



YJAC

ANNUAL REPORT 2014/15

YOUTH JUSTICE ADVISORY COMMITTEE
NT DEPARTMENT OF CORRECTIONAL SERVICES



**NORTHERN
TERRITORY**
GOVERNMENT



YJAC

**ANNUAL
REPORT
2014/15**

Hon John Elferink MLA
Minister for Correctional Services
Parliament House
Darwin NT 0810

30 September 2014

Dear Minister

The Youth Justice Advisory Committee (YJAC) in accordance with section 213 of the Youth Justice Act, *the Act*, is pleased to present the 2014/15 YJAC Annual Report.

In the 2014/15 reporting period YJAC's involvement in the Youth Justice System (YJS), as per section 204 of *the Act*, has included the monitoring and evaluation of the operation of the Act, advising you on needs and issues within in the YJS, the Act and the sector to inform government policy and program direction .

However, the overall functions of YJAC have been constrained, due to YJAC's members being involved in the development of the Youth Justice Strategy Framework, the completed tenure of the committee membership, the reestablishment of the committee members through a government appointment process and the changeover in YJAC secretariat's position.

Nevertheless, the primary focus of YJAC meetings, discussions, considerations, research and correspondence in 2014/15 has involved:

- The Northern Territory Department of Correctional Services (NTDCS), Youth Justice (YJ), Youth Justice Framework development.
- Advising the NTDCS, YJ on training packages to enhance Youth Justice Worker's involvement with young people in detention.
- Corresponding with NTDCS, YJ and the Minister, in regards to the relocation of young people from the Don Dale Youth Detention Centre (DDYDC) to the Holtze Youth Detention Centre and then to the new DDYDC (the old Berrimah adult correctional facility), as it relates to *the Act*.
- Briefed on the Elders Visiting Program (EVP) and how it relates and positively impacts on young people in detention.
- Noted the Vita Review and the 16 recommendations of the review.
- Monitoring of the Register of Appropriate Support Persons (RASP).
- Advocating for the peer court program as an alternative to youth justice court.
- YJAC visited the Alice Springs Youth Detention (ASYDC) and the minimum security section of the Alice Springs Correctional Facility and workshop operations on 10 June 2015.

YJAC is already planning its future direction for 2015/16 with a conscientious focus on the following Youth Justice Sector areas to reduce and cease a young person's involvement in the YJS:

- Researching and proposing justice reinvestment program models for regional and remote communities as an alternative to detention and electronic monitoring.
- Considering alternatives including electronic monitoring of young people, the pro and cons, especially for young people living in regional and remote communities as alternatives to detention.
- Researching and proposing alternatives to detention to address a young person's offending behaviours through a case management approach.
- To work with NTDCS, YJ and provide monitoring and evaluation as one mechanism of review of the Youth Justice Framework.
- Ongoing monitoring of Section 64 referrals from the youth justice court to diversion programs, due to recent supreme court ruling.
- Monitoring the Register of Appropriate Support Persons (RASP).
- Receive updates on the Early Intervention Youth Boot Camp program (EIYBC) guidelines and program and service delivery.
- Reinstating the Youth Justice Issues Register for community input.
- YJAC inspecting the Don Dale Youth Detention Centre.

I appreciate the diligent efforts of all YJAC committee members, past, reinstated and new members, during this difficult period and I commend the secretariat support of YJAC, throughout this reporting period.

In accordance with *the Act*, I am pleased to provide to you the 2014/15 YJAC Annual Report.

Yours sincerely



Stewart Willey
Youth Justice Advisory Committee Chair

FUNCTIONS

Functions and Powers of YJAC as per section 204 and 205 of the Youth Justice Act (*the Act*).

In Section 204 of the Act, YJAC Functions are;

- (a.) To monitor and evaluate the administration and operation of this Act.
- (b.) To advise the Minister (whether on request by the Minister or otherwise) on issues relevant to the administration of youth justice, including the planning, development, inter
- (c.) To collect, analyse and provide the Minister information relating to issues and policies concerning youth justice.
- (d.) Any other functions imposed by this Act.
- (e.) Any other functions as directed by the Minister.

In addition, Section 205 of *the Act*, YJAC Powers are:

The Committee has the powers necessary or convenient to carry out its functions.

MEMBERSHIP

YJAC Membership as per *the Act*

Section 203 Establishment

- (1.) There is established the Youth Justice Advisory Committee comprising government, non-government and community representatives.
- (2.) The committee must reflect the composition of the community at large and accordingly, as far as practicable, should consist of the following:
 - (a.) Equal numbers of male and female members;
 - (b.) At least 2 members who are Aboriginals;
 - (c.) At least one member who is under the age of 25 years at the time of appointment;
 - (d.) At least one member who has formally been a detainee.

