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Senator Trish Crossin
Chair
The Senate Standing Committee on Legal
and Constitutional Affairs

Via email (LegCon.Sen@aph.gov.au)

Dear Senator

Trish

Thank you for your letter dated 11 May 2012 in relation to the Senate Inquiry into the Detention of Indonesian Minors in Australia and the opportunity to have input into this important issue.

While many of the matters raised in your letter appear to refer specifically to Commonwealth Government areas of responsibility, the following is the Northern Territory Government response to matters (a), (d), (e) and (f) contained in your letter.

There are currently no Indonesian minors being held in NT prisons, remand centres or NT Police facilities. At present, there are 36 sentenced Indonesian people smugglers (2.5 % of the prison population) being held in the Darwin Correctional Centre, the youngest being 20 years of age.

The NT Government does not have access to information as to the age of the people being held in the detention centres. Only once formal charges are laid is the defendant transferred into NT Correctional Services' (NTCS) custody. It is understood that the period between detention and the laying of formal charges of people smuggling can be three to nine months, and it is only after that time, that minority status can be raised.

The NT Government relies on the advice of Commonwealth agencies as to an alleged or convicted Indonesian people smuggler's age. If an NTCS employee suspects or discovers that an Indonesian prisoner is a minor, the matter is immediately referred to appropriate Commonwealth Government authorities. This has occurred in the past. Once referred to authorised Commonwealth Immigration authorities, the NT Government takes direction from the Commonwealth authorities as to where to house the prisoner.

The NT Government considers that age determination is a matter either for Commonwealth Immigration authorities or for the courts to determine. If the Commonwealth Immigration authorities advise that the prisoner has been found to be a minor, consultation would be undertaken to determine the most appropriate place for them to be held in custody.

In March 2000, four suspects who were 17 years of age or under were held in the Darwin Correctional Centre along with adult Indonesian prisoners. At that time it was deemed appropriate to house the young people with other Indonesian adults for cultural reasons.

Reparation and repatriation costs are considered a matter for the Commonwealth.

The NT Government is not aware of any cases where information that a defendant was a minor was not put before the Court.

I hope this information is of assistance.

Yours sincerely

PAUL HENDERSON

31/5/12