



Part 4: Appendices

1. Reference panel members
2. Consultations
3. List of submissions
4. Historical summary
5. Youth Diversion Programs

APPENDIX 1: REFERENCE PANEL MEMBERS

1. Mr Jared Sharpe, NAAJA
2. Ms Cherise Taiyi, Tamarind Centre
3. Ms Janet Buhagair, Department of the Chief Minister
4. Ms Marianne Conaty, Department of Justice
5. Mr John Adams, Department of Children and Families
6. Ms Jo Townsend, Department of Children and Families
7. Superintendent Sean Parnell, NT Police
8. Mr John Fattore, Department of Justice
9. Ms Susan Macpherson, Department of Education and Training
10. Her Honour Chief Magistrate Hilary Hannam (did not attend)

The Chair met with the Reference Panel in Darwin on the following dates:

- Monday, 6 June 2011
- Wednesday, 6 July 2011
- Wednesday, 10 August 2011

APPENDIX 2: CONSULTATIONS

Darwin: 10 May 2011

Department of Justice

Mr Greg Shanahan, Chief Executive Officer

Darwin: 12 May 2011

Department of Children and Families – Youth Justice Advisory Committee

Ms Antoinette Carroll, Chair

Mr Stewart Willey

Ms Helena Blundell

Ms Barbara Kelly

Superintendent Sean Parnell

Mr Eddie Fabijan

Mr Peter Curwen-Walker

Mrs June Noble

Darwin: 16 May 2011

NT Government

Hon. Delia Lawrie MLA, Minister for Justice and Attorney-General

Department of Justice

Dr Howard Bath, NT Children's Commissioner

NT Correctional Services

Mr Ken Middlebrook, Executive Director

Darwin: 17 May 2011

Department of Children and Families

Ms Clare Gardiner-Barnes, Chief Executive Officer

Mr Steve Wheelhouse, Senior Policy Officer

APPENDIX 2: CONSULTATIONS

NT Community Corrections

Mr John Daulby, Deputy Director

Ms Tracy Luke, General Manager

Darwin: 18 May 2011

NT Magistrates Court

Her Honour Chief Magistrate Hilary Hannam

Australasian Juvenile Justice Administrators

Ms Robyn Hopkins, NT representative

Darwin: 19 May 2011

Don Dale Juvenile Detention Centre

Mr John Fattore, General Manager Juvenile Detention

Mr Michael Yaxley, Assistant Manager Juvenile Detention

Male and female detainees

NT Supreme Court

Justice Stephen Southwood

Darwin: 20 May 2011

NT Legal Aid Commission

Ms Fiona Hussein

Ms Julie Franz

NT Police – Youth Diversion Unit

Ms Jeanette Callaghan

Superintendent Sean Parnell

Mr Kieran Wells

Mr Paul Wood

APPENDIX 2: CONSULTATIONS

Darwin: 31 May 2011

NT Magistrates Court

Ms Sue Oliver SM, Youth Justice Magistrate

NT Government

Hon. Gerry McCarthy MLA, Minister for Correctional Services

Hon. Kon Vatskalis MLA, Minister for Children and Families

Darwin: 1 June 2011

North Australian Aboriginal Justice Agency

Ms Priscilla Collins, Chief Executive Officer

Mr Jonathon Hunyer, Principal Legal Officer

Mr Jared Sharpe, Advocacy Manager

Ms Ruth Barson, Advocacy Solicitor

Ms Sarah Crellin, Youth Solicitor

Wadeye: 2 June 2011

Our Lady of the Sacred Heart School

Mr Shayne Kidd, Principal

NT Police

Sergeant George Watkinson

Thamarrurr Development Corporation

Mr William Parmbuck, Board Member

Mr Phil Mitchell, Manager

NT Community Corrections

Mr Matthew McCormack, Team Leader

APPENDIX 2: CONSULTATIONS

Casuarina: 3 June 2011

Department of Children and Families – Family Support Centre

Ms Mary Culhane-Brown, Co-ordinator

Ms Karen McLoughlan-Goldstraw, Child Protection Worker

Ms Natalie Crisp, Education Officer

Ms Margaret Wilson, Practice Advisor

Ms Vera Draper, Aboriginal Community Worker

Darwin: 3 June 2011

NT Police

Mr John McRoberts, Commissioner of Police

Mr Shayne Maines, Deputy Commissioner of Police

Victims of Crime NT

Mr Mike Campbell, Manager

NT Treasury Corporation

Ms Jennifer Prince, Under-Treasurer

Ms Jodie Kirman, Deputy Under-Treasurer

Darwin: 6 June 2011

NT Magistrates Court

Ms Sue Oliver SM, Youth Justice Magistrate

Alyangula: 7 June 2011

NT Community Corrections