YJAC Membership as per *the Act*

Section 203 Establishment

- (1.) There is established the Youth Justice Advisory Committee comprising government, non-government and community representatives.
- (2.) The committee must reflect the composition of the community at large and accordingly, as far as practicable, should consist of the following:
 - (e.) One person nominated by the Director, and
 - (f.) One person nominated by the Commissioner of police; and

- (g.) One person nominated by the Agency responsible for protection of children and young people; and
 - (h.) One person nominated by the Agency responsible for the education of youth; and
 - (i.) One person nominated by the Agency responsible for crime prevention; and
 - (j.) One person nominated by a peak youth organisation; and
 - (k.) One person nominated by the Law Society Northern Territory; and
 - (l.) The remainder drawn from the community generally and the Aboriginal community in particular.
- (3.) The Minister must be satisfied that each person appointed to be a member has experience , skills, qualifications or other credentials that the Minister considers appropriate for the person to satisfactorily contribute to the Committee's work

The YJAC committee changed during the 2014/15 year. The previous committee member's terms' expired on 31 December 2014 as per the instrument of their appointment. A call for applications for the new YJAC Committee were sought from across the Northern Territory. A strong field of applicants were assessed and the new YJAC Committee members were recommended. The below biography's are of the 12 appointed members of YJAC. The committee have been appointed until 31 December 2017. They bring together a wealth of experience, knowledge, skills, passion and commitment to the youth sector and will provide the Minister with ongoing advice and information relevant to youth justice.





REPRESENTATIVES



Stewart Wiley, Chair
TENNANT CREEK
Community representative

Over the last 30 years, my experience has been in researching, devising, adapting and providing innovative evidenced based programs of best practice to develop and empower young people and their family members to address their needs, issues and barriers. The implementation and evaluation of these programs and services requires input from the young person, family members, Elders and community members and incorporates the enhancement and sustaining of case workers, to ensure that quality program and service provision enables positive outcomes for young people and their families.

During the last 17 years, I have focused more on engaging with vulnerable, disengaged, Indigenous and non-Indigenous young people, especially in regards to their involvement in the youth justice system and education and training support, through a case management framework approach. This commitment has included court support for young people and their family members, in a language that they understand, acting as a responsible adult and the provision of case management programs and services, awareness programs and supported and facilitated referrals to other youth service providers to address a young person's needs, issues and barriers, to their offending behaviours.

I am currently employed as the PaCE (Parental and Community Engagement) Project Manager, at Papulu Apparr-Kari Aboriginal Corporation. PaCE provides service and program support, engagement and empowerment for Indigenous young people, their family members, community members, education providers and other service providers through a holistic approach to support to focus on a young person's engagement with education and training.



Luke Tyford

DARWIN

Government representative - Department of Children and Families

Luke Twyford is the representative from the agency responsible for the protection of children and young people (Department of Children and Families). He joined the Northern Territory child protection agency in 2012 and is currently the Executive Director for Professional Practice. Mr Twyford's current role includes providing strategic leadership of the Department's internal review, performance monitoring, practice investigation and audit functions. He is also responsible for complaints management, administration of the client management systems and freedom of information.

Over the last 12 months, Luke has coordinated agency wide data collection and reporting to the Royal Commission into Sexual Abuse in Institutional Settings, implemented reforms to respond to allegations of harm for a child in care and developed a holistic approach to performance reporting aligned to the Department of Children and Families Standards of Professional Practice. Mr Twyford brings a passion for integrated and client focussed services to YJAC



Commander Brent Warren

DARWIN

Government representative - NT Police

Brent joined the NT Police Force in 2000 and has worked in a variety of operational and policy roles across Darwin, Alice Springs and Katherine. He currently holds the position of Commander. In his former role Brent had responsibility for a variety of specialist investigative areas including the Child Abuse Task Force, Domestic Violence Unit and Property Crime Reduction Unit. Investigators from each of these teams have regular contact with youth, as victims, offenders and bystanders.

Brent first became interested in Youth Justice issues whilst working in a team focussed on youth offending, and has experience dealing with teenage offenders and referring them to youth diversion, counselling and support services. In his spare time Brent volunteers as the Officer in Charge of the Australian Air Force Cadets in Alice Springs, and is a member of the Board of the Mental Health Association of Central Australia. He has completed tertiary qualifications including a Master of Arts in International Relations and a Bachelor of Laws.

Brent has been a member of the Youth Justice Advisory Committee since 2013



Bernie Wilson

DARWIN

Community representative

Bernie Wilson has over a number of years worked closely with young people, their families and supporting community agencies in his roles both as a former case manager for the Northern Territory Youth Diversion Program and in his current role as a North Australian Aboriginal Justice Agency (NAAJA) Throughcare Program Case Manager.

Mr Wilson previously worked in youth services in Melbourne including alcohol and other drugs and youth housing. He has a strong interest in ensuring that young people have a voice that is listened to in their communities.

Mr Wilson completed a Bachelor of Social Work at RMIT University Melbourne in 2011, graduating with First Class Honours. He aims to use his degree to help influence policy and develop programs using the voice of young people.



Clement Ng

ALICE SPRINGS

NT Law Society Representative

Chun Wai (Clement) Ng was born and raised in Hong Kong. He came to Australia in 2004. He graduated with Bachelor of Arts and Bachelor of Laws from the University of Melbourne. He was admitted to practice as a lawyer in 2010. He moved to Alice Springs in 2011 where he started working for the Northern Territory Legal Aid Commission as a criminal lawyer, a position he still currently holds. Over the last four years, he has been the designated youth justice lawyer in the Alice Springs office. He primarily represents both indigenous and non-indigenous young offenders in the Youth Justice Court and the Supreme Court.

