



6th Floor
 9 -11 Cavenagh Street, Darwin, NT
 Locked Bag 11
 Darwin, NT 0801
 Telephone: (08) 8999 3000
 Fax: (08) 8999 3099

ABN 74 014 891 677

Assignments
 Telephone: (08) 8999 3000
 Fax: (08) 8999 3005

Northern Territory Legal Aid Commission

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 18 JAN 2010
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R.A.

Ms Anna Darce
 Committee Secretary
 House of Representatives,
 PO Box 6021, Parliament House,
 Canberra ACT 2600.

By email: atsia.reps@aph.gov.au

Dear Ms Darce,

RE: Parliamentary Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system

Thank you for the opportunity to make a submission to this Inquiry.

The Northern Territory Legal Aid Commission ('NTLAC') aims to ensure that the protection or assertion of the legal rights and interests of people in the Northern Territory are not prejudiced by reason of their inability to:

- Obtain access to independent legal advice;
- Afford the financial cost of appropriate legal representation;
- Obtain access to the Federal or Territory legal systems; or
- Obtain adequate information about access to the law and legal system

Our service provides advice and assistance to persons in a range of matters, including:

- Family law
- Domestic violence
- Child in need of care
- Immigration Law
- Criminal law and
- Civil law.

In addition, we have a Community Legal Education and Outreach function which includes the development and delivery of information, resources and projects which are aimed at informing young people about their rights and responsibilities in relation to the law and at informing families about their responsibilities in relation to the care and protection of children.

Specifically, of relevance to this inquiry, we advise and represent family members of children who seek legal assistance in relation to child in need of care proceedings and young people facing criminal justice proceedings. We bring to the Committee's attention the following reports relevant to these issues:

- The *Royal Commission into Aboriginal Deaths in Custody*, 1991
- The SNAICC *State of Denial* Report into the neglect and abuse of Indigenous Children in the NT, 2003.
- The NT Youth at Risk Task Force, 2003
- The Review of the *Community Welfare Act*, 2004.
- The NT Sexual Assault Taskforce, 2004
- *Ending Family Violence and Abuse in Aboriginal and Torres Strait Islander Communities*, 2006.

We have made submissions to the various reviews and inquiries in relation to the subject of this inquiry, including:

- Prisoner Growth in the Northern Territory
- The NT Government review of the *Community Welfare Act* leading to the *Care and Protection of Children and Young People Act*
- The Inquiry into the Sexual Abuse of Aboriginal Children in the NT, leading to the *Little Children are Sacred* report.
- The Legal and Constitutional Senate Inquiry on the Intervention
- The Senate Community Affairs Commission on the further laws relating to the intervention
- The Attorney-General's draft National Indigenous Law and Justice Strategy
- The Senate Inquiry into Regional and Remote Indigenous Issues
- The FaHCSIA *Future Directions* Discussion Paper
- The NT Liquor Commission Review of Cheap and Problem Liquor Products in Darwin, Palmerston and Rural Areas

We draw the Committee's attention to the reports of these reviews and inquiries.

We are aware that the North Australian Justice Agency and the Central Australian Aboriginal Legal Service have made detailed submissions to this inquiry. We support and endorse these submissions. In addition to this, we draw the Committee's attention to a 'best practice' example in relation to youth diversion, which is the Tiwi Island Youth Diversion Unit and has been documented in chapter *No Stick No Stone* of the report *Solid Work You Mob Are Doing*¹.

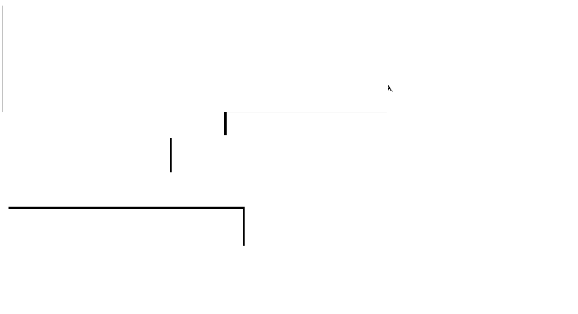
We also make the following comments specifically in relation to the impact of inadequate housing on children's wellbeing and youth justice.

Appropriate safe and affordable housing is the cornerstone for all other social functioning including health, education and having children grow up in caring, respectful and thriving communities let alone building towns, jobs, roads and other infrastructure.²

Adequate housing offers safety and security which impacts on social and physical development, growth and learning. A significant investment in housing across the NT is needed to enable families the space to separate themselves and their children from a harmful environment which is impacted upon by alcohol and substance abuse. It is widely recognised that there is a \$2-3billion shortfall in funds required to meet the housing and infrastructure needs of Indigenous remote NT communities and that this level of funding is not available. While there are current plans for increased housing in the NT, this will not meet the existing and growing housing needs in the Territory.

Thank you for the opportunity to comment to this Committee. Please feel free to contact me should you require any further information.

Yours sincerely



¹ Report to the National Alternative Dispute Resolution Advisory Council by the Federal Court of Australia's Indigenous Dispute Resolution & Conflict Management Case Study Project

² http://www.aph.gov.au/Senate/committee/indig_ctte/submissions/sub78.pdf