Ms Deborah Cass, Team Leader

Groote Eylandt & Milyakburra Youth Development Unit

Ms Barbora Ramlah

Ms Debra Shannon

APPENDIX 2: CONSULTATIONS

Umbakumba: 7 June 2011

East Arnhem Shire Council

Mr Kamahl Wilson

Borroloola: 8 June 2011

Community Stakeholders

Mr Robert Sitlington, General Business Manager

Mr David D'Antoine, NT Police

Mr Noel Dixon, NT Police

Mr Damien Mullen, NT Police

Ms Melissa Sanderson, NT Police

Mr Ray Morrison, Community Court Co-ordinator (Department of Justice)

Mr Burton Willis, Mabunji

Mr Bruce Hansen, Chair – Borroloola Action Group

Ms Lizzie Hogan, Mabunji and Safe House Co-ordinator

Mr Trevor Jones

Mr Graham Matthew, Principal – Borroloola School

Ms Kelly Green, Borroloola School

Ms Jennifer Reynard, Borroloola School

Ms Rochelle Roch, Borroloola Crèche

Mr Jack Green, Northern Land Council

Mr Jimmy Morrison, Northern Land Council

Ms Val Rogers

Ms Louise Beilby, Remote Engagement (Department of Housing, Local Government and Regional Services)

Ms Marlene Kakadu

Pastor John Friend

Ms Daphne Mawson

APPENDIX 2: CONSULTATIONS

Darwin: 9 June 2011

NT Government

Hon. Gerry McCarthy MLA, Minister for Correctional Services

NT Community Corrections

Ms Robyn Hopkins

Darwin: 10 June 2011

Mrs Robyn Lambley MLA, Shadow Minister for Child Protection

Darwin: 14 June 2011

Catholic Diocese of Darwin

The Most Reverend Eugene Hurley, DD

Balanu Foundation

Mr David Cole

Ms Nolita McKenzie

Mr Kelvin Gardiner

Katherine: 15 June 2011

Peace at Home (NT Police and Department of Children and Families)

Ms Meryn Hughes, Child Protection Officer

Mr Peter Fletcher

Ms Sarel Wallace

Ms Andrea Turner

Young Men's Christian Association

Ms Tammy Freat

Ms Kassie Mills

APPENDIX 2: CONSULTATIONS

Lajamanu: 16 June 2011

Government Business Manager

Mr Robert Paynter

Mr Lamun (Cyril) Tasman, Indigenous Engagement Officer

NT Police

Senior Constable Jonas Johnson

Katherine West Health Board

Dr Merrilyn Williams, General Practitioner – Lajamanu Clinic

Kathryn Drummond, Registered Nurse – Lajamanu Clinic

Darwin: 16 June 2011

Department of Children and Families – Youth Services, Darwin Family Support Centre

Ms Mary Culhane-Brown

Katherine: 17 June 2011

Venndale

Mr Casey Bishop

NT Police

Senior Constable Daniela Matiuzzo

Constable Trudi Tilley

Sergeant Suzane Hollingsworth

Superintendent Brent Warren

Department of Housing, Local Government and Regional Services

Ms Louise Beilby, Remote Engagement Officer

APPENDIX 2: CONSULTATIONS

Alice Springs: 20 June 2011

Central Australian Aboriginal Legal Aid Service

Mrs Patricia Millar, Chief Executive Officer

Mr Mark O'Reilly, Principal Lawyer

Ms Antoinette Carroll, Community Legal Project Officer

Ms Shanna Satyna, Advocacy Manager and Youth Justice Lawyer

Department of Children and Families – Youth Hub

Mr John Adams, Youth Services Coordinator (Alice Springs)

Department of Children and Families team

Youth Street Outreach Service team

Family Support team

Alice Springs Action Plan Implementation team

Mr Edmund Rice, Incite Youth Affairs (NGO)

Darwin: 20 June 2011

Department of Children and Families – Child Protection

Ms Jennie Guinane, Senior Manager – Regional Services

Darwin: 21 June 2011

Department of Education and Training

Ms Susan MacPherson, Senior Director – Participation and Pathways

Department of Justice

Mr John Fattore, General Manager Juvenile Detention

Alice Springs: 21 June 2011

Central Australian Youth Justice

Ms Amanda Watkinson, Jesuit Social Services

APPENDIX 2: CONSULTATIONS

Ms Sarah Lovill, Jesuit Social Services

Mr Xavier Desmarchelier, Jesuit Social Services

Ms Kerry Diamond, Bushmob

Ms Robyn Donnelly, Relationships Australia

Mr Jonathan Pilbrow, NTCOSS

Mr John Adams, Alice Springs Youth Hub Co-ordinator (Department of Children and Families)

