Legal Aid NT

Senate Legal and Constitutional Affairs Reference Committee

Inquiry into Australia's Youth Justice and Incarceration System

Additional Submissions by Legal Aid NT

18 December 2025

On 30 October 2024 Legal Aid NT forwarded written submissions to the Senate Inquiry into Australia's Youth Justice and Incarceration system.

On 12 November, Legal Aid NT was invited by letter to provide an update to our original submissions.

We make the following additional submissions on the current state of the Youth Justice System in the Northern Territory.

Children in Central Australia and the Barkly now transferred to Darwin Youth Correctional Centre

In our earlier submissions we referred to the circumstances whereby detained children are automatically transferred from Central Australia hundreds of kilometers away from their families and country to the

new Holtze Detention Centre in Darwin.[1]. Last year the Government made the decision to re-purpose the Youth Detention Centre in Alice Springs to a women's prison. This was despite a period of refurbishment of the Alice Springs Youth Detention Centre during 2023-2024 to provide improved and child focused detention facilities in Central Australia. The refurbishment was in response to the findings of the Royal Commission into the Protection and Detention of Children in the Northern Territory that youth detention centres in the NT *"fell far short of acceptable standards under international instruments and Australian guidelines"*.[2]

The Government did not consult with stakeholders about the impact of the sudden decision in late 2024 to transfer all children on remand or sentenced in Central Australia and the Barkly to Darwin Youth Correctional Centre.

Recent history of the Alice Springs Youth Detention Centre

In 2023 an Operational Plan was developed to deliver new and refurbished infrastructure to Alice Springs Youth Detention Centre (ASYDC). *"The construction project was focused on alignment of the existing facility with the intent of the new Darwin Youth Justice Centre, considering programmatically informed design and a focus on enabling delivery of the Model of Care (MoC*).[3] During the period of refurbishment, the Operational Plan supported the ongoing "*transfer and accommodation*" of young people from ASYDC to the then Don Dale Youth Detention Centre (DDYDC). Given the significance of this decision on the wellbeing of Central Australian children, priority was given to retaining children and young people at the reduced facilities at ASYDC who were accessing NDIS supports or who required clinical assessments to be completed by the Central Australian Aboriginal Congress in Alice Springs.[4]

The Royal Commission into the Detention and Protection of Children in the Northern Territory found that transferring children over vast distances, such as from Alice Springs to Darwin, severed vital family connections and community support systems that are crucial for a child's well-being and rehabilitation, had a negative impact on rehabilitation and increased the risk of self-harm.[5] The Royal Commission recommended that children should be placed in a detention facility nearest to the place of their residence or their family and that transfers over long distances should be avoided.[6]

The Operational Plan for the renovation period set up a process whereby children, their families and support workers were able to be flown from Alice Springs to Darwin when necessary, and vice versa. This demonstrated a recognition of the potential adverse impact of transferring children in detention so far from their family and country, and an intention to ameliorate it where possible. The Operational Plan stated, *"A contract has been established with Hardy Airlines to have an appropriate aircraft on standby for the refurbishment period. Flights will be scheduled on an as needed basis arriving from Darwin to Alice Springs each morning required by 0930 hours and departing from Alice Springs at 1630 hours. TFHC will preference commercial flights for all young people, family members, stakeholders where possible."*[7]

[1] *Submissions of Legal Aid NT to the Inquiry into Australia's Youth Justice and Incarceration System 2024, page 9*
[2] *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 2A, page 101-102.*
[3] *ASYDC Reduced Capacity Plan, Operational Plan, Northern Territory Government, 12 October 2023, page 3.*
[4] *Ibid, page 4.*
[5] Royal Commission into the Detention and Protection of Children in the Northern Territory (NTRC), vol 1 ch 4
[6] NTRC recommendation 11.07
[7] *Ibid.*

"When required, daily flights will support in-person appearances for court and provide for a young person to return to Don Dale Youth Detention Centre immediately (where further remanded) to ensure overnight capacity is maintained."[8]

A significant component of this Operational Plan was to support connection between children, their families and their support workers in the context of Detention Centre transfers. A Monitoring Committee with stakeholder representation was set up during the refurbishment period, allowing for ongoing consultation with concerned parties, with a focus on addressing ongoing issues as they arose with the transfers.

