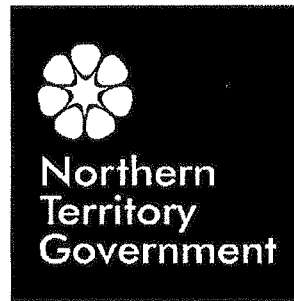


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Submission No 102

BY: ATSIA



**NT Department of Justice
Response to Questions on Notice
Parliament of Australia
House of Representatives
Standing Committee on Aboriginal and Torres Strait
Islander Affairs**

**Inquiry into the High Levels of
Involvement of Indigenous Juveniles
and Young Adults in the Criminal
Justice System**

1. Which government agencies are involved in the Interagency Collaboration Panels (p. 8)? What are the difficulties in coordinating youth justice programs across different jurisdictions?

The Interagency Collaboration Panel is chaired by the Family Support Centre Manager Department of Health and Families. Panel members are 'Authorised Officers' from 'Appropriate Agencies', namely the Departments of Health and Families; Justice; Education and Training; Housing, Local Government and Regional Services; and the Northern Territory Police.

Family Support Centres have been established in Darwin and Alice Springs as part of the Northern Territory Government Youth Justice Strategy. Family Support Centres are a place where families can go to receive help if they are experiencing difficulties with their child, parenting skills, or other family issues.

The Centres can provide information about the support services available to young people and their families. Non-government organisations or contracted service providers may also contact the Centre regarding concerns over a young person and their family.

The Centre:

- advises parents and guardians on support and service options;
- provides advice and referral information to Appropriate Agencies and Authorised Officers on support and service options for youth and families;
- works with non-government organisations to identify the gaps in available services and report back to Government;
- chairs local Interagency Collaboration Panels;
- is responsible for the management and coordination of Family Responsibility Agreements and Family Responsibility Orders;
- assists in drafting Family Responsibility Agreements, Applications for Inquiry into Family Circumstances and Family Responsibility Orders;
- centrally records all Family Responsibility Agreements and/or Orders and compile data, monitor and report to Government; and
- case manages families whose case does not clearly fit within one agency.

With regard to coordinating youth justice programs across different jurisdictions, the Cross Border Justice Scheme (the Scheme) has been established as a joint initiative of the Northern Territory, South Australia, and Western Australian Governments. The Scheme addresses the complex justice issues and needs of people in the remote central Australian cross border region, including juvenile justice. The scheme covers a prescribed area of 475,500 square kilometres and its catchment includes around 10,000 people who are among the most isolated and disadvantaged in Australia. The region has endemic domestic violence, child abuse, petrol sniffing, high levels of alcohol and drug abuse and relatively limited access to justice and other services.

The *Cross-Border Justice Act* came into effect on 1 November 2009. Police, Magistrates and Corrections Officers in the Northern Territory, South Australia and Western Australia can deal with offences committed in the area covered by the legislation. The legislation applies to people, including youth, who either normally reside in the area covered, commit an offence in the region or are apprehended in the region.

The legislation seeks to recognise the common cultural and social bonds and mobility of Indigenous residents (and others) and overcomes the difficulties in providing services to such a remote region through greater collaboration and sharing of facilities, services and programs across the three jurisdictions. The operation of the Scheme continues to be monitored and will be the subject of a formal evaluation. It has not operated long enough to provide any meaningful assessment.

2. *What sort of collaboration does your Department have with other departments to jointly address the high levels of incarceration and recidivism of young Indigenous people?*

- ***For example with the Department of Health and Families to address the impact of alcohol and substance abuse?***

The Department of Justice is responsible for correctional services in the NT. There are two distinct alcohol programs that are available within the prisons:

- alcohol programs conducted by Department of Justice clinical and other staff of the Prisoner Services teams; and
- alcohol programs conducted by Department of Health and Families staff as part of the Prison In-Reach Program.

Department of Justice clinical staff work closely with the Department of Health and Families staff as part of the programs conducted by the Department of Justice, sharing resources and, where possible, information.

