



Youth Justice Advisory Committee

Annual Report 2022-23

Hon Kate Worden
Minister for Territory Families
Parliament House
Darwin NT 0810

24 August 2023

Dear Minister Worden

The Youth Justice Advisory Committee (YJAC) in accordance with Section 213 of the *Youth Justice Act 2005*, is pleased to present the 2022/23 YJAC Annual Report.

In the reporting period the YJAC's involvement in the Youth Justice Sector, as per Section 204 of the *Youth Justice Act 2005*, has included monitoring and evaluation of the operation of the *Youth Justice Act 2005*, advising you on needs and issues within the Youth Justice System, adherence to the *Youth Justice Act 2005* and the sector, to inform government policy and program direction, especially with the amendments to Youth Justice legislation in conjunction with the *Royal Commission* Recommendations.

During the reporting period, the YJAC have significantly increased the committee membership and are now sitting at full capacity in accordance with the *Youth Justice Act 2005*. You will note further details on committee members in the body of the report. My commitment to you is to continue to consider and seek out opportunities to increase both our Aboriginal and Torres Strait Islander representation on the committee as well as opportunities to include an individual with lived experience. I share your sentiment that these are both incredibly important in the ongoing functionality and utility of the YJAC and our ability to be of credible influence in relation to our role.

I would like to take this opportunity to thank Mr Stewart Willey for his significant contribution to the YJAC in Chairing the committee over the past 14 years. Mr Willey has continually held the spotlight on youth justice issues throughout this time, in particular contributing to ensuring that regions such as the Barkly are not lost amongst the bigger picture of youth justice challenges faced across the Northern Territory.

In accordance with the *Youth Justice Act 2005*, I verify to you that the 2022/23 YJAC Annual Report is an accurate record of the YJAC's involvement in the youth justice system over the past financial year.

Yours sincerely



Kirsten Wilson
Chairperson
Youth Justice Advisory Committee

YOUTH JUSTICE ADVISORY COMMITTEE OVERVIEW

Preamble to YJAC as per the *Youth Justice Act 2005*

203 Establishment of the YJAC

1. There is established the YJAC comprising government, non government, and community representatives.
2. The YJAC 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 Aboriginals;
 - c. at least one member who is under the age of 25 years at the time of appointment;
 - 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 Act;
 - f. at least one member who, at the time of appointment, resides in Alice Springs; and
 - g. at least one member who, at the time of appointment, resides in a remote community.

204 Functions

The functions of the YJAC are as follows:

- (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.

205 Powers

The YJAC has the powers necessary or convenient to carry out its functions.

Preamble to YJAC membership as per the *Youth Justice Act 2005*

206 Members

1. The Committee consists of not less than 8 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: and
 - b. one person nominated by the Commissioner of Police: and
 - c. one person nominated by the Agency responsible for protection of children and young people: and
 - d. one person nominated by the Agency responsible for education of youth: and
 - e. one person nominated by the Agency responsible for crime prevention: and
 - f. one person nominated by a peak youth organisation: and
 - g. one person nominated by the Law Society Northern Territory: and
3. the remainder drawn from the community generally, and the Aboriginal community in particular.
4. 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 the person to satisfactorily contribute to the Committee's work.

207 Chairperson

The members must appoint one of their number to be the Chairperson.

208 Term of office

1. A member holds office for:
 - a. 3 years; or
 - b. if a lesser period is specified in the instrument of appointment that period.

Overview of membership in the reporting period 2022/23

There was a delay in community member recruitment and appointment, over 12 months, which was due to changes in the YJAC secretariat, confusion over advertising community member positions, refining and explanation of the recruitment process on multiple occasions, including the expression of interest and interview questions, and the appointment process by the Minister and Cabinet.

In the reporting period there have been changes to the YJAC membership due to:

- One member, who is Aboriginal, had their membership reinstated with a new instrument of appointment due to expiration of their previous membership term, as per section 206 (2) (h) of the *Youth Justice Act 2005*.
- Two members were nominated by the CEO of their respective department, being Police, and Education, and appointed by the Minister, as per section 206 (2) (a) and (d) of the *Youth Justice Act 2005*.
- Four new community members were appointed to vacant positions as per section 206 (2) (h) of the *Youth Justice Act 2005*.
- The Law Society nominated a new Law Society representative as per section 206 (2) (g) of the *Youth Justice Act 2005*, and that member was appointed by the Minister.

Outline of YJAC current composition of members

The current YJAC membership is very representative of 'grassroots' members who have the necessary youth justice involvement in the youth justice sector and the Northern Territory Government representatives are providing the required policy information for the Committee to better inform the Minister.

However, as per section 206 (2) of the *Youth Justice Act 2005*, the Committee membership is not representative of the whole of the Northern Territory with most of the members based in Alice Springs and Darwin and only one member in a regional/remote community.

There is only one Aboriginal member, and the committee is identifying and involving young people with youth justice and child protection experiences, but they are not YJAC members and the YJAC has developed a policy for the inclusion of observers, in their area of expertise, to provide input to better inform the Minister.

There is also a very apparent need to have a Northern Territory Government health representative and/or a community Aboriginal health organisation representative, as this specifically relates to underlying issues that may result in a young person's involvement in the youth justice system and the YJAC has been liaising with the Minister to evoke a legislative amendment to the *Youth Justice Act 2005*, to include this member position.

Furthermore, a new Chair was elected, as per section 207 of the *Youth Justice Act 2005*. This also resulted in a Deputy Chair position being created to support the Chair due to being new to the position and impending maternity leave.



THE YOUTH JUSTICE ADVISORY COMMITTEE MEMBERS

Kirsten Wilson

Ms Kirsten Wilson sits on the YJAC as a community member from Mparntwe (Alice Springs) and is the current Chairperson of YJAC and has held this position since November 2022. Ms Wilson is a narrative therapist and social worker, working within a specific focus around youth justice. Ms Wilson works within a social justice framework that requires an intersectional understanding in practice that makes visible the social inequalities, power imbalances and systemic discrimination experienced by young people, families and communities. Ms Wilson's experience includes work within youth justice, social and emotional wellbeing within education, children's therapeutic teams, sexual assault and family support. Ms Wilson currently works as an Advocacy and Campaign Coordinator for the Justice Reform Initiative. Prior to this, Ms Wilson Coordinated North Australian Aboriginal Justice Agency's (NAAJA) Mparntwe based Youth Throughcare team. For the past three years, Ms Wilson has Chaired the Central Australian Youth Justice (CAYJ) network, a respected advocate for the legal, social, cultural and developmental rights of all young people in Central Australia, which she has recently stepped away to support the growth and development of future leaders.