The 2023-2024 Operational Plan sits in stark contrast to the current lack of a transparent plan by the new Government related to the transfer of these children. There was no consultation with stakeholders, rather we were simply notified of the sudden decision to repurpose the ASYDC into a women's prison. The decision removed the only Youth Detention Centre in Central Australia and ensured the immediate transfer of all Central Australian children to Darwin who were on remand or sentenced. Children as young as 10 years old will be moved far away from where their families can visit or support them. No plan was provided to stakeholders, which ensures the child's continuing connection with family, country, community, and support services.

Post-release implications of detention 1500 kilometres away from home

Failure to ensure that children are safely returned to Central Australia

The Department of Corrections policy reads

"*The Department will not facilitate repatriation for young persons bailed from Court until all other options are exhausted, such as:*

(a) The detainee's family.
(b) The Department of Children and Families for a detainee who is in the care of the agency Chief Executive Officer.
(c) Community Youth Justice if the youth detainee is released under their supervision; and
(d) Non-government organisations who received funding to facilitate Return to Country programs. [9]

On confirmation that all other options have been exhausted, the Department will need to consult with the youth's legal representative and family to ensure they have agreed to be available to receive the youth home or are provided information about the travel arrangements and transport companies to facilitate the travel. There may also be a need to make further arrangements where a youth is not able to travel unaccompanied, which places significant logistical and operational pressures on the Department. Therefore, we may require up to 3 days' notice to transfer or repatriate a youth who has been in detention.

The following issues arise:

(a) Safe return of children who are taken to detention in Darwin, to Alice Springs at the conclusion of their matter.
(b) The role of corrections in the safe return of children who are taken to detention in Darwin
(c) It applies to children as young as 10, whose charges may have been dismissed because of the principle of *doli incapax*.

[8] *Ibid*.

(d) In all cases where a Youth Court Judge dismisses charges or releases a child on bail without Department of Corrections supervision the Department has made it clear that it is not their first responsibility to transfer this child back to Central Australia.
(e) Most children in the Youth Justice System are First Nations children who come from disadvantaged backgrounds, whose families cannot afford to transport them back home
(f) It is unclear whose responsibility it is to "exhaust all options" before the Department of Corrections takes action.
(g) The logistics of "exhausting all options" if a child is released late in the court day poses significant challenges and will result in unjust (and potentially unlawful) delays to a child's release.
(h) The situation has been brought about by the closure of the Alice Springs Youth Detention Centre without stakeholder engagement addressing the ramifications of this decision to transfer vulnerable children and young people so far from their homelands.

The Report of the Royal Commission into the Protection and Detention of Children in the Northern Territory discussed the problems with transferring children from Alice Springs to Darwin:

> *Two of the principles underpinning the Youth Justice Act are the desirability of maintaining connection to family as well as cultural identity. The routine transfer of children and young people between Alice Springs and Darwin, 1500 kilometres north, made this more difficult to achieve. These transfers undermined the rationale for having two detention centres, to enable children and young people to remain closer to country and more easily connected with their culture and family. ....Transfers also made it more difficult for detainees to engage with legal representatives, community health and rehabilitation services and throughcare that may be available locally to them when they returned to community. This made rehabilitation of children and young people who were transferred less likely."*[10]

The Royal Commission made Recommendations that the Department responsible for Youth Justice ensure the following:

- *"a child or young person is placed in a detention facility nearest to the place of residence of his or her family or carer,*
- *Consultation prior to transfer occurs and this consultation take place in a fair and transparent manner with the primary factor being the wellbeing and interests of the young person..."*[11]

The decision to close the refurbished Alice Springs Youth Detention Centre is contrary tothe recommendations of the Royal Commission.

On 28 November 2025, ABC journalist Joseph Hathaway-Wilson reported that *"Two politicians have alleged children in NT youth detention are being moved from Alice Springs to Darwin without their families' knowledge."*[12]The response of the Department of Corrections in a statement was that although the Department will attempt to contact carers, *"There is no legal requirement for the department to contact parents or family prior to a transfer."*[13]

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[10] *Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 2A, page 125.*
[11] Ibid, page 129.
[12] *Joseph Hathaway-Wilson, https://www.abc.net.au/news/2025-11-28/nt-parliament-children-youth-detention-allegedly-moved-to-darwin/106080720. Page 1.*
[13] Ibid, page 4.

