



Northern Territory Council of Social Service



PO Box 1128, Nightcliff NT 0814
08 8948 2665
admin@ntcoss.org.au
www.ntcoss.org.au

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Legal and Constitutional Affairs References Committee
Australian Senate
Parliament of Australia

To the Legal and Constitutional Affairs References Committee,

RE: Australia's youth justice and incarceration system

The Northern Territory Council of Social Service (NTCOSS) is the peak body for the social and community service sector in the Northern Territory (NT). NTCOSS's membership is comprised of community managed, non-government, not for profit organisations, which work in social and community service delivery, sector development and advocacy. This includes frontline domestic and family violence services, children and families service, Aboriginal Community Controlled Organisations, Aboriginal Legal Services and Women's Legal's Services.

NTCOSS made a submission regarding youth justice and incarceration in the Northern Territory to this inquiry in October 2024. This letter serves as an update - in the last 15 months there has been further deterioration of conditions for young people in the NT youth justice and detention system.

Update

Since September 2024, the NT has seen the following significant changes in the youth justice and detention system:

1. The age of criminal responsibility was reduced from 12 to 10 years of age.
2. The purpose-built youth detention facility in Alice Springs was converted to a women's prison, and all young people from Central Australia are now held on remand and serve their sentences of detention in Holtze Youth Detention Centre near Darwin, 1600 kilometres away from their families and communities.¹
3. The Youth Justice Advisory Committee, legislated to provide independent advice to the NT Government on youth justice matters, was disbanded.
4. Stricter bail laws have been legislated and are applicable equally to both adults and children & young people.

¹ See [Youth detention census | Department of Corrections](#)

5. There is a subsequent 28.8% increase in the number of young people in detention- 92 on remand and 33 sentenced in Q4 of 2023/24 June 2024 to 133 on remand and 28 sentenced in Q4 of 2024/25.²
6. There is no dedicated assessment service in the Top End of the Northern Territory (including Holtze Youth Detention Centre) to provide screening and assessment for neuro developmental delay and diagnosis for young people. These assessments are completed by private providers, with long wait times and high costs. These factors contribute to delays in the court process due to waiting for reports. In Central Australia these assessments are provided by Aboriginal Community Controlled Health Service, Central Australian Aboriginal Congress.³
7. Supported bail accommodation facilities that were previously run by ACCO service providers have been transitioned to NT Corrections. Existing youth diversionary programs were de-funded, and the Department of Corrections Youth Justice Unit now oversees 'boot camps' and 'sentenced to a skill' diversionary activities.
8. The Northern Territory government refused access to the United Nations Working Group on Arbitrary Detention. They were blocked from entering any youth justice facilities, bail accommodations or watch houses. This has reinforced concerns within the justice system of potential human rights violations.

NTCOSS makes the following updated recommendations:

- 1. The development and adoption of enforceable national minimum standards for youth justice which includes an oversight mechanism**
 - This is an opportunity to set rights-respecting standards and expectations across the country.
 - These should include The Havana Rules, United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Poccum's Law.⁴
- 2. Prevention, early intervention, and diversionary responses linked to culturally safe and trauma-responsive services including education, health and community services should be prioritised and expanded.**
 - The social and community sector provides a wide range of services and supports, including child and family services, domestic, family and sexual

² See [Youth detention census | Department of Corrections](#)

³ See Central Australian Aboriginal Congress submission to this inquiry, found at: [2024-10-Congress-submission-to-Youth-Justice-Senate-Inquiry FINAL for web.pdf](#)

⁴ See Submission to the Inquiry by the Australian Senate's Legal and Constitutional Affairs Reference Committee into Australia's Youth Justice and Incarceration System, prepared by the Network of Councils of Social Service Across Australia, found at <https://actcoss.org.au/publication/joint-submission-federal-senate-inquiry-into-australias-youth-justice-and-incarceration-system/>, pp.13-15.

violence services, disability services, alcohol and other drug services and mental health services. These services must be adequately funded, and workforce strategies developed to ensure they can recruit and retain high quality staff.