Stewart Willey

Mr Stewart Willey is a community member from Tennant Creek and the Deputy Chairperson of YJAC, and has been a member of the YJAC for over 14 years. Mr Willey is a Community Coordinator and Coach with the Moriarty Foundation, a holistic program that uses soccer/football as a vehicle to engage young people through mindfulness, physical growth, skill development, nutrition, proactive health messages, and encourages school attendance and engagement, as an alternative to offending and antisocial behaviours. Mr Willey is also a part time Advanced Practitioner with Jesuits Social Services to support young people and their family members prior to, during, and after their Restorative Youth Justice Conferences to ensure that the young person's conference experience promotes change through family, Elder and the young person's case management engagement and support with positive pathways and case plans. Additionally, Mr Willey provides intensive case management engagement and support with young people, their family members and Elders, through providing alternatives to offending behaviours, substance misuse, diagnosed and undiagnosed disabilities and mental health issues through case management assessments, wellbeing screenings and developing case plans with the young person's input that involves support playing football games linked to school attendance and engagement, support for training and employment support with the Youth Development Unit in Tennant Creek and the Barkly Region.

Stephanie Burgess

Ms Stephanie Burgess sits on the YJAC as a representative nominated by a youth peak organisation. Ms Burgess works in youth advocacy at Northern Territory Council of Social Service (NTCOSS). Ms Burgess has over 15 years' experience working with young people across diverse backgrounds and has spent the last three years working in the youth sector in Mparntwe/Alice Springs. In her role as the Youth Voice Project Officer, Ms Burgess gives voice to young people experiencing disadvantage and vulnerability and also raises these issues to Australian Governments. In lieu of a youth peak body, Youth Voice NT provides representation on behalf of the Northern Territory youth sector and young people to bring youth focused solutions into strategies and policies. Youth Voice works closely with youth service providers to elevate the voices of young people and provide a platform for change. Ms Burgess brings strong resolve for youth focused approaches and the continuation of centring young people, their stories and honouring their experiences.

Andrew Lockyer

Mr Andrew Lockyer is a local Arrernte man from Alice Springs with cultural connections to the people and country west of Alice Springs, and sits on the YJAC as a community member from Mparntwe/Alice Springs. Mr Lockyer's current work is with NAAJA in the Throughcare Program, supporting youth that are involved with the Youth Justice system. Mr Lockyer continues to support and advocate for youth that are incarcerated both in the Alice Springs Youth Detention Centre (ASYDC) and the Don Dale Youth Detention Centre (DDYDC) in Darwin.

Gabrielle McMullen

Appointed to the YJAC in November 2022 as a community representative, Ms Gabrielle McMullen is a criminal solicitor in the youth team at Northern Territory Legal Aid Commission. Prior to this, Ms McMullen worked in roles as a senior youth justice worker and intensive case manager in the criminal and Throughcare teams at the NAAJA, predominantly in advocacy, policy, and complex case coordination supporting justice involved young people. Ms McMullen has also worked in the areas of civil and family law as a solicitor at the Top End Women's Legal Service, mainly with women incarcerated. Ms McMullen holds a Diploma of Counselling from Charles Darwin University.

Clement Ng

Mr Clement Ng is the current legal representative on the YJAC and he is a Scientia PhD Candidate with the Faculty of Law and Justice, University of New South Wales. Mr Ng's PhD focuses on examining the challenges faced by Indigenous children with neuro-disabilities in juvenile justice administration. Mr Ng is currently a Lawyer at the Northern Territory Legal Aid Commission and primarily represented both Indigenous and non-Indigenous young offenders in the Youth Justice Court and the Supreme Court. In 2016, Mr Ng was awarded a Churchill fellowship to study juvenile mental health courts and other justice responses to children with mental health issues in the United States, Canada and New Zealand. Prior to commencing his PhD, Mr Ng worked as a senior lawyer at the Legal Policy Division of the Department of the Attorney-General and Justice (AGD) in the Northern Territory, and volunteered at the Solomon Islands Law Reform Commission. Mr Ng has previously served as the representative of the Law Society and the representative of the AGD.

James O'Brien

Commander James O'Brien sits on the YJAC as a representative nominated by the Commissioner of Police, and whose current role is Commander Territory Communications and Operational Support Command. Since 2015, Commander O'Brien's recent position history includes Chief of Staff to the Commissioner and CEO of the Northern Territory Police, Fire and Emergency Services, Commander Darwin Metropolitan Command and later to the Organised Crime and Specialist Services Command, Commander, Professional Standards Command. Commander O'Brien has been a member of the Northern Territory Police Force since 1995 and has served across the Territory. During his service, Commander O'Brien has been awarded Commissioners Commendations and a Commissioners letter of recognition. As well as being awarded the Star of Courage and the Northern Territory Police Valor medal in 2000.

Peter Fletcher

Mr Peter Fletcher is the Director for Community Youth Justice for the Greater Darwin Region with the Department of Territory Families, Housing and Communities (TFHC). This role oversees the Youth Outreach and Re-Engagement Teams (YORET) across Greater Darwin, the Crossover Care Team, who work with young people involved in both the Out-of-Home Care and Youth Justice systems and Multi-Agency Taskforce Orion, designed to support families where the young people within are under the minimum age of criminal responsibility. Mr Fletcher has experience in front line child protection across the Big Rivers, East Arnhem and Greater Darwin regions and recent experience in an Executive Director role. Mr Fletcher is currently the Chairperson of the Back on Track referral panel for the Northern Region, and a Subject Matter Expert for the Electronic Monitoring Steering Committee.

Michael Hebb

Mr Michael Hebb is the Senior Director Youth Justice Programs with the Department of Territory Families, Housing and Communities (TFHC). Mr Hebb has over 30 years policing experience across two policing jurisdictions, including the Northern Territory, where he has performed a large number of diverse roles leading specialised and operational teams. Mr Hebb has performed Senior Executive roles and managed large Commands and Service Areas to deliver quality policing services. Mr Hebb has now been with TFHC for over two years in roles that have oversighted Youth Justice Programs and Youth Detention Centres, including supporting the development of the Model of Care. Mr Hebb has attained extensive experience within stakeholder engagement and coordination of teams to deliver positive outcomes for the community both at an operational level and as a governance body.

Katrina Sadowski

Ms Katrina Sadowski represents the Department of Education and is the Director of Engagement Programs, Performance and Reporting. This role is responsible for driving system wide management of the development, implementation, and evaluation of evidence-based initiatives aimed at disengaged and at-risk children and young people through collaborative inter and intra agency partnerships. This includes providing leadership and advice to a range of education engagement programs and services that work with young people, including the Back on Track program, youth diversion and education pathways through training and transitioning to work options. Ms Sadowski is a member of the Multi-Agency Child Wellbeing Safety Partnership Working Group, the Multi-Agency Territory Community Safety Coordination Centre and has a 13-year career in child protection, domestic and family violence and education.