The Prison In-Reach Program commenced in late 2007, and works to ensure that people on remand and those with sentences of less than six months are being offered alcohol and other drugs interventions. During 2008-09, approximately 63% of the prison population was serving a sentence of six months or less. The Prison In-Reach Program provides comprehensive alcohol and other drug assessments, individual and group counselling for adult and juvenile offenders as well as referrals to aftercare services upon release from prison. The Program has provided assessment, treatment and referral for over 500 prisoners since its commencement.

In addition to individual assessment, treatment and referral, group programs are being run. As at 31 March 2010, the Prison In-Reach Program staff are providing 11 group sessions per week.

- ***With the Department of Education and Training for ensuring positive school engagement and retention?***

The Don Dale Education Unit is staffed by Department of Education and Training officers co-located on site within the Centre. This considerably strengthens the ties between the Case Management Unit and induction staff within community schools and training bodies when facilitating return to education and training as part of a detainee's reintegration plan.

- ***With other departments to ensure appropriate health care, adequate accommodation and return to school or work after their release from detention?***

Health care is provided by a private medical provider, under contract to the Department of Health and Families and jointly managed by the Department Health and Families and the Department of Justice.

Links are also maintained with relevant non-government providers in relation to housing and training, such as youth shelters and job find agencies.

- ***With NT Police – eg. Juvenile Diversion Units?***

The Northern Territory Police Juvenile Diversion Unit provides information sessions to detainees and staff at the Don Dale Juvenile Detention Centre. The Case Management Unit and the Northern Territory Police Juvenile Diversion Unit maintain a close working relationship.

3. The submission notes that although diversion from the court process is effective in reducing recidivism (p.17), Indigenous youth (and youth in general in the NT) are less likely to access diversion options. Has there been consideration of changing diversion eligibility criteria to address this?

The Northern Territory Government's written submission to the Inquiry (p.17) notes that despite the recognised benefits of the restorative justice process, Indigenous youths were dealt with via the court process at significantly higher (four times) rates than non Indigenous youths in 2008-09.

The Northern Territory Youth Diversion Scheme is available to all young offenders aged 10 years to less than 18 years of age. All offences, except those prescribed by the *Youth Justice Regulations*, are eligible for diversion. The Commissioner of Police (or a delegate) may authorise that offences be dealt with via diversion if it is in the interest of justice, despite the offence being prescribed. As a result, eligibility criteria does not seem to be the determining factor in Indigenous youth (and youth in general in the NT) being less likely to access diversion options.

The Northern Territory Police Youth Diversion Unit continues to work closely with staff from its Prosecution Units and those involved in defending youth before the Courts to address this issue. It is believed that if these agencies/organisations were able to better sell the concept of diversion where appropriate, the participation rates for all youth would increase.

4. Are you aware of the justice reinvestment concept advocated by the Australian Human Rights Commission? What is your view of this policy?

Yes. In 2009, the Australian Government and a number of State and Territory Governments entered a National Partnership Agreement on Remote Service Delivery (the Agreement). Under the Agreement, the Australian and Northern Territory Governments have committed to a significant investment in infrastructure, services and capacity building in 15 remote locations.

In 2009, the NT Government announced 'Working Future', NT Government's commitment to Closing the Gap of Indigenous Disadvantage, by delivering better services and infrastructure in the 20 Territory Growth Towns. Both the Agreement and 'Working Future' involve initiatives based around the seven Council of Australian Government's Building Blocks including those aimed at building safe communities.

In addition to these remote based initiatives, there has been investment in upgrades to and the delivery of new infrastructure in, urban Indigenous communities or "town camps" such as that seen under the Alice Springs Town Camp Transformation Plan.

This significant investment in infrastructure and services, in those communities from which a vast majority of the Northern Territory prison population is drawn, reflects the principles of justice reinvestment as set out in Commissioner Calma's report.

5. How well does the NT criminal justice system provide interpreting services for Indigenous people?

The Northern Territory Department of Housing, Local Government and Regional Services provide interpreter services throughout the Northern Territory. The Aboriginal Interpreter Service helps to alleviate the language barriers faced by Indigenous persons particularly in relation to health and legal issues. The Service was established in April 2000 and maintains and uses a register of Aboriginal interpreters and languages in the Northern Territory. It provides services for government and non-government agencies that require on-site Aboriginal language interpreters. The Aboriginal Interpreter Service provides a 24 hours 7 days a week central booking service in Darwin and Alice Springs and is utilised by Courts, Correctional Services and Police when and where required.