Protection of privacy and confidentiality

It is well established that children's criminal proceedings should remain confidential. In the Northern Territory proceedings in the Youth Court are closed to the public[14] and publication of proceedings is restricted with penalties applicable for persons who publish information that likely leads to the identification of a child defendant.[15]

However, children on remand or sentenced are transported to Darwin from Alice Springs on commercial flights in full view, under guard and in handcuffs accompanied by corrective services staff. When boarding the plane, these children are in the custody of Corrections. The lack of privacy and confidentiality for these children in public leads to stigmatisation and harm, in breach of principles of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*.[16]

In May 2025 the Government amended the *Youth Justice Act 2005 (NT)*. There is no longer a requirement to consider the obligation to minimise the stigma to youth resulting from being remanded in custody.

Court Proceedings for Central Australian children

Many of the children and young people being transferred to Darwin have never left Central Australia, almost all are First Nation's children living with disability and/or having experienced extreme disadvantage, and many are from remote communities with a limited understanding of the justice system. The majority can only speak with their Central Australian lawyer by phone or Audio-Visual Link (AVL) from DYDC. The majority attend Court by AVL (for mentions, bail or sentence proceedings), it is difficult for these children to understand or to participate in the court proceedings. This directly undermines their right to procedural fairness. The Beijing Rules outline the standard international minimum rules for juvenile justice which include that "*proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely.*" [17]

The transfer of these children from Central Australia to Darwin is causing significant delays to Court proceedings. The majority of child clients require some form of cognitive or other medical assessment. There is no certainty about where the child will be located over the next 3-6 months. This creates confusion about which service provider should become involved, those in the Top End or those in Central Australia. The result is delay in the contracting and engagement of service providers by Youth Justice. These children are at significantly increased risk of extended periods on remand.

The transfer of children from Central Australia has had an impact on effective information sharing, including medical information, between executive agencies and service providers. One of our youth lawyers reported the following:

A child client was in custody for several months at DYDC where they were assessed by both a psychologist and a psychiatrist. As a consequence, the child was placed on a daily regime of anti-psychotics. This mental health support formed a critical part of the child's release plan to structured

[14] *Section 49, Youth Justice Act 2005 (NT)*
[15] *Ibid, section 50.*
[16] *Adopted by General Assembly resolution 40/33 of 29 November 1985* at Rule 8.
[17] *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 29 November 1985*, *Rule 5*.

support at a residential youth support service in a regional area of the Northern Territory. However, the child was released from DYDC without any medication or any handover to the youth support service or their Department of Children and Families guardian. On release this child told their youth worker that they were without medication or a prescription. The problem was not rectified for six weeks, during which time the child was unmedicated and experienced another mental health episode that included alleged re-offended against youth support staff. The child was subsequently charged with new offences and placed on onerous bail conditions.

For a lawyer to communicate with a child client who is detained over a thousand kilometres away from where the lawyer and the court proceeding is, requires additional time and preparation. It is always less effective communicating via video-link rather than in person. The barriers to communication are increased when a child client speaks a language different to the lawyer, has a hearing impairment and or another form of disability. Where communication is less effective, there are delays and lawyers cannot perform their work as efficiently. The additional time required to ensure a quality legal service is being provided to some of the community's most vulnerable, has come with no additional resources to legal aid services.

Recent Amendments to *Youth Justice Act 2005* (NT) and *Bail Act 1982* (NT)

In May 2025 the Government made amendments to the *Bail Act* and the *Youth Justice Act*. Unlike in other jurisdictions, this occurred without consultation with stakeholders. The amendments are in breach of our international obligations because they do away with the fundamental principle of children's jurisprudence that arrest, and detention should be a last resort for children.[18]

Amendments were made to Section 24A of the *Bail Act* which outlines the "*Criteria to be considered in bail applications for youths"*. Sections 24A(a) and (e) were omitted from the Act. The effect is that an authorised person or Court no longer has an obligation to consider detention as a last resort for children when considering bail. Further, with the amendments neither are required to consider the obligation to minimise the stigma to youth resulting from being remanded in custody.