- Increased support for children experiencing vulnerability throughout their schooling. Engagement with school is a protective factor against poor health outcomes, poverty and engaging in youth offending, providing a significant opportunity for positive interventions for children identified as at risk.⁵
- The criminal justice system has both short- and long-term negative impacts, and reduced opportunities for family and community support to assist in improving child wellbeing and behaviour. A continuum of responses is necessary for children and young people who engage in harmful or inappropriate behaviour, ranging from early community-based family support with lower risk cases, to assessment, intervention and intensive work for children demonstrating the highest risk and needs.⁶
- Comprehensive, community-based, culturally appropriate, intensive family support services must be universally available across urban, regional and remote communities.⁷
- Therapeutic, multi-disciplinary approaches have been shown to reduce recidivism and have a sustained reduction in behavioural concerns and emotional difficulties in young people.⁸
- The impact of Foetal Alcohol Spectrum Disorder on prevention, early intervention and diversion must be closely considered - please see the submission by our colleagues at AADANT made in October 2024.
- As recommended by the Aboriginal Medical Service Alliance of the NT, any programs and responses must be adapted to the 'specific social and cultural context of young Aboriginal people', and services must address all issues holistically.⁹

⁵ Hancock K and Zubrick S, *Children and young people at risk of disengagement from school*, 2015, for the Commissioner for Children and Young People WA, found at <https://www.ccyp.wa.gov.au/media/1422/reporteducation-children-at-risk-of-disengaging-from-school-literature-review.pdf>,

⁶ Hackett S, Branigan P and Holmes D, *Operational framework for children and young people displaying harmful sexual behaviours*, 2015, second edition, London NSPCC

⁷ APONT and NAAJA, *NGO Alternative Report to the United Nations Committee on the Rights of the Child: Response to the Australian Government's State Report on the United Nations Convention on the Rights of the Child*, 2018, <http://www.naaja.org.au/wp-content/uploads/2018/11/APONT-NAAJA-Joint-Report-to-the-UN-Committee-on-the-Rights-of-the-Child.pdf>.

⁸ Porter M and Nuntavisit L 2016, An Evaluation of Multisystemic Therapy with Australian Families', *The Australian and New Zealand Journal of Family Therapy* 37 (4) 443 - 462

⁹ Aboriginal Medical Services Alliance NT (AMSANT) 2017, *AMSANT Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory*, 31.

3. In Aboriginal and Torres Strait Islander communities, the planning, design and implementation of prevention, early intervention and diversionary responses should be community-led.

- Raising the age of criminal responsibility to 14 will assist in addressing the overrepresentation of Aboriginal and Torres Strait Islander children in the justice system, and with investment and support, will provide greater opportunities to enable and empower Aboriginal families, communities, and organisations to support children in culturally safe and appropriate ways.
- As stated by Change the Record, policy solutions must be ‘underpinned by the principle of self-determination, respect for Aboriginal and Torres Strait Islander people’s culture and identity, and recognition of the history of dispossession and trauma experienced by many communities’.¹⁰

While NTCOSS believes detention should only be used as a last resort, in the event that children and young people are detained, it should be under the following conditions:

4. The minimum age of criminal responsibility must be raised to at least 14 years and there must be no ‘carve outs’ to this legislation, even for serious offences.

- In keeping with contemporary evidence and understanding of child and adolescent brain development, the minimum age of criminal responsibility should be increased to at least 14 years across Australia, for all offences.
- The current minimum age of criminal responsibility at 10 years of age in the NT has a disproportionate impact on Aboriginal and Torres Strait Islander children.
- Detention of children and young people should be used only as a measure of last resort and only occur for the shortest appropriate period.
- The relatively small number of younger children who do offend are arguably the most vulnerable, with evidence suggesting that many children in the justice system have multiple, complex mental health, social and emotional wellbeing needs. It is for this reason that NTCOSS recommends against raising the minimum age of criminal responsibility for certain circumstances only, as children engaging in more serious crimes are likely to be the most vulnerable cohort.
- The Committee on the Rights of the Child strongly recommends that the minimum age of criminal responsibility ‘does not allow, by way of exception, the use of a lower age’.¹¹

¹⁰ Change the Record Coalition, *Blueprint for Change: Changing the Record on the disproportionate imprisonment rates, and rates of violence experienced by Aboriginal and Torres Strait Islander people*, 2015, 5.

¹¹ United Nations Committee on the Rights of the Child Congress’ General Comment No. 24 (201x), replacing General Comment No. 10 (2007) Children’s rights in juvenile justice’, United Nations Human Rights Office of the High Commissioner.

Thank you for considering our submission. For further input or detail please contact
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Yours sincerely,



Sally Sievers AO
CEO