Court officers report that there are very few occasions when Court cannot proceed due to the lack of an interpreter.

6. Although the vast majority (~90%) of juvenile and young adult detainees in the NT are Indigenous, the majority of programs offered by Correctional Services "do not specifically target Indigenous/young offenders" (p. 21). Can you explain this discrepancy?

There is very little evidence on what works, from a program perspective, in relation to addressing Indigenous offending behaviour. In the past, programs have primarily been "mainstream" programs adapted for delivery to Indigenous offenders.

During 2009, the Department of Justice established a Clinical Services Branch which is responsible for program development and delivery across adult correctional centres, juvenile detention and community corrections. One of the key tasks is the redevelopment programs so that they are culturally derived and appropriate. To date, this redevelopment has focused on sex offender programs and counselling.

7. The submission refers to "a broader health and wellbeing program that is tailored for the high number of young Indigenous detainees" planned for "the early part of 2010" at Don Dale Juvenile Detention Centre (p. 23).

- **Can you tell us about the progress of this program?**

The program is currently being adapted from an individual program to a group program for delivery within the Don Dale Juvenile Detention Centre.

- **Is an evaluation planned for the program to assess its suitability and effectiveness?**

Yes. The Clinical Services Branch has developed an evaluation framework that will apply to all clinical programs offered across Northern Territory Correctional Services.

- ***Is this the first program of its kind – tailored for Indigenous detainees - at the Centre?***

Yes.

- ***Does it address mental health and/or substance abuse issues?***

Yes, as well as loss and grief, culture and family and healthy sexual relationships.

- ***Does it address hearing impairment?***

No.

8. *What sort of training do correctional services and court officers receive regarding:*

- ***Aboriginal or Torres Strait Islander offenders?***

Prison Officers in training, and all Department of Justice staff, must complete a one day cross cultural training course.

- ***linguistic barriers and the need for interpreters?***

Prison Officers complete a one day "Dealing with Ethnic Minorities" training course presented by the Interpreting and Translating Service NT. This training is also made available to other staff members on an ad hoc basis.

- ***how to detect signs of Foetal Alcohol Syndrome Disorder (FASD)?***

No training is provided to Prison Officers. Court clinicians provide ad hoc advice as well as training and support to the Magistrates on how to detect signs of misuse and FASD amongst other things.

- ***how to detect signs of drug/substance abuse?***

Prison officers complete drug awareness training. In addition, new/current prisoners in correctional centres are assessed by medically trained staff.

Courts have specialised Court Clinicians supporting the diversionary program for offenders with alcohol and drug misuse problems (who are suitable for referral to treatment). The two main programs are the Alcohol Court and the Court Referral and Evaluation for Drug Intervention Treatment (CREDIT) program. The latter is available to youths. There is also a volatile substance abuse program that is operated by the Department of Health and Families and accessible by youths. There are Court Clinicians based in Darwin, Alice Springs (servicing Tennant Creek) and Nhulunbuy. Katherine is currently serviced by Darwin since the Katherine based clinician resigned. These Court Clinicians are all health professionals with a minimum requirement of a Certificate IV in Community Services and Alcohol and Other Drugs.

Upon request, Court Clinicians provide training forums to groups such as the Northern Territory Legal Aid Commission, North Australia Aboriginal Justice Association and Court prosecutors in relation to the identification of misuse issues and suitability of treatment options etc.

- ***how to detect signs of mental health issues?***

All correctional officers complete training on managing prisoners with mental health issues and intellectual difficulties. In addition, correctional staff are trained in the administration of assessment tools designed to identify the risk of self harm or harm to others in those entering custodial facilities. These tools are supported by referral to and assessment by the in-prison health service and the external (Department of Health and Families) providers.

Ongoing support/assistance is provided by both the Department of Health and Families Forensic Mental Health Service and the Aged and Disability Services Branch. This assistance ranges from conducting assessments of prisoners/juveniles to working with correctional staff to develop and implement behavioural management plans.