Jane Bochmann / Natalie Dimmock

Ms Jane Bochmann sits on the YJAC as the representative nominated by the agency responsible for crime prevention, and is a Senior Policy Lawyer for the Solicitor for the Northern Territory with the AGD. Prior to this, Ms Bochmann worked as a Senior Summary Prosecutor in the Summary Prosecution section of the Director of Public Prosecutions (DPP) in Darwin. Ms Bochmann previously worked 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 six years and part of the Complex Criminal Law Panel. Ms Bochmann has also worked as a South Australia District Court Judge's Associate and in private practice in a major Adelaide law firm.

While Ms Bochmann is taking leave, Ms Natalie Dimmock contributes to the YJAC as a proxy to Ms Bochmann. Ms Dimmock is a Senior Policy Lawyer with the AGD. Prior to this, Ms Dimmock was a Partner in a law firm in Western Australia, and sat on the Legal Practice Board of Western Australia, the legal regulatory authority, for two terms and was chairperson of a Legal Aid WA review panel. Ms Dimmock has a strong interest in social justice and education and worked in community services prior to becoming a lawyer. Ms Dimmock has a four-year degree in Psychology and a Masters in Politics and Policy.

Jemma Wood

Ms Jemma Wood was appointed to the YJAC in November 2022 as a community member. Ms Wood has over two decades of experience in youth and community services, having worked in a range of roles in community health, community organisations and local government with young people and their families. Ms Wood has worked and led teams in youth justice, Out of Home Care, housing and homelessness, youth health and alternative education. Ms Wood has a Bachelor of Social Science Youth Studies, Masters of Youth Health & Education Management, Advanced Diploma of Community Sector Management and Graduate Certificate of Developmental Trauma. Ms Wood has worked with Anglicare NT since February 2015 as Operations Manager Youth Support and Development. More recently, Ms Wood commenced in the newly created position of Director Community Services with Anglicare NT.



BARKLY YOUTH JUSTICE RESIDENTIAL FACILITY



Background

The Barkly Regional Deal is the first regional deal in Australia—a 10-year \$78.4 million commitment between the Australian Government, the Northern Territory Government, and the Barkly Regional Council. The Barkly Regional Deal was signed by the Australian Government, the Northern Territory Government and Barkly Regional Council on 13 April 2019 in Tennant Creek following a six-month consultation process.

The Barkly Regional Deal will support the productivity and liveability of the Barkly region by stimulating economic growth and improving social outcomes, including reducing overcrowding and improving child safety.

- The Barkly Regional Deal aims to maximise the value of new and existing public investment through greater collaboration, alignment, and coordination between the three levels of government in response to community identified priorities.
- The Barkly Regional Deal will strengthen the capacity of the local community to respond to identified priorities through the establishment of a community governance group to oversight delivery of the deal. Membership includes the three tiers of government, Aboriginal leaders, local business leaders, non-government organisations, young people, and other community stakeholders.

The Barkly Regional Deal involves 28 initiatives, and the first established working group involved the Barkly Youth Justice Residential Facility with working group members identified through community meetings. This working group was a 'pilot' for additional working groups resulting in the Aboriginal Alliance group and the Aboriginal Administration group to the Barkly Regional Deal being established, in addition to the Governance Table overseeing the deal.

Barkly Youth Justice Residential Facility Working Group (the Working Group) and the YJAC's involvement

The YJAC has been advocating for the Barkly Youth Justice Residential Facility for Barkly young people to have a youth justice residential facility on country with access to Elders and respected community members, as an alternative to detention centres and residential bail support off country.

One YJAC member was a Working Group member for two years and was able to provide the YJAC members with ongoing updates in the progress to residential facility being established. This was reinforced with TFHC members providing departmental reports, supported by the Barkly Regional Deal Backbone Team.

The Barkly Youth Justice Residential Facility working group involved:

- inclusion of Elders, respected community members and the community at large to inform the project;
- the Working Group, Elders, respected community members and the community at large to inform the location of the residential facility;
- the Working Group, Elders, respected community members and the community at large to inform the program and service model. The Barkly Regional Deal Aboriginal Alliance gained oversight of working group responsibilities due to proactively working together; and
- the Working Group, Elders, respected community members engaged with the three tiers of government to provide working group progress reports to the Barkly Regional Governance table for oversight and approval of the project outcomes with the Aboriginal Alliance gaining oversight to report to three tiers of government and Barkly Regional Governance table.

The YJAC on advocating the Barkly Youth Justice Residential Facility

The YJAC proactively advocated for the Barkly Youth Justice Residential Facility to provide a residential youth justice facility on country as an alternative to detention and bail support off country with supported access to Elders, respected community members and youth service providers on country.

Additionally, the Minister had an active interest in the development of this facility for addressing young people's involvement in the youth justice system which required the YJAC's ongoing advice.

Construction is underway for a facility to support the Barkly region youth justice supported accommodation program. Funding of \$3.6 million is committed for the Barkly Region Youth Justice Supported Accommodation facility as part of a tripartite funded project that is the first of its kind for the Northern Territory. This is part of a continuum of diversion programs and actions including alternatives to detention in the Barkly region. The facility is being funded through the \$78.4 million Barkly Regional Deal.

This project will see young people, who are at risk of entering the youth justice system, being able to remain on country in the Barkly region. They will be supported by a culturally connected residential program which has been informed by local Aboriginal organisations.

This regional approach supports the findings of the *Royal Commission* into the protection and detention of young people in the Northern Territory. Specifically, in relation to ensuring opportunities to keep young people within the youth justice system on country where appropriate. This service will provide supervised accommodation and tailored support to young people who do not otherwise have a suitable or safe place to reside while on bail or while completing their court order within the Barkly region.

YOUTH DETENTION FACILITIES

Refurbishment of the Alice Springs Youth Justice Centre is divided into two stages. Stage 1 features the construction of new youth detention facility, including a new oval, and is anticipated to be completed by mid September 2023. Stage 1 will then enter a period of commissioning which is expected to last four weeks.

Stage 2 will provide a much needed refurbishment of existing accommodation blocks, landscaping and oval works, these refurbishments are expected to be completed in October 2023 and will also be followed by a two week commissioning period.

The Darwin Youth Justice Centre is currently under construction in the suburb of Holtze, construction has encountered delays due to top end wet seasons and material delays. The contractor has finalised roof lines which will now facilitate interior works, with final construction expected in February to March 2024.

The YJAC provides the Minister with advice about the youth detention facilities on a quarterly basis, especially with concerns to lockdowns, staffing and alternatives to detention with residential programs on country and young people accessing programs in their community.

