
	Volunteer hours contributed		10:55 Hours	0 Hours	3:45 Hours	

We are encouraged by the fact that all young person were supported when a callout was made, throughout the whole year .

However, no support has been provided to any young person in the Katherine region in half of the financial year 2017-18. The committee intends to engage in continuing discussion with Australian Red Cross to identify any barriers to young people accessing the service in Katherine. In the meantime, we understand the Australian Red Cross is considering the option of developing basic resources to assist local police members to better understand the RASP program and the role of their volunteers.

We have suggested to Australian Red Cross that they provide us with further information in relation to the ethnicity of the volunteers in the future because the Youth Justice Act requires us to ensure that there are suitable support persons for Aboriginal youth in the register.

## **Involvement with Territory Families Youth Outreach and Re-Engagement Team (YORET) Program**

### **Review of Katherine Region YORET**

The Katherine Youth Outreach and Re-engagement Team consists of a Manager, one Community Youth Justice Officer, and four Youth Outreach and Re-Engagement Officers (YOREOs).

The Katherine YORET participated in the first Operation Flinders trek, commencing a new partnership between Territory Families and the Operation Flinders Organisation. Ten young at risk males attended the camp along with two YOREOs. All the young males have moved on in a positive way, with no re-offending since then.



*Katherine YORET with Operation Flinders group at Katherine Gorge*

The Katherine Youth Outreach and Re-Engagement Centre opened on 24 April 2018. The Youth Outreach and Re-Engagement Centre is a space for young people with ample engagement options, located across the road from the Katherine High School and McFarlane Primary School.

The Katherine YORET have built genuine collaborative relationships with key Katherine service providers such as the Department of Education Flexible Learning Centre, the YMCA, the Katherine High School, the STARS foundation, Anglicare, Katherine Regional Arts, the Katherine Youth Group MotoScouts, Roper Gulf Shire and many more organisations.



*Meg Geritz and Des Campbell at Operation Flinders Graduation at Latram River near Nhulunbuy*

The Katherine YORET are currently case managing 50 at risk youth, across both voluntary and statutory arenas. The team also offers court support to the communities in the Katherine region.

The Katherine YORET were heavily involved in the coordination and delivery of the school holiday programs in December/January 2018, Youth Week 2018 and July 2018, working alongside other youth focussed services to ensure an array of activities are available, well-advertised and well supported.

### **Participation in Operation Flinders Graduation, Nhulunbuy**

On Friday 29 June 2018, Desmond Campbell and Meg Geritz attended the Nhulunbuy Operation Flinders 2018 Graduation.

Ten young men, aged 15 – 17 years, from Nhulunbuy and surrounding homelands participated in a 100km, eight (8) day walk with the support of staff and volunteers from Operation Flinders and two Nhulunbuy based (YOREOs).

Operation Flinders Chief Executive Officer, staff and volunteers visited Nhulunbuy to share this celebration with the young people, their families, YOREOs and partners from Anglicare, Laynhapuy Homelands Aboriginal Corporation and Clontarf Foundation.

The graduation was held at the Latram River (Wathawuy) campsite, around a camp fire dinner bringing families, friends and stakeholders into a similar environment experienced by the young people on their walk. Stories of the trip were recounted by Team Leaders and the young people; a 'supplies box' was on display as an example of rations on the trail and commemoration booklets were provided to all attending the celebration.

The significance of the Operation Flinders walk was apparent to the Committee members who attended the celebration, from the look on the young people's faces as stories were recounted. Smiles, groans and heartfelt recounts of events told of the effort required to complete the walk, their growth as individuals and their growth as a team. The young people stood tall, spoke clearly, shook hands and exuded a quiet confidence that might not have been there prior to this experience.

It was also an opportunity to observe the contribution Territory Families YOREOs made to these young people's lives; before the ceremony the young people and YOREOs sat comfortably together, talking and laughing. At the beginning of the ceremony, YOREO Joseph Smith acknowledged country in language then young people followed suit standing to deliver their own speeches. For the Committee members, there was an obvious connection and sense of respect shared between the YOREOs and young people.