His past involvements in the sector also include drafting submissions to the Youth Justice Framework and the Juvenile Detention Review, planning and delivering community legal education sessions to high school students and advising the Commission on various youth justice issues. He also attends the monthly meetings of the Central Australian Youth Justice Coalition (CAYJ). Recently, he presented a paper on the NT Youth Justice System at the 2014 National Association of Community Legal Centres Annual Conference. He began studying a Master of Laws degree at the University of New South Wales last year with the view to specialise in criminal justice and human rights.



Superintendent Mark Christopher

DARWIN

Government representative - NT Police

Mark Christopher grew up in Western Victoria and after completing year 12 attended Monash University where he gained a Bachelor of Science in Physics and Material Science. After this Mark commenced research as a staff member of the university for two years.

Whilst a member of staff at Monash University Mark applied for and was accepted into the NT Police Force and he started his training in January 1986.

Mark has served at all major locations within the Territory and several Bush Stations. He has been a "Bush" police officer, a general duties officer, a detective in the Drug Squad and in General Crime. Mark was the Officer in charge of the Palmerston Police Station prior to being promoted to Superintendent in a policy area. As a superintendent Mark has served in policy, as a staff officer to senior police, as the Superintendent in charge of recruit training, as the Superintendent in charge of Police Communications, Anti-Terrorism, Tactical Police and Water Police. Mark's current position is as the Superintendent of the Public Safety Division which includes Prosecutions, Judicial Operations, Youth Diversion, Junior Police Rangers and the police staff who assist the PCYC/Wongabilla Equestrian Centre.

In addition to his Police position Mark is also a member of the Army Reserve having joined 35 years ago. Mark currently holds the rank of Lieutenant Colonel and is in charge of the Army Cadets for the NT and has had six years previous close association with the Army Cadets.



Marion Guppy

DARWIN

Government representative - Department of Education

I began my education career teaching in a Victorian secondary school for five years before moving to the Northern Territory. Here I have taken teaching and leadership roles in primary and secondary schools, urban and regional schools and in a remote community school. I was a principal for 14 years, first as the founding principal of Casuarina Street Primary School in Katherine, then the principal of Dripstone High School and Darwin High School. My career in the Northern Territory Department of Education spans 26 years with the past 4 years being in senior departmental corporate leadership roles.

My current line management responsibility includes all middle schools and senior secondary schools in Darwin and Palmerston, including Tivendale and Malak Re-engagement Centre.



Louise Blacker

ALICE SPRINGS

Government representative - NTDCS

Louise Blacker commenced with Northern Territory Correctional Services as an Administration Officer at Community Corrections in Alice Springs in 1988. Since then she has held various positions including Executive Officer, Program Officer, Probation and Parole Officer, Senior Probation and Parole Officer, Coordinator Indigenous Family Violence Program, Manager and Regional Manager of Alice Springs and Tennant Creek Community Corrections and has acted in the position of General Manager, Community Corrections.

Louise worked extensively with youth on community based orders when in the role of Probation and Parole Officer and more recently, is a member of the Interagency Tasking and Coordination Group, which is made up of government and nongovernment agencies for the purpose of developing strategic level integrated problem solving for Alice Springs with a focus on youth and the coordination of service delivery to youth across all agencies. Louise is an Authorised Officer under Part 6A Youth Justice Act. She is also a board member of the Alice Springs Women's Shelter.

Louise Blacker has 26 years' experience in the Correctional Services field in the Northern Territory, in various divisions of the Department, having worked in both the Correctional Centres and Community Corrections. Ms Blacker has extensive experience in relation to the management of youth and adult offenders. As such, she is aware of the needs of young offenders in both detention and community settings, with a strong interest in the reintegration and throughcare.



Meg Geritz

KATHERINE

Community representative

Over the last 16 years Meg Geritz has worked in the Katherine Region in the field of Community Services and Development. This has included implementation of and brokerage for Youth Services and Youth Justice initiatives.

Meg is the Regional Manager for Australian Red Cross, responsible for the development and implementation of Community Programs responding to Community priorities in Katherine, Kalano and Daly River (Naiyu). Red Cross programs supporting Youth in this region include the Register of Appropriate Support Persons (RASP) - a youth justice program, Personal Helpers and Mentor Support - supporting people with suspected or diagnosed illness, and the Pop-up Shak in Naiyu - a community capacity building initiative for young people.

Meg has been a key support and promotor for regional networks including the Youth Justice Advisory Committee (YITCG), the Community Helping Action and Information Network (CHAIN), and the Naiyu Action Group (NAG) driving Suicide Intervention and Prevention Strategies. Over the past 16 years Meg has been a strong advocate for the ongoing youth needs and issues within the community and has developed working partnership with peak bodies, government agencies, community groups and other youth organisations.



Noeletta McKenzie-Young

MANINGRIDA

Community representative

My name is Noeletta; I am a mother of 6 wonderful children and have been married into Maningrida community for 21 years. I am the manager of "GREATS" Youth Services – Malabam Health Board in Maningrida Community. I have always had a passion for youth affairs and recently won the Top End NAIDOC Person of the year award. I am the case manager for the Youth Diversion "On Track" Program, funded through the Youth Diversion Unit.

My passion in the area of youth justice stems from my extensive experience with young people in general. I love to advocate for young people and give support when and where it is required. I did undertake a law degree in my younger days but was steered more towards a wider scope of youth work and have now worked in this field for about 18 years.