EDUCATION IN YOUTH DETENTION

Education Advisors, Youth Court

In 2022/23, the Department of Education (DoE) employed three Education Advisors, Youth Court, based in both Darwin and Alice Springs to support and advocate for the educational needs of young people involved in the youth justice system.

Information Station – Darwin Youth Court

Sometimes young people and their families wait a considerable amount of time to have their matters heard in Court. To maximise this opportunity and increase knowledge and understanding of the importance of learning and going to schools, the DoE developed an interactive and informative Information Station to encourage students to keep thinking about themselves as a lifelong learner. The Information Station content is categorised under the Australian Curriculum subject areas and supports young people and their families to search appropriate quality assured content whilst waiting. This includes information about youth programs available in the community, information on why attending school is important, the Rights of the Child, and other additional support services.

s68 Education Reports

Under section 68 of the *Youth Justice Act 2005*, court may seek submissions or reports under the following:

- (1) If a youth has been found guilty of an offence, the Court may (whether before or after the proceedings are complete) seek submissions or reports in relation to the youth.
- (2) A submission or report may be written or oral.

Table 1: s68 Education Reports for 2022/23

	Semester 2 2022 1 Jul – 31 Dec 2022	Semester 1 2023 1 Jan – 30 June 2023	Total
s68 Education Reports	25	53	78
STAGES OF SCHOOLING			
Primary	3	5	8
Middle	16	21	37
Senior years	4	24	28
Post-compulsory school aged	2	3	5
REGION			
North (Darwin, Top End, Katherine, Arnhem)	22	49	71
South (Barkly and Central)	3	4	7

Vocational education and training

An Australian vocational education and training (VET) qualification provides a sustainable pathway to employment and further education by providing applied and practical learning opportunities. The DoE invests in the delivery of a range of innovative VET courses at both Tivendale School and Owen Springs Education Centre to broaden opportunities for young people when the exit youth detention.

Tivendale School

Table 2: Tivendale School VET programs 2022/23

Programs	Provider	Duration
Cert I in Agrifoods	DoE Registered Training Organisation (RTO)	9 days per term
Cert I Animal Care	DoE RTO/ Palmerston Youth Skills Centre	Fridays weekly
First Aid	Run SurfLife NT	2 days per term
Learners permit	Drivesafe NT	1 day per semester
Cert I in construction skills set	Housing Industry Association	8 days per term

Owen Springs Education Centre

Due to limited facilities, Owen Springs Education Centre has not been able to engage with or deliver a broad range of VET programs in 2022/23. This limitation to program delivery is being addressed through the extension of the Alice Springs Youth Detention Centre, which will have a purpose built space for VET activities.

Table 3: Owen Springs Education Centre VET programs 2022/23

Programs	Provider	Duration
Learners permit	Drivesafe NT	1 day per semester

Northern Territory Certificate of Education

Senior secondary school students (Years 10-12) study towards the Northern Territory Certificate of Education and Training (NTCET). The NTCET is based on and administered by the South Australian Certification of Education. Young people in youth detention are supported by the Northern Territory School of Distance Education to complete components of the NTCET whilst incarcerated.

Educational adjustment plans

Children and young people undertake a number of important transitions at key points in their education, such as:

- starting school;
- moving between schools (Primary to Middle to Senior Secondary);
- leaving school to pursue post school pathways; and/or
- entering and exiting youth detention.

For students with disability and students who have experienced complex trauma, there are often additional challenges and uncertainty when reaching these transitions, and there are additional considerations that schools must identify and address during those periods. All young people enrolled at Tivendale School and Owen Springs Education Centre are provided with an educational adjustment plan based on their specific needs and abilities to support them in their learning whilst in detention. New people to both centres are provided with an educational adjustment plan within 20 days of admission.

Academic assessment

Academic assessment using diagnostic tools for literacy and numeracy supports teachers at Tivendale School and Owen Springs Education Centre to measure students' understanding of a subject and level of skill, enabling them to better plan for and adjust program delivery as required. All young people at Tivendale School and Owen Springs Education Centre complete academic assessment whilst incarcerated, sometimes multiple times depending on the duration of their stay. Conducting academic assessments enables teachers to adjust learning outcomes, whilst staying aligned to the curriculum, in order to provide them with the best opportunity to progress in their learning and achieve their goals. The DoE's goal is to ensure that every young person completes academic assessment within 10 days of arrival in youth detention.

Education Programs – Tivendale School and Owen Springs Education Centre

Table 4: Tivendale School Education Programs 2022/23

Programs	Subject Description	Provider
Numeracy	Essential mathematical skills, knowledge, and understanding within the learning progressions of Number sense and Algebra, and Measurement and Geometry.	Department of Education (DoE)
Literacy		
Health and Physical Education	Develops student knowledge, understanding and skills in relation to their health, wellbeing and safety. Including content to support them to build and maintain respectful relationships and enhance their knowledge of how to make health enhancing decisions within detention and in the community.	DoE
Art		
Life skills	Improves the development and progression of cooking skills and food literacy to support healthy food choices by having the skills and knowledge necessary to buy, grow, and cook food, with implications for improving health. Where possible the program will incorporate foods grown in the school garden.	DoE
General Studies	Aims to develop a sense of wonder, curiosity and respect about places, people, cultures and environments throughout the world, including a deep geographical knowledge of their own locality, Australia, the Asia region and the world.	DoE
STEM	Includes the three strands of science understanding, science inquiry skills and science as a human endeavour. The three strands of the curriculum are interrelated and their content is taught in an integrated way. Students learn that observations can be organised to reveal patterns, and that these patterns can be used to make predictions about phenomena.	DoE
Positive Behaviour Support	Positive behaviour support is specifically designed to enhance positive relationships between staff and students outside of the general constraints of academia.	DoE
Wildlife	Specifically tailored to include environmental topics that young people are interested in studying. The sessions include a 30 minute talk on anything from biodiversity in schools, wildlife in urban areas to feral animal control and climate change and 30 minutes of animal engagement and photo opportunities.	Darwin Wildlife Sanctuary
Hairdressing	Work ready skills for hairdressing, increasing self-esteem and confidence through practice.	Deadly Hair Dude
DJ Riley	Engaging students to create rap songs and give voice to feelings as a wellbeing strategy.	Riley Page
Cool Beats	Engaging students in making music using iPads with Groovebox and GarageBand.	DoE NT Music School
Clontarf – AFL	The Clontarf Foundation aims to improve the education, discipline, life skills, self-esteem and employment prospects of young Aboriginal and Torres Strait Islander men and by doing so equips them to participate more meaningfully in society.	Clontarf Foundation
Chess	One to one chess strategy and mastery lessons.	Darwin Chess Lessons
First Nations Mentor Program	Cultural Wellbeing Mentorship.	Brother to Another
Our Way Our Say	First Nations Mental Health and Wellbeing	Headspace
Job Pathways Mentor	One to one conversations with students regarding job training opportunities.	Mission Australia
Young Women Song Writing	Engaging young women in song writing as a wellbeing strategy.	Crystal Robins
Careers Expo	Multiple organisations throughout Darwin participate in the Careers Expo to engage students in potential employment pathways.	DoE
Olympics	Over the course of a week all students participate in physical challenges, competing against one another in individual and team events.	DoE