Mr Adrian Scoltos

Mr Tom Caldwell

Mr Scott Hupalo, Relationships Australia

Mr Michael Clerk, Tangentyere Council

Ms Donna Cellents, Steps (Tennant Creek)

Ms Michelle Crower

Mr Tony Corcoran, Congress

Mrs June Noble, Official Visitor

Ms Katie Allen, Waltja Papanya

Ms Robert Kopp, Waltja Papanya

NT Shelter

Alice Springs Action Group

Alice Springs: 22 June 2011

Central Australian Aboriginal Congress

Ms Farley Aldridge

Ms Bianka Schultz Allan

Alice Springs Magistrates Court

Ms Sarah McNamara, Registrar

APPENDIX 2: CONSULTATIONS

Alice Springs: 23 June 2011

NT Police – Youth Diversion Scheme

Senior Constable Paul Dixon

NT Council of Social Service Inc

Mr Jonathan Pilbrow

Ms Tess Reinsch

Department of Children and Families – Family Support Centre

Ms Christa Bartjen-Westermann, Manager

Ms Chris Castle, Advanced Practitioner

Mr Henry O’Loughlan, Family Support Worker

Mr Glen Davey, Advanced Practitioner

Darwin: 24 June 2011

NT Police – Youth Diversion Unit and Policy

Ms Jennie Renfrey, Senior Program and Policy Officer

Ms Jeanette Callaghan

Darwin: 27 June 2011

Department of Health – Mental Health

Ms Sarah O’Regan

NT Shelter

Ms Toni Vine-Bromley, NT Shelter

Mr Mike Byrne, St Vincent de Paul

Ms Sandie Hyde, Salvation Army

Mr Anthony Clift, Salvation Army

Ms Marilyn Roberts, Somerville

Ms Leanne Butler, Somerville

APPENDIX 2: CONSULTATIONS

Ms Kate Booth, Legal Services

Ms Joan Cruse

Ms Fiona Remfrey

Ms Felicity Munns, Department of Children and Families

Ms Sharon Hurst, Anglicare

Ms Tina Skewes, Anglicare

Mr Chris Wright, Anglicare

Ms Mandy Olsen, Department of Housing, Local Government and Regional Services

Mr Michael Beattie, Department of Housing, Local Government and Regional Services

Mr Peter Holt, Department of Housing, Local Government and Regional Services

Ms Kate Smith, Department of Housing, Local Government and Regional Services

Ms Kylie Campbell, Catholic Care

Mr Warwick Sweeney, Catholic Care

Mr Ian Murdoch, Mission Australia

Ms Jessica Ettridge, Mission Australia

Mr Jack Hamilton, Coral House

Catholic Education Centre

Mr Robbie Lloyd

Sydney: 27 June 2011 (teleconference)

Australasian Juvenile Justice Administrators

Mr John Hubby, Chief Executive – NSW Department of the Attorney-General and Justice,
and Chair, Australasian Juvenile Justice Administrators

Mt Theo: 28 June 2011 (teleconference)

Warlpiri Youth Development Aboriginal Corporation

Mr Brett Badger, Operations Manager

APPENDIX 2: CONSULTATIONS

Darwin: 28 June 2011

Magistrates Court

Ms Amanda Gunn

Darwin: 29 June 2011

Mission Australia

Mr Phillip Leslie, NT Director

Darwin: 30 June 2011

NT Government

Hon. Paul Henderson MLA, Chief Minister

Catholic Education Centre

Mr Robbie Lloyd

Department of Health – Alcohol and Other Drugs

Mr Anthony Sievers, Director

Darwin: 1 July 2011

Department of Children and Families – Child Protection

Ms Jennie Guinane

Regional Managers

Darwin: 5 July 2011

Department of Education and Training

Mr Gary Barnes, Chief Executive Officer

APPENDIX 2: CONSULTATIONS

Darwin: 6 July 2011

NT Youth Affairs Network and Darwin and Rural Workers With Youth Network

Ms Morgan Sabbith, Project Officer

Young Men's Christian Association

Mr Bill Groom, Program Manager

Sydney: 6 July 2011 (teleconference)