Melissa May

ALICE SPRINGS

Community representative

I have worked in humane services most of my life. I was a Prison Officer for 10 years in Townsville Qld. I have worked as a Senior Community Facilitator with CREATE Foundation here in the NT, I also was the Program Manager for Youth and Out of Home Care with Life Without Barriers Alice Springs.

I am in my 3rd year as Program Manager for BushMob working with young people from 12 – 25 years who are suffering the effects of Volatile Substance Abuse and Alcohol and other Drugs. I have always been interested in the criminal justice system and working with young offenders and young disadvantaged youth in general



Adele Gibson

ALICE SPRINGS

Community representative

Adele Gibson is a sociologist with a commitment to the principles of community development and natural justice. She has a broad background in disability, mental health, research and advocacy, and her roles have varied from foster-carer to project management. Her interests include youth mental health, Public Health, Foetal Alcohol Spectrum Disorder, and the empowerment of disadvantaged groups.

MEETINGS

YJAC held one meeting during the 2014/15 financial year, held in Alice Springs at the NTDCS office.

Following this meeting minutes were prepared by the secretariat and distributed to members. The minutes were also forwarded for noting to the Minister for Correctional Services, the Hon John Elferink MLA, through the Commissioner of the Department of Correctional Services.



PRIORITY TASKS

The primary focus of YJAC meetings, discussions, research and correspondence in 2014/15 has involved:

- Preparing the YJAC Annual Report.
- NTDCS, YJ, Youth Justice Framework development.
- Provided comment to the NTDCS, YJ on training packages to enhance Youth Justice Worker's involvement with young people in detention.
- Corresponding with NTDCS, YJ, ED and Commissioner and the Minister in regards to the relocation of young people from the Don Dale Youth Detention Centre (DDYDC) to the Holtze Youth Detention Centre and then to the new DDYDC (the old Berrimah adult correctional facility), as it relates to *the Act*.
- Briefed on the Elders Visiting Program and how it relates and positively impacts on young people in detention.
- Noted the Vita Review and the 16 recommendations of the review.
- Monitoring of the Register of Appropriate Support Persons (RASP).
- Advocating for the peer court program as an alternative to Youth Justice Court.
- YJAC visited the Alice Springs Youth Detention and the minimum security section of the Alice Springs Correctional Facility, to induct the new YJAC members to a detention centre facility and to consider the potential workshop training and work opportunities for over seventeen year old detainees at ASYDC, as part of the Seek Education and Employment not Detention (SEED) program on 10 June 2015.

However, YJAC members have some concerns with the ASYDC physical facility and some policy and procedural issues as related to comparing our observations to:

- Part 8 Youth detention centres as per *the Act*.
- The Australasian Juvenile Justice Administrators standards and guidelines for young people in detention, especially for young people on remand, with limited access to family members, Elders and their already established relationship and rapport with local and known case managers.
- The United Nations Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty (Beijing Rules).
- The United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), notably for young people on remand because they have no residential bail alternatives prior to sentencing and the current practice of 'quick response' alternatives to detention, for young people on remand being granted bail or on supervised NTDCS orders, to residential programs that are not addressing or making a young person responsible for their offending behaviours without their input into developed through care case management support and plans, from their country.
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

ACTIVITIES

- In the 2014/15 reporting period the Youth Justice Advisory Committee's (YJAC) involvement in the Youth Justice System (YJS), as per section 204 of the Act, has included the monitoring and evaluation of the operation of the Act, and advising the Minister on the needs and issues within the YJS, *the Act* and the youth justice sector, to inform government policy and program direction.
- However, the overall functions of YJAC, in 2014/15, have been constrained, due to YJAC's members being involved in the development of the Youth Justice Framework, not having a quorum for a proposed meeting in September or October 2014, the completion of tenure of the committee membership, the reestablishment of the committee members through a government appointment process and the changeover in the YJAC secretariat's position.
- This may have resulted in a lack of advocacy for young people and their family members involved in the YJS, especially those young people involved in transition process of the Don Dale Youth Detention Centre (DDYDC); and advising the Minister on issues, needs and barriers of young people involved in the YJS.
- However, there has been active correspondence with the NT Department of Correctional Services (NTDCS), Youth Justice (YJ) between myself, as the YJAC chair, and YJAC community members, especially in the proposed Youth Justice Framework, YJAC monitoring and evaluating the YJ through proposing a open and transparent functioning between NTDCS, YJ and YJAC, concerns of conflict of interest with the YJAC's secretariat's position being placed in NTDCS and relocation of young people from DDYDC to Holtze Youth Detention Centre (HYDC) and back to the new DDYDC (the old Berrimah adult correctional facility), as it relates to the Act.
- As the chair of YJAC, I questioned and openly corresponded with the Minister, Executive Director (ED), YJ and the Commissioner of Correctional Services, through the ED, YJ, to ensure that this entire process adhered to *the Act*, it was open and transparent and was correlated to the proposed Youth Justice Framework.
- Additionally, As the Chair, I requested an inspection visit of the HYDC facility, an invitation extended by the Minister as per section 168, of the Act, granted through correspondence. This was in the interests of young people in detention and the YJS, especially with YJAC being transparent and as an independent advisor to the Minister and the potential conflict of interest position of the secretariat being an NTDCS employee.
- This was after the changeover in secretariat employees with NTDCS, YJ and the completion of tenure of the previous YJAC committee's membership.