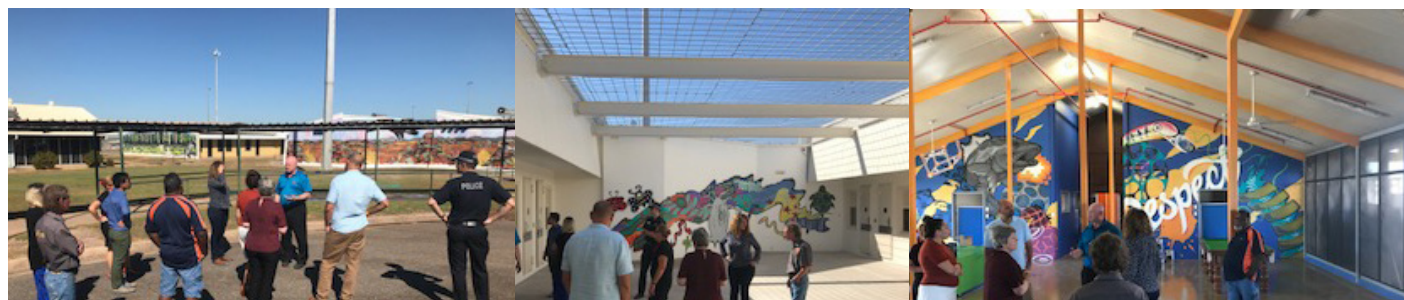
Earlier in the day, YOREOs had spoken in detail about the walk and work in community engaging young people in activities around self-esteem and wellbeing, engagement with education, preparation for employment and growing as strong contributing members in their communities. YOREOs also spoke of engagement and consultation with Aboriginal Elders and Traditional Owners and introduced Committee members to the Chief Executive officer and staff of Laynhapuy Homelands Aboriginal Corporation, sharing information about their collaborative work.

For the ten participants who attended the trek, none have re-offended since returning to their respective communities, eight have shown a significant increase in school attendance and improved attitude towards education, and three boys have gained employment.

### **Committee Site Visits to Youth Justice Services**

#### **Alice Springs Police Watch House and Youth Detention Centre**

Committee members visited Alice Springs Youth Detention Centre and the Police Watch House on 13 September 2017.



*YJAC at Don Dale Youth Detention Centre*

# Youth Justice Advisory Committee Northern Territory

The Alice Springs Police Station Watch House was gazetted as a Youth Detention Centre. It was staffed by two Youth Justice Officers. YOREOs were also present when young people were being held there before transport to Don Dale Youth Detention Centre or released from police custody.



*Alice Springs Youth Detention Centre*

Young people have 24/7 access to a nurse and a medical assessment upon entry.

Committee members toured the Alice Springs Youth Detention Centre to observe the refurbishments. Key observations included:

- First aid room where detainees will have regular access to a nurse, doctor, psychologist
- Case management room
- Kitchen to be upgraded to a commercial kitchen to meet OHS requirements
- Laundry located on the veranda in a cage
- Individual cells will remain and multiple cells will lose one bunk to allow for a toilet and sink
- Perimeter fence on the Eastern side to be moved thirty meters to allow for a demountable classroom and a demountable facility for up to six young women and a recreation room
- Ongoing upgrades to the technical studies area in the recreational area
- Recreation room upgrade
- Main office for the superintendent and deputy superintendent which will also be used as An office for case manager and receptionist
- Office for the shift supervisor, case manager and monitoring young people
- Conversion of the classroom to become an office for the Youth Justice Officers; and
- Staff toilet upgrade.

The capacity of the centre is 16 young people – ten males and six females. Additional young people will be transported to Don Dale Youth Detention Centre, with evidence of this occurring now. The centre is consulting with families and service providers engaged with the young person prior to their relocation. This is a concern in relation to court appearances as there is evidence of technical problems with the video link and young people are unable to be sentenced via the video link.

There is a need for further outdoor recreational facilities, as the outside area is a dirt area.