9. There have been calls for more community work order options as an alternative to detention and a means to reduce recidivism through the provision of training and work experience. Can you comment on this?

In February 2009, the Northern Territory Government announced a 'New Era in Territory Corrections', to reduce prisoner numbers and re-offending. An increased focus on education, training and employment is a key focus of the New Era. This will be achieved within the prisons and in detention by providing opportunities for offenders to participate in work projects, education and training within the community.

Reducing prisoner numbers through an increased focus on community based sentencing options is also a key element of the New Era in Corrections. During 2009, a significant project was undertaken by Northern Territory Correctional Services to enhance the Community Work Order (CWO) framework, which included corresponding with all Shire councils. This has resulted increased numbers of CWO projects available to the Courts, including the Youth Justice Court, thus strengthening CWOs as a sustainable community based sentencing option.

Community Probation and Parole Officers in remote communities assist in the supervision of community based offenders on Court orders, such as supervised probation, home detention and community work orders. Recruitment for CPPO positions targets Indigenous people from the local community which provides these employees with an opportunity to support justice initiatives in their own community.

To date ten CPPOs have been recruited and placed in Lajamanu, Wadeye, Barunga, Timber Creek, Nguiu, Tennant Creek, Hermannsburg, Alice Springs, Ti Tree and Nhulunbuy. Recruitment action is underway for Yuendumu and Alyungula in this financial year.

In 2010-11, consideration will be given to recruiting CPPOs in Gunbalunya, Borroloola and Maningrida.

A reduction in prisoner numbers might also be achieved through the introduction of measures such as electronic monitoring coupled with home detention or with orders to attend alcohol and other drug rehabilitation programs.

10. Indigenous Justice Agreements exist in most states. What would be the benefits of the NT Government making a similar agreement given the size of the Indigenous population in the NT and in the criminal justice system?

The Northern Territory Government is not currently considering an Indigenous Justice Agreement. Plans are in place to create an Indigenous Representative Body in the Northern Territory; and once established an Indigenous Justice Agreement may be contemplated.

During 2007-08 there was a substantial change in the landscape of Indigenous Affairs in the Northern Territory, building on the *Little Children Are Sacred* Report handed down by the Northern Territory Government's Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. The *Closing the Gap of Indigenous Disadvantage – A Generational Plan of Action* was launched by the Northern Territory Government on 20 August 2007 in response to the 97 recommendations outlined in the Inquiry. The plan has a clear vision and objectives and sets ambitious but achievable targets at five, 10 and 20 years to overcome Indigenous disadvantage. It also identifies priority actions for the first five years.

The Northern Territory Government continues to work in partnership with the Australian Government over the changes it has introduced through the Northern Territory Emergency Response (NTER). The Government has aligned the *Closing the Gap* plan to complement many initiatives introduced by the Australian Government's NTER.

The Northern Territory Government's 20 year Strategic Plan, known as Territory 2030, was launched on 3 December 2009. The Territory 2030 Strategic Plan is the Government's road map for the future. Developed in consultation with the community, Territory 2030 sets priorities and guides the Northern Territory Government's efforts over the next two decades. Territory 2030 contains 128 targets linked to six key priorities: education, society, economic sustainability, health and wellbeing, the environment, and knowledge, creativity and innovation.

Northern Territory Government's Budget 2010 delivers the single biggest investment in the Northern Territory's history to improve services in remote areas with a record \$980 million investment in better infrastructure across schools, housing, health clinics and transport infrastructure, including roads, airstrips and barge landings. The Northern Territory Government's Budget 2010 boosts funding to improve services and facilities in the Territory Growth Towns so they become the economic and service delivery centres for their regions – improving education, training and job opportunities for Territorians in

remote areas. The Northern Territory and Australian Governments are working together to achieve real change for Indigenous Territorians. While the Northern Territory Government's *Working Future* focuses on improving the lives of Indigenous Territorians, this record investment will benefit the whole community.

The measures mentioned above represent a real opportunity for improvement in the levels of involvement of Indigenous juveniles and young adults in the criminal justice system in the Northern Territory.