ELECTRONIC MONITORING

YJAC has continued to monitor, research and review the development of electronic monitoring and surveillance of offenders as an alternative to imprisonment. The use of this type of technology was flagged by the Department of Corrections back in 2011 and progressed to the award of a contract to G4S in June 2014.¹

Electronic monitoring devices have been deployed on offenders serving at the Barkly Work Camp and those subject to court ordered release into the community. With the advantage of allowing an offender to be tracked and monitored without placing them inside a gaol, electronic monitoring appears to offer a low cost alternative to incarceration that avoids many of the negative consequences of placing offenders in prison, while potentially improving the safety of the public, as noted recently by the Northern Territory Coroner.²

YJAC has argued in favour of bail support programs in the Northern Territory for several years, and continues to promote structured and supported alternatives to remanding youth into detention. Electronic monitoring as an alternative to detention can be seen as forming part of a suite of bail support programs enabling the management of young offenders in the community rather than in detention.²

Electronic monitoring has been employed on a permanent or trial basis in a number of jurisdictions, with some success. Broadly speaking, positive attributes of an electronic monitoring system include:

- a reduction in offenders detained in custody;
- a financial saving, since monitoring is cheaper than custody;
- a reduction in recidivism through avoiding exposure to other offenders in gaol;
- a reduction in recidivism through maintaining offender contact with their family and support network; and
- pinpointing offender locations in real time, which is useful from a public safety perspective as well as offering an alibi support for offenders who might otherwise be linked to offending behaviour.³

¹<http://newsroom.nt.gov.au/mediaRelease/9520>

²<http://corrections.net.au/2014/03/21/nt-coroner-calls-for-gps-tracking-of-crims-nt-news/>

³Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 2 – 3.

⁴Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 3 – 4.



There may be a number of negative attributes associated with electronic monitoring, including:

- the cost involved in entering an electronic monitoring program may discriminate against poor families (in some jurisdictions the cost of monitoring is borne by an offender and their family);
- False alarms generated by equipment failure and poor mobile phone coverage;
- Emotional effects on some offenders who suffer the stigma of wearing a tracking device which identifies them as an offender.

Electronic monitoring appears to offer a positive alternative to imprisonment (although there are restrictions in remote communities), particularly remand prior to conviction, and this is to be commended. YJAC will continue to monitor the development of the electronic monitoring program and its impact upon young offenders.⁴

YJAC understands that the project has now been extended to include youth offenders and those subject to bail conditions imposed by a court, as an alternative to being remanded into detention. A number of youth have been issued with monitoring devices as part of bail or release program, with varying results.

Electronic monitoring will be a key priority area for YJAC in the 2015/2016 financial year.

¹<http://newsroom.nt.gov.au/mediaRelease/9520>

²<http://corrections.net.au/2014/03/21/nt-coroner-calls-for-gps-tracking-of-crims-nt-news/>

³Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 2 – 3.

⁴Sklaver S, The Pros and Cons of Electronic Monitoring Programs in Juvenile Cases, pp 3 – 4.

YOUTH PEER COURT MODEL

In October 2013, YJAC was briefed by Jared Sharp of NAAJA regarding the Peer Youth Courts model (the Model) used in New York. The model functions as a diversionary and rehabilitative program which centres on direct participation by young people in the administration of the youth justice system. Jared identified that the model has been highly effective and indicated that it could be suitable for trial in the Northern Territory.

An Overview

The Model involves training young people to act as advocates and jury to hear cases of minor offences committed by young people. Participation in the youth peer court is voluntary; with the young offender being able to opt out of they wish.

The primary goal of the Model is to use positive peer pressure to ensure that young people who have committed minor offences pay back the community and receive the help they need to avoid further involvement in the criminal justice system.

The “jury” questions the young offenders to understand their circumstances, attitude toward the offending and their personal goals.

The jury is trained to be non-judgemental and non-punitive in their approach. The questions asked by the jury are extremely effective as they compel the young offender to respond to matters that would not normally be addressed in the court system.

The jury then engages in a decision making by consensus exercise, through which they decide on a suitable outcome for the offender, which could range from a period of time performing community service through to production of a reflective essay on the negative impact of the offence they have committed.

The effectiveness of the program is demonstrated by the fact that 94% of the dispositions made by the Peer Youth Court in New York are satisfactorily complied with, despite the fact that they are not binding legal decisions.

Application in the Northern Territory

In early 2014 Ms Janet Truong, a member of the Chief Ministers Round Table of Young Territorians, presented to YJAC on her project which aims to investigate the adaptability of the Model in the Northern Territory. As part of her project she conducted a series of public demonstrations of the model to stimulate public discussion; these demonstrations were run on four occasions throughout 2014, and strongly supported by YJAC.

Ms Truong submitted a final report in relation to the findings of her project and provided a copy of the report to the Attorney General Minister Elferink. YJAC continues to support the concept of a Peer Youth Court model and will advocate for a trial in the future. This will be a key priority area and piece of work for YJAC in the 2015/16 financial year.

YOUTH JUSTICE FRAMEWORK

INVOLVEMENT

The main focus of YJAC's involvement in the Youth Justice Framework was to provide an independent viewpoint and input into the development of the framework from a 'grassroots' level perspective of young people, their families and youth workers involved in the YJS, to reduce and cease their involvement.