NSW Department of Attorney-General and Justice

Mr Michael Szyjan, Manager, Intensive Supervision Program, Juvenile Justice

Darwin: 7 July 2011

PARYS

Ms Leanne Pattison, Community Development Officer

Multicultural Council of the NT

Mr Ron Mitchell, Director – Policy and Projects

Maningrida: 7 July 2011

Maningrida School

Ms Roslyn Dunne, School Counsellor

General Business Manager

Mr Chris Davies

Remote Service Delivery Reference Group

Mr Reggie Wuridjal

Ms Bernadette Yibarbuk

Ms Laurie Magaldagi Williams

Mr Ben Pascoe, Indigenous Engagement Officer

Bawinanga Aboriginal Corporation

Mr Peter Danaji, Youth Engagement Officer

APPENDIX 2: CONSULTATIONS

Darwin: 8 July 2011

Brahminy Group

Ms Ange Bevan, National General Manager

Darwin: 8 July 2011

Remote Service Delivery Co-ordination Unit

Mr Matt Fagan, Executive Director

Department of Education and Training – Family Support Centre

Ms Natalie Crisp, Education Officer

NT Magistrates Court

Ms Sue Oliver SM, Youth Justice Magistrate

Alice Springs: 11 July 2011

NT Police

Acting Commander Michael White

Superintendent Michael Murphy

Darwin: 11 July 2011

Department of Health – Disability

Ms Annie Rily

Darwin: 12 July 2011

Department of Children and Families – Youth Policy

Ms Karen McLoughlin-Goldstraw

APPENDIX 2: CONSULTATIONS

Elliott: 12 July 2011

Community Stakeholders

Ms Annette Kingston, Centrelink

Ms Leslie Huen, Librarian

Ms Mona Rennie, Indigenous Support Officer, Elliott School

NT Police

Brevet Sergeant Michael Kent

Constable Callum Blackstone

Tennant Creek: 12 July 2011

NT Community Corrections

Mr Yvon Magnery, Team Leader

Red Cross

Mr Tong Galiki, Youth Service Co-ordinator (Barkly)

Tennant Creek: 13 July 2011

Barkly Youth Service Provider's Network

Ms Rebecca Healy, IEDO

Ms Karina Files, BYSPN Member

Mr Stewart Wiley, Steps

Mr Carlos Boton, Catholic Care

Mr Matthew Hopwood, Department of Housing, Local Government and Regional Services

Ms Melissa Hopwood, Department of Health

Mr Tong Galiki, Red Cross

Ms Shirleen Alim, Women's Refuge

Mr Adam Drake, Jalalakari Youth Development Unit

APPENDIX 2: CONSULTATIONS

Steps

Mr Peter Cain

Mr Stewart Willey

Ms Coral Franklin

Mr Noble Jo

Gunbalanya: 13 July 2011 (teleconference)

Night Patrol

Mr Gregory Sheldon, Team Leader

Alice Springs: 14 July 2011

Tangentyere Council

Mr Reg Hatch, Youth Services Manager

Ms Cait Ryan, Youth Worker

Ms Leonie Sheedy, Youth Worker

NT Community Corrections

Ms Serena Williams, Team Leader (Hermannsburg)