In a recent case in the Northern Territory Supreme Court, Justice Reeves took into account the omission of the principle that detention is a last resort in bail considerations for children. In the *King v EM [2025] NTSC 31*, His Honour considered the new bail amendments and how they apply to children. He noted that section 24A(2)(a) had been deleted from the criteria the court must consider in bail applications for children. That subsection had provided that the court must consider *"the need to consider all other options before remanding the youth in custody", t*hat is, to have regard to the principle that detention is a last resort for children. In *King v EM*, Reeves J stated that, *"remanding a youth in custody is no longer to be considered as the option of last resort."*[19].

At the same time as the amendments to the *Bail Act*, the *Youth Justice Act 2005* (NT) was amended whereby the principle outlined in 4(c) of the Act was omitted. This principle had stated that *"the youth should only be kept in custody for an offence (whether on arrest, in remand or under sentence) as a last resort and for the shortest appropriate period of time."*

[18] *Convention on the Rights of the Child, 20 November 1989, Article 37; United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 14 December 1990, Rule 1; United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), 29 November 1985, Rule 13.1, Rule 19.1.*
[19] *King v EM [2025] NTSC 31, [14].*

Further, the reforms introduced a new legislative threshold for bail for both adults and children, demonstrating a legislative intention to depart from the youth justice principle that children should not be managed in the same way as adults, and the primary consideration in matters involving children is the "*best interests of the child*"[20] A new "*high degree of confidence test*" for certain offences was introduced that equally applies to children.

For offences referred to in section 7A of the *Bail Act*, the onus is first on the accused to establish that bail should be granted. When considering an application for bail where the section 7A presumption applies, the Court has regard to factors outlined in sections 24 and 24A of the *Bail Act*. However, community safety has been elevated to the paramount consideration the Court has regard to when determining if bail should be granted. If the Court determines that bail should be granted under section 7A(2), section 7A(2AB) then provides for an additional test, the Court must not grant bail unless satisfied to **"a high degree of confidence"** that the child will not commit a prescribed offence or serious violence offence or otherwise endanger the community.

The nature of a proposed bail plan is fundamental to this new test which poses a disproportionate challenge for children who do not have the resources or maturity of adults, particularly for those children who do not have pre-existing supports in place. It is very hard for youth lawyers to access sufficient evidence within a reasonable timeframe to meet this high threshold. The bail changes have resulted in more time on remand and greater pressure on underfunded community organisations and legal aid services to compile sufficient evidence to meet the court's new legislative threshold. An example from a youth lawyer:

> *"The Court only granted bail because I was able to provide several statutory declarations detailing commitments from five different service providers going into the minutiae of his support. I was able to do this within 24 hours, but only because all those services were already engaged with this young person in the past. It will not be feasible to do this with all child clients."*

Lawyers are reporting an increase in the imposition of bail conditions to wear an electronic monitoring device (EMD), to keep it charged and to not damage or interfere with the device. Many children struggle with this condition for the following reasons:

- *Their homes are often without power, so they cannot charge their EMDs.*
- *There are limited support programs to assist children with charging their devices*
- *These children are unsure who to contact when they have questions about their bail or charging their EMD.*
- *No afterhours phone number is provided to these children, and most do not have phones to receive warnings about their EMD going flat*
- *Children often get sores on their ankles when wearing an EMD.*
- *A child with a pre-existing medical condition that suffered severe physical reaction to the EMD, rather than remove it the EMD was placed on the other leg and the same physical reaction occurred. Both occasions require medical treatment.*
- *A child whose EMD caught fire when they were distressed with wearing it and tampered with it. The child suffered serious burns.*

[20] *Convention on the Rights of the Child, 20 November 1989, Article 3.*

The amendments to the *Bail Act* created an offence of Breach Bail for children and young people, that had previously only applied to adults. [21]This applies even to minor breaches and will have the effect of drawing children further into the criminal justice system.