Below is an example of an YJAC member's involvement at a focus group level:

Northern Territory Department of Correctional Services, Youth Justice, Youth Justice Framework Development Workshops: Theme Working Group: Family and Community Engagement with Young People

The main focus of the working group's discussions around this theme was how to increase family and community engagement with young people prior to, during and after their involvement in the YJS. The ultimate goal is to reduce young people's involvement in the YJS and end recidivist offending through developing an overarching goal, objectives and strategies to support and empower family and community engagement with their young people.

The working group deliberated on how to enhance the engagement of young people with their families, Elders and Respected Persons, significant people in the young person's life and involving them with 'champions' (mentors). If this is to be effective for young people, their family members, Elders and Respected Persons, significant people in the young person's life and 'champions' (mentors) have to be supported, empowered and facilitated by gaining skills to increase their involvement and their engagement with their young people and youth service providers.

If families, Elders and Respected Persons, significant people in the young person's life and 'champions' (mentors) feel as if they are not in control or that the young people are not listening to them they let the YJS take over. This is when they need, be supported and empowered in their engagement with their young people to disengage them from the YJS. It is through their involvement, support and empowerment by youth service providers provision of program and services to reiterate what families, Elders and Respected Persons, significant people in the young person's life and 'champions' (mentors) are addressing.

This directed the working group to consider and discuss evidenced based models of best practise that are currently accessible to young people and their families in the Northern Territory. This included mainly youth service providers who provided programs and services that involve and empower young people and their families, Elders and Respected Persons, significant people in the young person's life and champions' (mentors), when the youth service provider is in and not physically in Community.

The working group expressed a concern that these programs and services were not being adequately resourced, compared to detention, to address the needs, issues and barriers of young people and their families in the Northern Territory, especially on country, community and home surrounds, in a case management framework. This is contrary to the youth service providers evidence, that with case management support of young people and their families resulted in a reduction in the number of young people and their families involvement in the Youth Justice System and recidivist offending, when it is adequately resourced and supported.

However, 'one size does not always fit all'. What is evidenced based as effective for young people and their family members in remote and regional communities may not work in urban areas and vice versa. The working group explored program and service models which were evidenced based in best practise in the Tiwi Islands, Katherine, Central Australia and Barkly Region and advocated for these program and service models to be customised, in response to a specific Northern Territory's location needs, issues and barriers of young people and their family members and replicated throughout the Northern Territory.

The main contention of the working group was that if the enhancement of the engagement of young people with their family members, Elders and Respected Persons, significant people in the young person's life and involving them with 'champions' (mentors) is not addressed this will lead to more young people entering the Youth Justice System and the added costs of them being involved in Youth Justice Court and detention, with little or no face-to-face contact with family members and through care support to ensure that their circumstances will change when they return to town or community.

This is to reduce and cease young people's involvement in Youth Justice System, especially in an early intervention and prevention phase, prior to or during their involvement in the Youth Justice System i.e. early intervention, bail support programs residential and non-residential and Griffith's Remand, as an alternative to detention to address young people's needs, issues and barriers including the involvement of their family members and diversion and diversionary programs, which are evidenced based to reduce recidivist offending.



YJAC PROPOSED YOUTH JUSTICE TRAINING PACKAGES

YJAC recommended the most appropriate training package that included the Certificate IV Youth and Diploma Youth Justice Training Packages from the National Training Package as vetted by National Community Services and Health Industry Skills Council.

However, the choice of Competency Units may be up to the registered training provider and in consultation with what NTDCS, YJ is requiring the Youth Justice Workers (YJW's) to be trained in. The understanding is that NTDCS, YJ is seeking training in Youth Justice, case and behavioural management, physical intervention training and the YJ need to consider the added two additional competency units from other community service training packages

Additional competency units:

CHCYTH608C - Manage service response to young people in crisis.

CHCCM506B - Undertake case management in a child protection framework..

Nevertheless, for the YJW's to effectively work with young people in detention they need holistic training that encompasses every aspect of young person's and their family member's involvement in the Youth Justice System and the added two additional competency units from other community service training packages.

This is to ensure that these approaches are going to be effective in ceasing or the reducing of young people's offending by addressing their needs, issues and barriers, in a case management framework. Therefore, the recommendations involve the whole training package, so Youth Justice Workers are involved in holistic training to better engage with young people in detention and reduce and cease a young person's involvement in the YJS with an integrated case management approach.



Overview of CHC40513 Certificate IV in Youth Justice CHC50513 Diploma of Youth Justice Competency Units from the National Training Package

CHC40513 Certificate IV in Youth Justice

- This qualification reflects the role of youth justice workers who supervise young people who have been directed by the justice system to be in the care and direction of authorised community and/or government agencies.

CHC50513 Diploma of Youth Justice

- This qualification reflects the role of youth justice workers who supervise young people who have been directed by the justice system to be in the care and direction of authorised community and government agencies. Workers at this level may have some supervisory responsibility for other staff.

The assessment strategies include:

- A Learning Strategies Guide describes potential strategies for working with a diversity of learners in this sector and possible learning strategies.
- A Knowledge Strategies Guide identifies knowledge requirements of the units of competency, a glossary of terms and provides information about potential resources as well as links to useful information.
- An Assessment Strategies Guide provides guidance on implementation of the Assessment Requirements as well as general advice about assessment in this sector.
- A Foundation Skills Guide provides guidance about identifying foundation skills and developing them in students in the context of the sector in which they work.