Table 5: Owen Springs Education Centre Education Programs 2022/23

Programs	Subject Description	Provider
News	Oral language, vocabulary and general knowledge development.	DoE
English	Comprehending texts through listening, reading, and viewing.	DoE
Maths	Develop the knowledge and skills to use mathematics across other learning areas at school and in their lives.	DoE
Science	Develop the scientific knowledge, understandings, and skills to make informed decisions about local, national and global issues.	DoE
Reading	Practice literacy skills and time for student assessments.	DoE
Art	Create, design, communicate and share imagined and conceptual ideas, emotions, and experiences.	DoE
Writing	Composing texts through speaking, writing and creating.	DoE
Life Skills	Lessons designed around functional skills students will need in their lives. Developed from observation of student needs and input from students.	DoE
Indigenous Language and Culture	Acknowledge and respect the histories, values, languages and cultures of Aboriginal Territorians.	DoE
Beats Cool	Engaging students in making music using iPads with Groovebox and GarageBand.	DoE NT Music School
Values	Exploration of the school values and how they manifest in the classroom. Develops expectations of how students, teachers and guests operate at Owen Springs School.	DoE
Fresh Start	Literacy program to improve reading ability incorporating phonics, vocabulary development and comprehension skills.	DoE
Weekly Learning Journey Quiz	Formative assessment of all learning content throughout the week.	DoE
Dance	Physical education and movement. Building proficiency in multiple dance techniques.	GUTS Dance
Bike Program	Physical education and movement. Building proficiency in mountain biking, BMX biking and basic bike repair.	Chase and Grace Youth Projects
Soccer Program	Physical education and movement. Building proficiency in soccer skills.	Football NT
AFL Program	Physical education and movement. Building proficiency in AFL skills.	AFL NT
Healthy Relationships	Develop personal and social capability. These sessions focus on developing social and emotional skills so students can manage themselves, relate to others, collaborate, develop empathy, set goals and resolve conflict.	Domestic Violence Specialist Children's Service
Culture and Wellbeing	This program uses a narrative therapy and cultural connection to develop students' sense of self. It provides a forum for students to discuss their wellbeing and provides strategies and a network they can use to stay well.	Kings Narrative
Social and Emotional Learning	Develop personal and social capability. These sessions focus on developing understanding of interoception (in particular how emotions feel in the body) and the relevant vocabulary.	TFHC Specialist Assessment and Treatment Service

AMENDMENTS TO THE *BAIL ACT 1982 (NT)*

Since the Final Report of the *Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission)* was released in 2017, the current government has passed significant amendments to the *Bail Act 1982 (NT)* which concern young people involved in the criminal justice system. These amendments are briefly outlined as follows:

1. *The Youth Justice and Related Legislation Amendment Act 2019*

- introduced a specific bail presumption for youths;
- introduced specific bail criteria for youths; and
- decriminalised breach of bail condition.

2. *The Youth Justice Legislation Amendment Act 2021*

- broadened the use of electronic monitoring for youths on bail;
- reversed the presumption in favour of bail for youths engaging in serious breach of bail; and
- expanded the prescribed offences to restrict the presumption in favour of bail for youths.

3. *The Bail Amendment Act 2023*

- expanded the presumption against bail for a serious violence offence involving prohibited or controlled weapon.

The YJAC continues to hold significant concerns about the impact of the amendments to the *Bail Act 1982* in 2021. In particular, the YJAC considers the current amended provisions in relation to bail for young people are inconsistent with recommendation 25.19 of the *Royal Commission*. The Committee also shared the specific concerns raised by the Office of the Children's Commissioner that the amendments had resulted in harsher bail law for young people than adults and an increase of children in custody.

Apart from increases in the number of children in custody, the YJAC is also concerned about the expanded use of electronic monitoring as a result of the amendments. Again, this is contrary to recommendation 25.17 of the *Royal Commission* as electronic monitoring 'should only be considered when there is no other alternative to remanding the child or young person in detention'.

The YJAC understands an internal evaluation was undertaken by government to assess the impact of these amendments. The YJAC had requested to be provided with a copy of the evaluation but was advised the document was confidential and could not be released. The YJAC intends to continue to provide cogent advice to the Minister and advocate for progressive policy reforms in this regard.

COMMUNITY COURTS

The YJAC is pleased that recent legislation was passed in the Northern Territory Parliament to enable community court sentencing procedures to apply to youth justice court proceedings. This bill, coming through as part of the Aboriginal Justice Agreement, presents as an opportunity for the judiciary to take into specific account important cultural considerations in the sentencing of First Nations offenders. The YJAC is heartened at the Territory's move towards justice re-investment.

In February 2023, the YJAC received an update by way of presentation from Community Courts Working Group representatives Mr Russell Goldflam and Ms Sophie Huntz. The presentation explained the Community Court envisaged by the Aboriginal Justice Agreement and the Working Group is a sentencing procedure that facilitates the proper consideration of Aboriginal Defendants' background, community and culture. The YJAC considers that there are good opportunities to utilise the input of elders in sentencing young people in Northern Territory youth courts, given the significant over-representation of Aboriginal young people in our criminal justice system. Commitment to community courts and honouring Elder's knowledge will also help address key drivers of re-offending.

The YJAC learnt that Law and Justice groups will place a crucial role in providing advice to the sentencing judge about appropriate sentencing, as well as provide background via an Aboriginal Experience Report.

The YJAC learnt that via this process, detailed information about a Defendant will be provided to the Court by a local Law and Justice Group. This may include information about the Defendant's culture, including cultural obligations, how the community feels about the crime, any repercussions for the Defendant from the community, the victim's views and wishes (if they wish to participate), the Defendant's background, including experience of trauma and intergenerational trauma and the Defendant's current circumstances, including family ties. Law and Justice Groups will also be able to make a sentencing recommendation that is relevant to the Defendant and their community. The specific information provided in each matter will be determined by the Law and Justice Group. It is the YJAC's view that the Court will benefit from having a more comprehensive background available to them to sentence a young person, giving more weight to cultural considerations for the young person.

The YJAC notes, for example, the positive work being done on Groote Eylandt specifically by the Anindilyakwa Groote Peacemakers Group to significantly reduce youth offending. Northern Territory Police data for Groote Eylandt shows the number of offences committed by young people between 2018 and 2019 dropped from 346 to just 17 in the following year¹ attributed to the justice re-investment approach of involving Elders and Community.