Dissolution of the Youth Justice Advisory Committee

The amendments of May 2025 repealed Part 13 of the *Youth Justice Act* which established and provided for the membership and functions of the Youth Justice Advisory Committee. These functions included:

a) *to monitor and evaluate the administration and the operation of the Youth Justice Act;*
b) *to advise the Minister (whether on request by the Minster 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 provided to the Minister information relating to issues and policies concerning youth justice…"*[22]

The effect of the amendments was to dissolve the Youth Justice Advisory Committee, whose membership comprised of government, non-government and community representatives which reflected "the composition of the community at large."[23]

The inference is that advice on policy or law reform from this specialist body with stakeholder representation is not required.

Children held in police watch houses.

Since the reduction in the minimum age of criminal responsibility last year, youth lawyers have seen an increase in younger children being charged. This includes 10- and 11-year-olds who have alleged to have offended with older young people.

On 22 July 2025, Samantah Dick of the ABC News reported that *"children as young as 11 are being held overnight at the Palmerston police watch house, in concerning conditions"*. [24] Ms Dick reported that Anthony Beven, the then acting chief executive of North Australian Aboriginal Justice Agency (NAAJA), said that he had recently visited an 11-year-old girl inside the Palmerston police watch house. He said, *"In some instances, we're seeing young people-as young as 11- in [the] Palmerston watch house, being held…with the lights on 24 hours a day, in a cell by themselves, with adults in surrounding cells, screaming, yelling."*[25]

On the 29 July 2025 Jack Hislop and Matt Garrick of the ABC reported that *"Nearly 20 incidents of self-harm involving children have been recorded in Northern Territory police watch houses over a six-month period. Of the 19 self-harm incidents, 18 involved indigenous teens, including one 13-year-old."*[26] This is occurring across the Northern Territory, *"The data shows that six of the self-harm incidents occurred at*

[21] *Section 37B Bail Act 1982 (NT).*
[22] *The former section 204 Youth Justice Act 2005 (NT) prior to the May 2025 amendments.*
[23] *The former section 203 Youth Justice Act 2005 (NT) prior to the May 2025 amendments*
[24] Samantha Dick, https://www.abc.net.au/news/2025-07-22/nt-watch-houses-palmerston-children-held-overnight-naaja/105558156, page 1.
[25] Ibid, page 1-2.
[26] *Matt Garrick and Jack Hislop, https://www.abc.net.au/news/2025-07-29/nt-police-data-children-self-harm-incidents-watch-houses-foi/105581648, Page 1-2.*

Palmerston watch house, while five took place at Katherine watch house. The Tennant Creek and Alice Springs watch houses were the sites of four incidents each."[27]

From August 2024 to March 2025, Almost 400 Indigenous children and young people were held in watch houses in the NT over this six-month period.[28] *"Exactly how long the children were kept in the watch houses may never been known, however, with NT Police admitting they are recording erroneous time-spent-in-custody information."*[29]

During the week of the 24 November 2025, the acting Northern Territory Ombudsman, Bronwyn Haack, tabled a Report in Parliament that detailed *"unreasonable and oppressive"* conditions in police watch houses, "*including sleep deprivation, "inhumane" toilet access and claims guards watched women prisoner's shower."*[30] The Ombudsman reported on a four-month investigation into the Katherine, Palmerston and Alice Springs watch houses, between November 2024 and February 2025. The investigation found that inmates were subjected to constant artificial light 24 hours a day*, "unable to shower or brush their teeth for multiple days, and "practically never let outside."*[31]

Children as young as 10 years old are able to be detained in police watch houses subject to these conditions.

Use of Force in Youth Detention Centres

Amendments to the *Youth Justices Act 2005 (NT) dated 7 May 2025* expand the power of the Superintendent of a Youth Detention Centre to use force against detainees.

Section 154 of the *Youth Justice Act* was amended to allow the Superintendent or an authorised person to use force if they believed on reasonable grounds that certain circumstances exist. Before the amendments, Section 154 (1)(b)(ii) read that force could only be used where there was a belief, on reasonable grounds, that the force was necessary to prevent a detainee from engaging in conduct that would ***"seriously** threaten the security of the detention centre."* The Act was amended to omit the word "*seriously"*, thereby significantly broadening the power of the Superintendent to use force where there is a belief that the conduct will *"threaten the good order or security of the detention centre"*, rather than "seriously threaten".