Committee members again visited the Alice Springs Youth Detention Centre in December 2017. Mr Phillip Hughes from Territory Families took the committee through the centre. It was noted there were some improvements since the September 2017 visit. The Committee were impressed by the commitment of the staff they met during the visit, noted that new works have commenced since the last visit (e.g. the young women's accommodation block) but that they were in the initial stages, improvements in the main building were noted, the Committee probed whether they could consider planning documents for the renovations and the Committee noted the big open recreation space was a positive improvement.

### **Alice Springs Youth Accommodation Support Service (ASYASS) Supported Bail Accommodation and Saltbush Supported Bail Accommodation**

The Committee visited the two Supported Bail Accommodation sites for young people in Alice Springs on 27 April 2018, under Section 204 of the Youth Justice Act. The purpose of the visit was to familiarise Committee members with services available to children and young people on bail in the community. The visit served to inform members about the referral pathways, programs available at each site, and the wrap around support available to assist young people to comply with their bail conditions.

The Royal Commission found that the high number of children on remand in youth detention is a barrier to effective rehabilitation planning and program delivery to both remanded and sentenced children. The Commission also found that police and the courts have been hindered in granting bail because of a lack of bail accommodation services. The intention of Supported Bail Accommodation is to reduce the number of children and young people remanded in custody, divert them away from unnecessary exposure to the criminal justice system, and provide them with the necessary support to address the underlying causes of offending behaviours.

ASYASS' Supported Bail Accommodation has been running since August 2017, when the organisation partnered with Territory Families to trial the first supported accommodation for young people in the Northern Territory. The ASYASS site, which was set up to take female clients, provides safe and secure supported accommodation for four young women aged between 10 and 17 years. ASYASS can take children aged between 10 and 14, but is cautious about housing younger children in Bail Accommodation. ASYASS can provide accommodation for young men where they make up 20% or less of their Bail Supported Accommodation, and where they can be identified as homeless under homelessness funding.

ASYASS' referral pathway includes referrals from Northern Territory Police, Court or lawyers, where the young person's circumstances satisfy requirements under the Bail Act, but are likely to be denied bail due to lack of suitable accommodation and adult supervision. Referrals are made through ASYASS' 24 hours, 7 days a week, via an on-call number.

ASYASS provides supported accommodation, meals, emergency relief, Centrelink support, case planning, health and education support, employment support, community work orders assistance and legal support on an individualised basis. ASYASS can also provide accommodation for young people on good behaviour bonds, or who are awaiting Court appointments when coming from a remote location. ASYASS provides outreach to clients who have been discharged or re-incarcerated.

## Youth Justice Advisory Committee Northern Territory

Young people tend to stay with ASYASS for the duration of their bail, or until longer term accommodation can be organised. ASYASS has transitioned some Supported Bail Accommodation clients to 'On Track', a longer term program aimed at assisting young people transitioning to independence.

Saltbush's program was still relatively new, with the site being opened in January 2018. The Saltbush site is set up to provide safe and secure supported accommodation for 12 young people aged between 10 – 17, but can take up to 20 if needed. Saltbush provides accommodation, supervision, case coordination, and options for training and education onsite, using resources from Karen Sheldon's Future Stars modules. Saltbush operates a 24 hours per day, 7 days per week, bail support line for enquiries and referrals of young people to its service by police and the court.

Saltbush does not provide case management for young people using its service, with this provided by the YOREOs. The rationale behind this is that the majority of young people are on short-term bail conditions and have pre-existing relationships with other support services, and it is considered of greater benefit to the young person to have a single, primary case worker with the YOREOs or other relevant service. Saltbush uses trauma-informed, therapeutic interventions for young people using its service.

At the time of Youth Justice Advisory Committee's visit to Saltbush, no young people were accommodated at the site. Saltbush acknowledged that referrals to the service by police and the court were fluctuating, but that overall the number of referrals was relatively low. Saltbush was working with YOREOs, other services and the police to increase awareness of the service.

### Laynhapuy Homelands Aboriginal Corporation



YJAC and YORET at Laynhapuy Homelands office at Yirrkala



On 29 June 2018 Committee members met with the Laynhapuy Homelands Aboriginal Corporation (LHAC) to learn how LHAC is supporting young Yolgnu people in their homelands. Committee members wanted to learn about the focus areas of LHAC and about their methods and means for ensuring that young Yolgnu people on homelands were developing to their full potential. Members also wanted to hear how LHAC were supporting and facilitating young people who are court ordered to return to homelands and what their concerns and positive observations were.