CORRESPONDENCE

In

- 22/09/14, Minister for NTDCS and Attorney General's response to YJAC's letter regarding the concerns of closing the Don Dale Youth Detention Centre (DDYDC) and moving detainees to Holtze Youth Detention Centre (HYDC) as per the Act.
- 23/12/14, Commissioner, NTDCS re informing YJAC of transfer from the HYDC to the 'new' DDYDC (the old adult correctional facility at Berrimah).
- 02/11/14, NTDCS ED, YJ re seeking advice on youth justice training packages for Youth Justice Workers (YJW) from YJAC.
- 08/01/15, NTDCS Acting Commissioner, re requesting YJAC's input into the draft 2014 Vita Review sixteen recommendations for Youth Detention Centres.
- YJAC was not actively consulted in 2014 Vita Review process even though members requested involvement through the proposed YJAC 2014 October/November quarterly meeting. As the previous YJAC membership expired in late December 2014, YJAC did not have capacity to respond. Nevertheless, YJAC was proposing its response by utilising Part 8 Youth detention centres as per the Act, the Australasian Juvenile Justice Administrators standards and guidelines for young people in detention, the United Nations Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty (Beijing Rules), the United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), notably for young people on remand because they have no residential bail alternatives prior to sentencing and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).

In addition, the Vita Review's 16 recommendations were analogous to what YJAC has been actively proposing.

Out

- August, 2014, YJAC letter to Minister for NTDCS and Attorney General re YJAC concerns of closing the Don Dale Youth Detention Centre (DDYDC) and moving detainees to the HYDC as per the Act.
- 04/08/14, YJAC email from the Chair to Executive Director, YJ re their monitoring of the YJAC annual report content and the proposed monitoring and evaluation of the YJ through a proposed MOU to ensure that there is transparency between the committee and YJ, as per the proposed Youth Justice Framework.
- 24/08/14, YJAC email from the Chair to Executive Director (ED), YJ, including the Commissioner, NTDCS, to be informed through the ED, YJ re YJAC's concerns of the recent incidents at Don Dale Youth Detention Centre and the placement of young people in the adult correctional facility at the Darwin Correctional Precinct (DCP) HYDC as they relate to Section 8 of the Act. This resulted in more informed and frequent communication between the YJ and the YJAC chair, regarding this situation.
- 02/11/14, YJAC email from the Chair to Executive Director, YJ re responding to request for propose appropriate training packages for YJW.

SUMMARY

As chair of YJAC, a Non Government Organisation (NGO) Aboriginal Corporation Project Manager and a community member, I have concerns that We, as the whole of the Northern Territory, Community Members, the Northern Territory Government, Ministers and staff and workers in the Youth Justice Sector (YJS), are not adequately addressing, supporting, empowering and/or engaging with young people, Elders and Respected Community Members and their family members to cease or reduce their involvement in the YYS.

This may involve the sufficient resourcing of alternative programs and services to detention and the YYS, prior to a young person's involvement in an early intervention program through to their post YYS involvement. Adequate ongoing resourced case management framework approach, especially in regional and remote communities and the throughcare support and empowerment of young people, their Elders and Respected Community Members and family members would be advantageous

However, there are evidenced based program and service provision of best practice from youth service providers, which are proactively engaging with and supporting young people, their family members, Elders and Respected Community Members, to reduce or cease their YYS involvement with education, training and facilitated support to employment. However, these service providers are not adequately being resourced, in Darwin and Alice Springs and outside of these urban environments, regional and remote communities and are finding it difficult to cease or reduce a young person's recidivist offending as related to their current circumstances.

This is reiterated through the Australian Institute of Health and Welfare (AIHW) fact sheet 51; Remoteness, Socioeconomic Status and Youth Justice Supervision: 2013 -14, where young people in remote communities are seven times more likely to be involved in the YYS and under supervision (however this does not include data from the Northern Territory (NT) and Western Australia as these jurisdictions did not provide data.



This is further reiterated in the Australian Institute of Health and Welfare 2015. Youth justice fact sheet no. 48. Young people in un-sentenced detention: 2013-14. Cat. No. JUV67. Canberra: AIHW, where one half of all young people in detention on an average day in 2013 -14 were in un-sentenced detention, 88% of young people had also experienced detention at some time during the year and in the Northern Territory, 97% were Indigenous. The majority of young people were released on bail or on a supervised order, which set these young people up to fail because they have curfew conditions and there is a lack of parental and/or guardian supervision after hours , as it is safer to be on the street than go home, due to alcohol abuse and domestic violence.

Without community empowerment and engagement, this support is superficial, especially when an NGO's support is only offering a 'band aid' solutions and programs, i.e. residential programs as 'quick response' solutions to a young person's detention experience, on remand e.g. get a young person out of detention as quickly as possible to a residential program that doesn't address a young person's real needs, issues and barriers, when they are mostly on bail or a suspended sentences without through care, integrated throughcare case management and supported and facilitated post release plans for these young people when they return to their communities.

This is not addressing their offending behaviours and does not make them responsible for their offending behaviours, as an alternative to them being in detention and results in them being in a 'revolving door' process of being in and out of detention and jail for the rest of their lives without appropriate throughcare case management and ongoing after care support for young people and their family members with Elder and Respected Community Member support.