The amendments also increase the type of "permitted restraints" that can be used by Corrections officers in the Detention Centres. The restraints in addition to "handcuffs", "ankle cuffs", "waist restraining systems" now provided for are spit hoods, described as "anti-spit guards", and "personal body shields".[32] Children in detention have reported to us that these restraints are used in combination, one stating he was restrained with ankle cuffs, handcuffs and a waist restraining belt.

The amendments introduced a change in language from "approved restraints" to "permitted restraints." The Royal Commission into the Protection and Detention of Children in the Northern Territory made findings that "*Spit hoods have the potential to cause distress to young persons, particularly when used in*

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[27] *Ibid, page 6.*
[28] *Matt Garrick and Jack Hislop, https://www.abc.net.au/news/2025-07-28/nt-indigenous-children-youths-watch-houses-data-investigation/105573004, page 2*
[29] *Ibid*
[30] *Roxanne Fitzgerald, https://www.abc.net.au/news/2025-11-30/nt-ombudsman-report-inhumane-oppressive-watch-house-conditions/106082108, page 1*
[31] Ibid, page 3.
[32] *R. 70, Youth Justice Regulations 2006 (NT)*

combination with other forms of restraint"[33]. The Royal Commission recommended that spit hoods should be prohibited and *"If spitting by detainees is a concern for staff numbers at youth detention centres, other practical alternatives should be investigated to prevent exposure."* [34] It is of particular concern that a death in custody occurred in August 2024 that involved an adult prisoner dying whilst a spithood was placed on him when he was suffering an epileptic seizure.[35]

Section 155 of the *Youth Justice Act* was also amended to significantly broaden the circumstances for which these "permitted restraints" can be used. These include apparently routine processes such as:

- Conducting a search of a detainee (including when a child is admitted to, or temporarily leaving or returning to, a detention centre).[36]
- Arresting a detainee who is alleged to unlawfully be absent from a detention centre.[37]
- Taking a detainee to a detention centre or another place.[38]
- When escorting a child outside a detention centre.[39]

In addition, section 147C of the amended Act permits a dog to use force against a child in a youth detention centre in circumstances where:

- The handler could lawfully use force against the person and
- The handler considers the use of force by the dog is reasonably necessary.[40]

In our submission, there are no appropriate circumstances in which a dog should be used against a child in a youth detention centre. In the last 12 months, the statutory legitimisation of the use of excessive force against children has raised alarm among stakeholders in the youth justice sector.

Lack of resources for social support and health services to ensure that the best interests of the child are met.

Despite the Northern Territory Government's Reducing Crime strategy about addressing root causes of crime, lawyers and social support workers are extremely concerned about the discontinuance of rehabilitation programs and funding in the youth justice sector in recent times.

In early 2025 the intensive case management program, **Back on Track**, was defunded by Government. Non-Government Organisations were funded through this program to support children and young people on their path to rehabilitation. This was one of the very few case management programs in the Northern Territory and had seen significant youth justice outcomes for children across the Territory in Darwin, Tennant Creek, Katherine and Alice Springs regions.

Back on Track supported young people in various ways, including assessment and case management, restorative justice, life skills and cultural connection, building family capacity and responsibility, vocational education, training and employment and re-engagement with education. The Program also

[33] Opcit, Volume 2A page 248.
[34] Opcit, Recommendation 13.1
[35] Inquest into the Death of Wayne Hunt (1 December 2025)
[36] *Sec 155(2)(c) Youth Justice Act 2005 (NT).*
[37] *Ibid, Section 155(2)(d).*
[38] *Ibid, Section 155(2)(e)*
[39] *Ibid, Section 155(2A)*
[40] *Ibid, Section 147C(6)*

supported children in practical ways which included court support, transport, advocacy, access to petty cash to assist with such things as bus tickets to get to Court and then back to their communities or to rehabilitation centres, emergency accommodation, food, toiletries, and power cards to ensure that Electronic Monitoring Devices did not go flat, which would be in breach of a child's bail conditions.

The cessation of funding for the Back on Track programme has meant that there are negligible individualised case work programs to which a child can be referred, or which a Youth Court Judge can rely upon when making orders based on a program of rehabilitation when bailing or sentencing children. This is also in the context of the Department of Corrections changing the focus of Youth Justice from individualised case management support to a more punitive approach of compliance and monitoring.