The YJAC wants to progress the discussion with the judiciary around piloting a Youth Koori Court in the Northern Territory. The Committee discussed this proposal with His Honour Judge McDonald in November 2022, who expressed an eagerness in exploring this option in the Darwin Youth Justice Court. The YJAC sees the benefits in trialling a list of youth matters where Aboriginal young people can be sentenced by an Aboriginal judge, assisted by Aboriginal elders in the same sitting, consistent with best practices. The YJAC looks forward to seeing how this will be implemented in practice and we anticipate we will be able to provide you with more fulsome advice in due course.

¹ <https://www.abc.net.au/listen/programs/darwin-breakfast/groote-eylandt-peace-maker-program/102149318>

HEARING THE VOICES OF YOUNG PEOPLE

The YJAC is committed to hearing from young people in the Northern Territory. This includes those directly responding to the impacts of the youth justice system through interactions with police, courts and youth detention, as well as those impacted by the wider narrative around youth justice across the Northern Territory.

The YJAC are actively seeking out opportunities for people with lived experience of youth detention to participate in the YJAC in an ongoing way, with the aim to have an active and ongoing committee member attending meetings and providing their expertise in relation to youth justice in the Northern Territory.

Additionally, the YJAC has been, and will continue to, seek out opportunities for young people to influence the Committee's understanding of the impacts of youth justice across the Northern Territory. To date, this has been achieved through piloting a structure through the Department of Education to have young people engaged with Tivendale School and Owen Springs Education Centre respond to questions and prompts regarding education program delivery, and seeking advice on what is, and what is not working well for them within current structures. YJAC has also invited young people to speak at quarterly meetings.

In May 2023, the YJAC heard from a young Arrernte woman about her experience of discrimination in Alice Springs. She herself has not come into contact with the youth justice system. She described "watching women clutch their purses when walking past in the street, being interrogated by police on a Maccas run with [her] friends, in her car that she owns". She spoke about how the negative perception of young indigenous people has huge ripple effects and mass consequence to young people's self-worth.

Understanding that attending a YJAC meeting might not be the best way to gain perspectives from young people, the YJAC will continue to diversify engagement tools and keep listening to young people to imbed their voice in the work that the Committee does.

The YJAC has heard from young people and the wider community that the sector needs to genuinely engage and listen to those directly impacted by youth justice policy and legislation. The YJAC has made a commitment to do this in a meaningful way that ensures young people are held at the centre of the Committee's thinking and recommendations.





YOUTH JUSTICE PROGRAMS

Background

The YJAC has proactively advocated and provided advice on a number of areas associated with youth diversion. The YJAC have been encouraged by the commitment of different government agencies to identify the gaps and streamline processes in implementing diversion reforms in the Northern Territory.

- In November 2022, the YJAC was provided with an update on the progressing of the Back on Track program. The YJAC requested the Back on Track Evaluation to consider the information presented further.
- In May 2023, the YJAC was provided with a briefing on the Enhancing Youth Diversion Action Plan by TFHC. The YJAC considered this to be a positive step to reduce delays and maximise the number of young people accessing diversion.
- The YJAC noted support for restorative youth justice conferencing. The YJAC particularly acknowledges the evaluation of the implications of the *Youth Justice Legislation Amendment Act 2021* (YJLAA Evaluation), as the YJAC believe the current bail conditions often present as a major barrier for young people undertaking restorative justice conferencing.
- The YJAC requested data from TFHC Youth Justice Programs on the data in relation to numbers of young people on work orders inclusive of those that have completed work orders in the reporting period.
- The YJAC received the internal evaluation of bail support accommodation. The YJAC considered the evaluation report comprehensive and informative and important to improve the utilisation of bail support accommodation on an ongoing basis. The YJAC did provide advice to highlight the need to adhere to the recommendation 25.21 of the *Royal Commission* that bail support services should be provided in Katherine and Tennant Creek as well as the current services in Darwin and Alice Springs
- The YJAC have advocated for supported bail support services for young women to be considered for the Greater Darwin Region.

Below is an overview of youth diversion programs and data delivered in the Northern Territory.

Community Youth Diversion Program

Community Youth Diversion Programs are place based, community led and supported locally. Services and programs are designed primarily for young people who are engaged in formal youth diversion, and/or are at risk of offending or entering the formal youth justice system where capacity permits.

Objectives of Community Youth Diversion Programs are:

- to assist and support young people, subject to formal youth diversion, to successfully complete the youth diversion program (including supporting the young person to complete Youth Justice Conferencing, relevant activities and any outcome plan) to the satisfaction of the Northern Territory Police and/or the relevant Court;
- to address the individual needs of the young person, including their criminogenic needs, utilising a culturally secure, family centred and strengths based approach, and disability and trauma informed practices;
- to empower young people to 'right their wrongs' by embedding restorative practices, promoting both family and victim participation where appropriate and ensuring that the young person understands the consequences of their behaviour on victims, community and family;
- to facilitate pathways to school re engagement, further training and employment and to ensure continued support for young people and their families when a young person transitions out of the program, by embedding a strong collaborative approach and strong referral practices.

TFHC currently fund 12 providers to deliver formal Community Youth Diversion Program services across 56 communities in the Northern Territory.

Table 6: Community Youth Diversion program data for 2022/23

	Communities Served	Funded Capacity	Young People Engaged (as at 30 June 2023)	Number of Young People Successfully Completed in 2022/23
GREATER DARWIN REGION				
	Darwin, Palmerston, Humpty Doo, Noonamah, Berry Springs, Coolalinga, Howard Springs, Holtz, Knuckey Lagoon, Virginia, Darwin River, Bees Creek and Southport	45	25	68
ARAFURA REGION				
	Gunbalanya and Jabiru	15	0	0
	Maningrida and Surrounding Homelands	15	7	9
	Peppimenarti, Palumpa, Wadeye and Surrounding Outstations	15	11	3
	Tiwi Islands (Milikapiti, Pirlangimpi and Wurrumiyanga)	15	8	13
EAST ARNHEM REGION				
Bush Fit Mob	Groote Eylandt (Alyangula, Angurugu, Milyakburra and Umbakumba)	15	2	5
East Arnhem Regional Council	Nhulunbuy, Galiwinku, Gunyangara, Ramingining, Milingimbi, Gapuwiyak and Yirrkala	20	14	3
BIG RIVERS REGION				
Yugul Mangi Development Aboriginal Corporation	Ngukurr and Minyerri	15	5	3
Kalano Community Association Inc	Katherine, Barunga, Beswick, Mataranka (incl. Binjari, Miali Brumby and Rockhole)	30	22	17
BARKLY REGION				
Tennant Creek Mob Aboriginal Corporation	Ali Curung, Elliott and Tennant Creek	30	3	15
CENTRAL AUSTRALIA				
MacDonnell Regional Council	Central Desert (Amoonguna, Areyonga, Haasts Bluff, Hermannsburg, Kintore, Mt Liebig, Papunya, Santa Teresa and Titjkala)	20	6	4
The Gap Youth and Community Centre	Alice Springs	45	5	18
Warlpiri Youth Development Aboriginal Corporation	Warlpiri Lands (Lajamanu, Nyirripi, Willowra and Yuendumu)	15	1	1

Back on Track Program (BoT)

The Northern Territory Government funds non-government organisations to deliver the multi-faceted, strengths-based BoT program for 8 to 17 year olds, in Greater Darwin, Alice Springs, Tennant Creek, Nhulunbuy and Katherine.