This is evidenced by the Australian Institute of Health and Welfare Australian Institute 2015. Young people returning to sentenced youth justice supervision 2015. Juvenile Justice series no. 18. Cat no. JUV63. Canberra: AIHW, where, young people released from sentenced detention are also more likely to return with a sentence of detention than those young people released from sentences of community based supervision within 12 months of release. Those young people released from sentenced detention were three times more likely to have a sentence of detention, as those young people released from sentenced community based supervision.



Furthermore, the rate of return of young people to sentenced youth justice supervision is an indicator of the effectiveness of the services provided to young people serving supervised sentences and around 20% of those young people aged 10-16 years, when rereleased from sentenced community based supervision in 2012/13 returned to sentence supervision in six months and 44% returned within 12 months. The rate of return was higher for young people released from sentenced detention. 50% of young people returned to sentenced supervision within six months and 76% within 12 months.

This also includes mainly Indigenous young people being placed on remand, as there are little to no alternatives to detention e.g. residential and non residential bail support programs, in their home community or region or adequate family support that includes holistic program and service provision for the young person and their family members utilising an integrated case management approach i.e. their reoffending does not cease or reduce. However, they are more likely to be on supervised order rather than in detention (see attached AYAC document)

However, as chair of YJAC, I am not advocating for further time in detention, due to the cost and limited access to adequate throughcare case management and facilitated and supported after care case management plans and support and face-to-face access to family and Elders and respected community member engagement, but the proposed residential alternatives must adequately cease or reduce their offending behaviours and address the needs, issues and barriers and provide pathways and face to face access to the young person's engagement with their family and their community.

Nevertheless, there are no easy options but the most effective way is to address their offending needs, issues and barriers in conjunction with their family, Elders and respected community members in an holistic and empowered approach and in a case management framework

This is also evidenced, in the Australian Institute of Health and Welfare 2015. Youth justice fact sheet no. 53. Youth justice supervision history: 2013-14. Cat. No. JUV72. Canberra: AIHW, where Indigenous young people under supervision in 2013/14, were more likely than non Indigenous young people to have a history of detention, 66% compared with 57%, and 69% of Indigenous males under supervision had been in detention at some point compared to 58% of non Indigenous males. 59% of Indigenous females under supervision had been in detention, compared with 56% of non Indigenous females.

Also, this is reiterated in the Australian Institute of Health and Welfare 2015. Youth justice fact sheet no. 48. Young people in un-sentenced detention: 2013-14. Cat. No. JUV67. Canberra: AIHW, where one half of all young people in detention on an average day in 2013 -14 were in un-sentenced detention, 88% of young people had also experienced detention at some time during the year and in the Northern Territory, 97% were Indigenous. The majority of young people were released on bail or on a supervised order.

Unfortunately, detention is the only place where some young people feel safe, as evidenced by a young woman's recent detention experience because she was with family members, she had regular meals, she was gaining skills and access to education, routines, structures and participating, she was engaged in education, which is one of her strengths and having access and support to programs and services; including education and work ready programs, especially access to mental health access and life skills.

This is evidenced through YJAC's submission into the YJS review in 2011, where YJAC proposed residential bail support programs, as an alternative to detention to address a young person's offending needs, issues and barriers in an early intervention and case management approach and Insights from the Coalface; The value of Justice Reinvestment for Young Australians, Australian Youth Justice Affairs Coalition, AYAC, submission to Senate Committee on Justice Reinvestment, with their recommendations 1, 2, 6, 7, 8, 9 and 10. AYAC is proposing the resourcing of alternative programs to detention, in an early intervention approach with evidenced based programs of best practice and the resourcing of youth workers through a Justice Reinvestment approach, to cease or reduce a young person's involvement in the YJS.

The NTG, NTDCS and YJ, are not recognising or resourcing YJAC's recommendations and supporting the evidenced based programs and services of best practice, as alternatives to detention and the YJS, especially in regional and remote communities, to address, reduce or cease a young person's involvement. These programs and services are also a fraction of the cost of a young person in youth detention. This is evidenced in the AYAC submission.

These evidenced based programs of best practice reduce and cease young person's involvement in detention and the YJS through addressing their needs, issues and barriers in an integrated throughcare case management approach, support young people and their family members to ensure they become productive members of their community with ongoing facilitated support to education, training and employment.

CONCLUSION

A young person's pre, during or post involvement in the YJS requires consideration of the relationships, rapport or support that person has available to develop a suitable integrated case management plan. The case management plan will address their needs, issues and barriers. Support for this will be drawn from the Family, Elders or Respected Community Members. They will champion the young person as role models or mentors. For this to be effective programs and services need to be adequately resourced with providers providing evidenced based programs of best practice to engage the young person and not just tick boxes. This is evidenced by the number of young people reducing or ceasing their involvement in YJS.

However, this especially requires resources for regional and remote communities not just in Darwin and Alice Springs, as reiterated through Australian Institute of Health and Welfare (AIHW) fact sheet 51; Remoteness, Socioeconomic Status and Youth Justice Supervision: 2013 -14.

This is also evidenced by the increased number of young people being placed in remand from regional and remote communities with little or no support or access to case managers, from their home community with whom they have a developed rapport and relationships, Family members, Elders and Respected Community Members will assist in developing their future with through care plans and after care case management support aimed at ceasing or reducing their YJS involvement, so they can develop and grow to become productive members of their community, when they return.



[illegible]