Further, reduced funding has impacted the **Bush Mob program** throughout the last year, which is an Aboriginal community led alcohol and other drug (AOD) program for young people in the NT. Bushmob operated a 12- bed residential facility and a community outreach program for 12 -25-year-old young people. This allowed young people who turned 18 years to continue with the program ensuring continuity of specialised support. The program also recognised what our youth lawyers and social support workers say, which is that young adults do much better in rehabilitative programs aimed at young people and young adults. Funding cuts have meant that the program now only services children and young people under 18. Many Legal Aid clients who entered Bush mob at the age of 17 have been able to only partially complete the program because they are excluded once they turn 18 years.

Youth Court Judges consistently comment on the lack of community-based programs that can form part of conditional sentencing or bail orders. Although the Department of Corrections has denied that there has been a reduction in rehabilitation services, Judges and lawyers report that there has been a reduction and at times there are no services available for children that provide intensive case management or residential facilities.

In November 2025 **First Steps Bail accommodation** was reduced from 12 to 6 beds in Darwin. First Steps is an Aboriginal owned business that has supported young people across the Northern Territory since 2019. On 5 December 2025 external stakeholders were notified that First Steps will cease operations on 31 December 2025. Legal Aid understands that, going forward, the facility may be operated by the Department of Corrections. Corrections have said that generally their focus will be on compliance and monitoring, not the provision of culturally appropriate rehabilitation services to support community integration and social connection.

Aboriginal children and young people make up the majority of children in detention in the Northern Territory.[41] Six beds for Darwin youth bail accommodation are inadequate to address the need for bail accommodation for disadvantaged children in the Top End. Further, the current bail accommodation is predominantly provided to boys. Girls will only be referred and assessed for the program depending on "*program dynamics and cohort of youth/number of youths they have"*[42], girls cannot be in the same pod as boys.

[41] Australian Institute of Health and Welfare (AIHW), *Youth justice in Australia 2022–23*, 28 March 2024, www.aihw.gov.au/getmedia/b1d09f98-08b5-438b-ab8c-a9148de606ef/youth-justice-in-australia-2022-23.pdf?v=20240531130652&inline=true

[42] *Discussion between Legal Aid youth lawyer Lauren Creevey and the Manager of First Steps Bail accommodation on 4/12/2025.*

At the time of writing, the role of the education support worker at the First Step Bails facility had been removed. The identification of disengagement by an education officer at the bail facility has been essential for many of our young clients in initiating a pathway back to education. It is well known that children who become disengaged from the education system are at risk of drifting into the criminal justice system. Strategies to support children to reengage are fundamentally important to effectively address this criminogenic feature. In our experience, a significant proportion of disengaged children who attend the Youth Court are First Nations children or young people. Reengagement can be key to tackling recidivism.

Generally, across the NT there is inadequate social support for children and young people. One of our youth lawyers has said, "*The biggest barriers for my child clients are inadequate and unsafe housing, stable power (to charged EMDs) and access to food.*" He says, "*DCF always seem to conclude that a child should remain in the care of their family, no matter how dire their circumstances. The impacts are severe in circumstances where there is very limited support available to these families.*"

The lawyer gave the following example: *"A child client with an intellectual disability had a matter listed in the Supreme Court for breach of a suspended sentence. The child had been living at a residential youth supported program in a regional centre for 16 weeks where they had been able to access NDIS services and attend mainstream school, within the structure and support of residential rehab. The Child's parent was evicted from their house and was sleeping in the riverbed. The only other option was the child's Auntie's house – to which they were granted leave to stay over the weekend – but it turned out to be without power or food when a youth worker showed up to check in on them. Corrections have found the child unsuitable for ongoing supervision at home for these reasons. The child's lawyer is concerned that they face restoration of detention for four months (for cutting off their EMD) on the basis that there is no adequate supervision available."*