The BoT program is a minister approved program, which means that it is a sentencing option for the judiciary under section 83(1) (e) of the *Youth Justice Act 2005*. The program also has a referral pathway for the community, government agencies and non-government organisations (service providers).

The BoT program is targeted to young people who are engaging in behaviour that places them at significant risk of physical or emotional harm and that may affect community safety.

Support focuses on the young person and their family enabling the young person to learn new skills and providing them with the confidence to make safe and responsible decisions to lead them away from the justice system and towards a productive and successful adulthood.

The BoT program is based on four program elements, across two age groups as summarised in the table below:

Table 7: BoT program elements

Element	14-17 years	8-13 years
E 1		
E 2	- Restorative justice, community service, family responsibility	
E 3		<ul style="list-style-type: none"> - Sense of self, health, accommodation and stability, care of self and others - Connection to culture and community
E 4	Vocational education, training and employment <ul style="list-style-type: none"> - Volunteering and engaging with work - Learning skills - Positivity contributing to community 	

The BoT program for 8-13 year olds is modelled around building family capacity and responsibility, including individualised case management for the young people, with a goal to re-engage young people with mainstream education.

The BoT program for 14-17 year olds is modelled on a vocational education and training framework, but not an alternative to mainstream education. The aim is to re-engage young people with mainstream schooling subject to the requirements of the *Education Act 2015* and/or support their transition to long-term training and/or employment pathways.

Table 8: BoT service provider data for 2022/23

Funded Service Providers/ Organisations	Funded capacity	Utilisation (Number of cases at 30 June 2023)	Throughput (number of cases in 2022/23)	Number of staff members as at 30 June 2023
Central Australia Aboriginal Congress Aboriginal Corporation (Alice Springs)	26	9	16	4.5
Saltbush Social Enterprises (Alice Springs)	20	5	11	2
Australian Childhood Foundation (Tennant Creek)	12	11	19	1.5
Saltbush Social Enterprises (Tennant Creek)	12	8	21	1.75
Australian Childhood Foundation (Nhulunbuy)	5	5	11	0.5
Anglicare NT (Nhulunbuy)	8	7	10	2.68
Australian Childhood Foundation (Katherine)	10	9	21	1
Save the Children (Katherine)	15	10	23	4.95
Jesuit Social Services (Katherine)	15	5	18	2.19
Australian Childhood Foundation (Darwin)	30	30	54	4.5
Anglicare NT (Darwin)	20	18	32	3
First Step Development Enterprises	20	20	78	7

The YJAC has been providing advice to the Minister to increase resourcing, due to the raising the age of criminal responsibility, and the current waiting list for young people to access these programs and services.



Community Work Orders

Community Work Orders are a sentencing option for Youth Court Judges to consider after a finding of guilt and are not an immediate consequence to an offending behaviour. They are a sentencing option and can take several months and multiple Court appearances before a young person is sentenced and commences a Community Work Program.

TFHC currently has 24 local businesses, non-government organisations and local governments engaged in working with the YORET program regarding community work. These businesses provide Regional YORET Directors with intelligence on the type and form of work to be conducted.

These business providers work with the Regional YORET to determine the type and form of work to be conducted.

YJAC has been advocating with the Minister for alternative sentencing options and Judges using these restorative approaches as an alternative to offending, for example, Community Work Order with a restorative conference.

Family Responsibility Agreements

Family Responsibility Agreements (FRA) are designed to assist parents, carers and/or responsible adults address their young person's problematic behaviour. This includes where the young person has been engaging in behaviours that have led to participation in anti social behaviour and/or youth crime. The objective of an FRA is to improve the wellbeing and safety of the young person and the community. A FRA will require parents, carers and/or responsible adults to address any issues that give rise to their young person committing crime. FRAs may require the young person's parent or responsible adult to participate in services such as the Banned Drinkers Register, drug, alcohol or gambling courses, intensive family support services or to meet conditions such as ensuring their child's school attendance and welfare needs are met.

An appropriate agency can initiate FRAs when it is identified that a young person's home life is problematic and is contributing to their offending behaviour. The Courts also have the authority to order that an appropriate agency take reasonable steps to enter into an FRA with a parent, carer or responsible adult of a young person before the Court. By increasing the use of FRAs, more families will be supported to improve and strengthen their home environments, ultimately giving children and young people the future and opportunities they deserve.

The aim of FRAs is to improve family and home environments to advance the welfare of the young person, ultimately reducing the likelihood of reoffending and contributing to a stronger, safer community.

The YJAC has been communicating with Minister to gain information for her FRA approach and to gain information from TFHC as to how this approach is working.

Palmerston Drop-In Centre

The TFHC funds YMCA Northern Territory to manage the Palmerston Youth Drop In Centre (PYDIC). PYDIC commenced in July 2020, and on average 23 young people attend the Centre each week.

PYDIC is part of the Breaking the Cycle of Crime initiative, to provide a supervised youth drop-in centre to engage young people who are at risk and involved in anti-social behaviour.

PYDIC provides a safe, inclusive space for young people in Palmerston to join in activities that are fun and engaging, which meets a goal of the Palmerston Youth Action Plan.

Young people can access responsive support, focussed on developing prosocial behaviours, social skills, living skills and engage in positive interactions between staff and people through organised activities.

The YJAC supports the ongoing engagement and support the PYDIC provides to young people in this community.

A program of for engagement is implemented each week, which has included cultural activities, music programs, family engagement, swimming, tennis, gym, food programs, health and wellbeing, mothers programs, employment and career development and much more.

The YJAC has been advocating for Youth Centres to provide a safe spaces for young people as alternative to the negative influences of urban environments and offending behaviours, especially if have life skills programs targeted at young people disengaging from to improve school engagement.

Restorative Youth Justice Conference

Restorative Youth Justice Conference includes presentence, group, family, and community conferencing and young people family members, community members and Elders with the pre-empting and proposed raising of the age of criminal responsibility.