Committee members met with Chief Executive Officer, Chris Francis, and other LHAC staff at the office based in Yirrkala. Members of the Territory Families Youth Outreach and Re-Engagement Team (YORET) were also present.

The Committee was impressed with the variety of ways that LHAC supports young Yolgnu people. LHAC runs a Laynha Youth Program which aims to support young Yolgnu people in their homelands to develop to their full potential; with a strong sense of self, an understanding of the dominant culture, and the capacity to confidently navigate both the Aboriginal and the non-Aboriginal worlds.

The Laynha Youth Program is a small dedicated team, consisting of Yolgnu Youth Workers, with support from Mentor and a Manager. The program is on the ground in homelands most of the time, with local staff member in each location to facilitate the delivery of the program for young people aged 12-18 years.

It is important to note that the LHAC region is over 18,000 square metres and access to the region is not all year round.

LHAC is engaging with young people in a number of ways; for example, through daily afterschool and holiday activities, wellbeing camps, exposure trips, inter-homeland events and competitions and through workshops and information sessions with topic experts. Members were impressed with the breadth of the Laynha Youth Program and the level of engagement with young people in homelands given the extensive span of the region.

The Committee was pleased to see LHAC and the YORET working together to support young people in the region. LHAC staff and YOREOs noted that the referral and case management process between the two services was still being developed, but were optimistic of the potential for the two services to work together more collaboratively.

Concern was expressed from LHAC over lack of prior consultation and post notification that court ordered young persons were in the region. Often services such as LHAC are not consulted about whether a return to homelands order is appropriate, and once the order is made these services are often not notified. The absence of notification is particularly concerning as it means a young person's court ordered return to homelands may not be adequately supported and additional stress may be placed on the homelands as a consequence.

The current process for LHAC regarding court ordered referrals is: LHAC receives a referral from a young person's legal representative, then LHAC contacts the young person to see how they can best support them. LHAC acknowledges that this referral process is not always undertaken. Sometimes LHAC finds out about a young person LHAC through informal and formal referrals from members of the community.

## Youth Justice Advisory Committee Northern Territory

Concerns were raised over sending children and young people to homelands as a solution. The LHAC Chief Executive Officer noted that while it may seem like a good idea to send young people to homeland, if there are no structured support programs in the homelands then the problems are just shifted. The problem goes unfixed and the homelands receive added stress. An example was raised of one young person who was given his antipsychotic drugs and sent from Darwin to his homelands.

The Committee acknowledges that legal representatives are an agent for their client's wishes and are often time poor and unable to consult with other service providers before they make recommendations, such as sending young people to homelands. The Committee acknowledges that the court already allows for services to undertake assessments regarding young people, but notes that these assessments are not always undertaken, particularly in circuit courts where the court is time limited and the young person does not want to be detained for a further period of time.

The Committee believes it would be beneficial if both town and circuit courts allowed for additional time for YOREOs to consult with the community and write an assessment to help determine whether a return to homelands order is appropriate. Members expressed concern that allowing for additional time may mean the young person is detained unnecessarily. The Youth Justice Advisory Committee is of the view that young people should not be detained for unnecessary periods of time.

LHAC was eager to offer more assistance to young people who were court ordered to return to homelands; however recognised that they were not funded to provide these additional services and that their capacity was already stretched. The Committee was impressed with the breadth of services LHAC provides and is eager to see how their relationship with the YORET develops into the future. The Committee believes that services such as LHAC need to be consulted and notified of young people returning to homelands on court orders and would like to see the courts make more use of assessments without detaining young people in order to do so.



*YJAC and YORET at Laynhapuy Homelands office at Yirrkala*

# Youth Justice Advisory Committee Northern Territory



Youth Justice Advisory Committee with the Territory Families YORET at Gunyungara



Youth Justice Advisory Committee at Yirrkala