In addition, in July 2025 we saw the loss of the first Aboriginal Community Controlled Health Service, **Danila Dilba** at Darwin Youth Detention Centre. Danila Dilba had been based at Don Dale and then DYDC since 2020 providing primary health services in youth detention in a culturally safe way for Aboriginal children. Danila Dilba's contract ended on 30 June 2025. Youth lawyers are very concerned about the lack of culturally appropriate medical and therapeutic support when Danila Dilba moves on. The importance of Danila Dilba's service provision is demonstrated by the high numbers of First Nations children in custody, as at 18/12/2025 the Youth Justice Daily Census reported 96% of children in custody were Aboriginal or Torres Strait Islander.[43]

Numerous reports and enquiries including the Royal Commission into Aboriginal Deaths in Custody make recommendations relating to Aboriginal Organisations and people being prioritised and funded to deliver services that affect Aboriginal people[44]. Despite this, the Northern Territory has seen a significant decrease in funding for Aboriginal organisations involved in services relating to the welfare of young people exposed to the criminal justice system.

Another challenge for Aboriginal community-controlled organisations (ACCOs) is having to compete with the Northern Territory Government for Commonwealth funding schemes such as the Indigenous Advancement Strategy funding or the Northern Territory Remote Aboriginal Investment (NTRAI) funding. A recent example of this is NTRAI funding being provided to the Northern Territory Government for

[43] Youth Justice Centres Daily Census Report on 18/12/2025, Northern Territory Government, page 2.
[44] RCIADIC, Recommendation 192

mediation and peacemaking projects for Aboriginal people in remote communities. This work has largely been led by NAAJA, ARDS, Anindilyakwa Land Council and other Aboriginal organisations in recent years and was the subject of discussions with NTRAI at the NT Aboriginal Executive Committee. Rather than provide funding to the Aboriginal led organisations that have been working in this space, the Commonwealth has provided funding to the Aboriginal Justice Unit within the Department of Attorney General.

We recommend that the Northern Territory and Commonwealth Governments not only invest more money for social support programs assisting young people in the criminal justice system, but also ensure that there are strong Indigenous procurement policies which guarantee that a minimum mandatory high percentage of First Nations family and youth support services are funded to work across all aspects of the youth justice and child support sectors.

Lack of Adequate Specialist Assessments for children

Youth lawyers continually stress the problem with inadequate neurodevelopmental, psychological and psychiatric assessments for children because of lack of expertise (*section 67 Youth Justice Act assessments*). The lack of an adequate number of experts in the Northern Territory means that matters are routinely adjourned for longer than 12 months without a Report being filed and served during that period. As such, a significant number of children's matters are not being finalised in the Youth Court in a timely manner.

In our experience children's matters are often finalised without Reports being filed because of delays. In the last 12 months the Darwin youth legal practice has had very few assessments completed. One took 17 months after it was ordered by the Court to be returned. Another, 10 months and 19 days after the Court Order for an assessment. At times, the SATS team (Specialist Assessment and Treatment Service of the Department of Corrections) are not complying with court orders to produce reports and sometimes question the basis for the Order for a Report.

An application for a section 67 assessment is the only mechanism to get children assessed in the Northern Territory, apart from paying privately. It is usually their only pathway to NDIS funding because the child is provided with a diagnosis.

The NT sees high rates of children living with FASD or mental health or cognitive impairment in the youth justice system. Without evidence of impairment and adequate support or treatment plans these children do not receive just outcomes or access to NDIS funding. The response from Youth Justice when questioned, is that they are struggling with limited providers and expertise to produce reports.

Conclusion

In the last 12 months the Northern Territory has seen regressive law and policy reform adversely impacting children and young people in the youth justice system.

The children and young people impacted are predominantly First Nations peoples who make up the majority of the youth justice cohort in the Northern Territory.

These changes to law and processes will therefore continue to lead to very poor justice outcomes for First Nations peoples and mean that we continue to fail to meet Closing the Gap targets.

Until we get the very basics right in Northern Territory, we will not address the appalling rates of overrepresentation of First Nations children in the youth justice system.

As stated in our original submissions, we believe that it is vital that the Commonwealth Government demonstrates leadership by developing National Standards for Children and Young People which include those targets set by the National Agreement on Closing the Gap. If we are to have meaningful and consistent reform in the area of child and youth justice, Commonwealth funding for States and Territories should be conditional on jurisdictions meeting such National Standards.

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