Restorative justice aims to reduce young people in the justice system, particularly the over-representation of Aboriginal young people, by diverting them from court to restorative justice conferences. The restorative justice process requires effort and participation from the young person and provides the victim with an opportunity to be heard, which differs from traditional justice responses. It has proven that it is an effective strategy to reduce reoffending.

Restorative Group Conferencing has been an ongoing YJAC focus area in the reporting period, as an alternative to Youth Justice Court involvement and to make young people accountable for their actions with family member, Elders, the offended person and community member involvement, as evidenced to reduce recidivist offending and the conference outcomes supporting pathways to education, training and other supporting programs. This is especially prevalent with raising the age of criminal responsibility.

Supported Bail Accommodation

Supported Bail Accommodation (SBA) provides a safe, secure and supportive alternative avenue for young people for police and court bail, where the courts determine that it would be preferable to remanding the young person in custody.

SBA services aim to reduce the number of young people being remanded in custody, by providing the required support and interventions to young people. SBA services increase the confidence of Court or police that a young person will comply with the conditions of their bail order.

SBA services provide a holistic therapeutic response to address the risk factors that have contributed to a young person's involvement in the Youth Justice System. For high-risk young people, Courts and police are more likely to grant bail if a bail support service is available.

The objectives of the SBA service are to:

- increase the number of young people receiving bail instead of being remanded in custody;
- increase the number of young people complying with their bail conditions;
- reduce the risk factors that lead to non-compliance with bail conditions; and
- increase the confidence of bail decision makers (Police and Courts) so remand is not used to limit reoffending or be used as a care and protection placement option.

The YJAC's focus areas for the reporting period includes residential bail support as this was identified by the Minister as a key focus area as an alternative to detention and young people having access to education and life skills programs to transition from youth justice responses.

Elders Visiting Program

The Elders Visiting Program was re-established in both Northern Territory youth detention centres in collaboration with the AGD. Three visits were held at Alice Springs Youth Detention Centre in February, May and June in 2023. The AGD limited visits during this period to Darwin. Multiple visits have since occurred and the program is expected to evolve, which will be reported in the next reporting period.

The Elders visiting program was a previous key focus area for the YJAC and the YJAC is highly supportive of this program as it provides a culturally safe response to young people to access connection to country, language and family members.

The YJAC has previously provided advice to the Minister on the necessity of this program.

Minimum Age of Criminal Responsibility

The YJAC thanks the current government's commitment and efforts in passing the legislation to increase the age of criminal responsibility to 12, pursuant to *Royal Commission* Recommendation 27.1.

The YJAC would like to continue to focus on progressing the second stage of the reform, being section 83 of the *Youth Justice Act 2005 (NT)* being amended to add a qualifying condition to section 83 (1) (l) that youth under the age of 14 years may not be ordered to serve a time of detention, other than where the youth:

- has been convicted of a serious and violent crime against the person
- presents a serious risk to the community, and
- the sentence is approved by the President of the proposed Children's Court.

With this further reform, the Northern Territory Government's legislative reform would then be in accordance with the 2019 United Nations Committee on the Rights of the Child recommendation that 14 years of age is the benchmark as the absolute minimum age of criminal responsibility.



Draft Register of Appropriate Support Persons (RASP)

Background

RASP provides 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 RASP is provided by the Australian Red Cross (ARC).

ARC entered a five-year funding agreement with TFHC for administration of the program only. The RASP program relies on the recruitment, training and availability of appropriate people who are committed to volunteering their time. The ARC partners with key stakeholders, particularly Northern Territory Police, TFHC and legal organisations, such as the NAAJA, to ensure that the volunteers are appropriately trained and able to fulfil their functions. Maintaining the RASP is a key statutory function of the YJAC.

The YJAC oversees the Register of Appropriate Support Persons (RASP) as per part 14 of *Youth Justice Act 2005* and as per this requirement the YJAC receives reports on a quarterly basis to better support this program under *Youth Justice Act 2005*.

ARC conducts the RASP program through recruitment and training of volunteers and engagement with police and Northern Territory legal organisations to provide a trained support person volunteer for a young person when they are being charged or granted bail, mainly after hours, if police are unable contact family members, and as a last resort before a young person is remanded in custody.

The RASP volunteers' role is to support the young person in the police interview and when being charged, so the young person understands the Police procedures, their rights and when they want to tell their story, say nothing or require support to talk to a lawyer.

Also, the RASP volunteers' role is to ensure that the young person has been treated fairly by Police.

The YJAC on RASP

In the reporting period, ARC has prepared quarterly reports about their involvement in RASP, and these are presented at the quarterly YJAC meetings, as per the funding agreement with TFHC and the YJAC's statutory oversight.

The YJAC has requested additional data from ARC to better support the RASP volunteers in their role with needs and issues within their role with young people engagement and support.

This has included:

- Increases and decreases in RASP involvement in the Northern Territory regional centres, by individual young person presentations – especially due the legislative bail reforms for recidivist offenders and serious breaches of bail.
- Involvement of young people in the Northern Territory regional centres from remote communities with no residential bail alternatives.
- Issues with police procedures and access to on call Youth Justice Court judges after hours, such as, locating responsible adults and on call judges being busy with other matters resulting in the young person being remanded in custody.
 - ***YJAC Members raised this with the YJAC Police member to investigate, provide a response to ARC and advise the Minister.***
- ARC adding Tennant Creek as a RASP response area with little to no involvement. Police were reminded of the service, but this was not required.
- ARC raised growing concerns for Police's awareness of the RASP program and concerns and RASP advised Police were reminded of the RASP service.
- RASP raised concerns about plans of the volunteer engagement, even though they have advertised at places such as Charles Darwin University, not many Aboriginal organisations were interested to take over the RASP contract.

- Concerns were raised about the Police's role to provide support for the people with information in an easily understood form, the use of interpreter is necessary and by explaining the role of the support person. RASP advised they provide these supports to all the volunteers in their training session. They also have conversation with the CNS. They were not provided formal written confirmation from Police.
- It was also noted that RASP has a call out form to document the information. It is encouraged to not talk about crime and legal support or information with a young person. In Central Australia, young people are being remanded based on a lack of Electronic Monitoring Devices. It was advised that Police do not have enough Electronic Monitoring Devices at the watch house and family members do not answer the private numbers.
 - ***The YJAC raised this with the police and TFHC members to provide a response to ARC and advise the Minister.***
- RASP is noticing an increase in young people from remote communities offending in urban centres.
- RASP raised concerns about large number of young people charged with a serious breach of bail in Darwin. In 22 callouts, 13 had serious breaches of bail that volunteers must negotiate with limited residential bail alternatives for bail, also requiring a timely referral process, rather than incarceration on remand.
 - ***The YJAC raised this with the police and TFHC members to provide a response to ARC and advise the Minister.***