Alice Springs Juvenile Detention Centre

Mr Derek Tasker, Second-in-charge/Manager

Male detainees

Hermannsburg: 15 July 2011

West MacDonnell Shire Council

Ms Shelli Madden, Youth Co-ordinator

NT Police

Sergeant John Tickner

Senior Constable Michael Valladarez, Community Engagement Officer

Constable Adrian O'Toole

APPENDIX 2: CONSULTATIONS

Darwin: 15 July 2011

Department of Education and Training – Student Services

Mr Paul Nuhuis

Darwin: 18 July 2011

NT Police

Ms Karen O'Dwyer, Youth Engagement Police Officer

Alice Springs: 18 July 2011

Central Australian Youth Link Up Service

Mr Blair McFarlane

Multicultural Community Services of Central Australia

Ms Marguerite Baptiste-Rooke, Community Settlement Co-ordinator

Alice Springs Youth Accommodation and Support Services

Mr Darren Liddle, Interim Manager and Senior Youth Housing Program Officer

Ms Davina Edwards, Ampeakweke Coordinator

Alice Springs: 19 July 2011

Bushmob

Mr Will McGregor, Manager

Relationships Australia

Ms Robyn Donnelly, Manager

Mr Scott Hupalo, Co-ordinator of Youth Diversion

APPENDIX 2: CONSULTATIONS

Darwin: 19 July 2011

NT Police

Constable Ward Tucker, Blue Light Disco

Palmerston: 20 July 2011

Danila Dilba Youth Services

Ms Desley Tamiano, Manager Youth Services

Ms Karina Tamiano

Ms Seileshia Calma-Goodrem

Mr Trevor Alley

Darwin: 21 July 2011

NT Police

Senior Constable Naomi Beale

Darwin: 3 August 2011

NT Police

Senior Constable Karen O'Dwyer

Senior Constable Jennifer Roe

Senior Constable Dan Bull

APPENDIX 3: LIST OF SUBMISSIONS

No:	Submission	Publicly available***
1	Kalano Youth Services	No
2	North Australian Aboriginal Justice Agency	Yes
3	Ms Coral Franklin, Steps, Tennant Creek	Yes
4	Brahminy Group	Yes
5	Department of Children and Families*	Yes
	a) Youth Minister's Round Table of Young Territorians	Yes
	b) Office of Women's Policy	Yes
6	Mission Australia	Yes
7	Mr Marcus Becker	Yes
8	Young Women's Christian Association, Darwin	Yes
9	Community Justice Centre	Yes
10	Department of Education and Training	No
11	NT Youth Affairs Network	Yes
12	Noetic Solutions Pty Ltd	Yes
13	NT Legal Aid Commission	Yes
14	Program areas in Department of Health:**	No
	a) Office of the Chief Health Officer: Health Protection	No
	b) Mental Health Program	No
	c) Aged and Disability Program	No
	d) Alcohol and Other Drugs Program	No
15	Youth Justice Advisory Committee	Yes
16	Her Honour Chief Magistrate Hilary Hannam and Magistrate Sue Oliver	Yes
17	Central Australian Aboriginal Legal Aid Service	Yes
18	NT Correctional Services	Yes
19	NT Council of Social Service Inc.	Yes
20	Central Australian Youth Justice	Yes
21	Jesuit Social Services	Yes
22	Aboriginal Medical Services Alliance of the Northern Territory	Yes
23	Country Liberals Parliamentary Wing	Yes
24	National Youth Mental Health Foundation – Headspace	Yes
25	Tagentyere Council	Yes
26	Ms Karen McLoughlin-Goldstraw	Yes

APPENDIX 3: LIST OF SUBMISSIONS

27	Aboriginal Peak Organisations Northern Territory (an alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT)	Yes
28	Justice Stephen Southwood, Chairperson Parole Board of the NT	No
29	Central Australian Youth Link Up Service	Yes
30	NT Shelter on behalf of NGO representatives from the Alice Springs Accommodation Group	Yes
31	Mr Ben Pascoe, Yarwiny Diversion Program, Maningrida Community	No
32	NT Law Society	Yes
33	NT Police	No
34	Ms Kezia Purick MLA	Yes
35	Dr Howard Bath, NT Children's Commissioner	Yes

*DCF provided three separate submissions to the Review from different program areas within DCF

**DoH provided four separate submissions to the Review from different program areas within DoH

***Those submissions with approval for public release will be available until 31 November 2011 via an email request to:
YouthJusticeSystemReview@nt.gov.au

APPENDIX 4: HISTORICAL SUMMARY

Background

- 1883 The Fannie Bay Gaol operated between from 1883 to 1979,¹ initially housing male and female prisoners including juveniles. Juveniles were not permitted to associate with adult prisoners and accordingly, they were not permitted to participate in work or education programs.
- 1909 The Stuart Town Gaol, Alice Springs, was built in 1909, housing prisoners serving relatively minor offences.
- 1939 The purpose-built Alice Springs Gaol opened on the corner of Stuart and Telegraph Terraces, providing a bigger and more suitable venue for prisoners. The Review was unable to ascertain whether juveniles were detained at this facility.

Prior to 1970, it was common for identified 'vulnerable' prisoners, including women, the mentally ill and juvenile offenders, to be transferred from the Northern Territory to South Australia, due to the lack of available facilities.

1960s

Essington House was opened in Darwin in the late 1960s. It was the only juvenile holding centre in the Northern Territory.

1970s

- 1973 The Commonwealth Minister for the Northern Territory commissioned a report from the University of Sydney. Gordon Hawkins and Robert Misner conducted three wide-ranging assessments of the criminal justice system in the Northern Territory, including the gaols at Fannie Bay in Darwin, and Alice Springs.² There was no probation and parole system, no mental health services and no facility in which to accommodate the large Aboriginal population, who made contact with the criminal justice system mostly for public drunkenness.³

In their report, Hawkins and Misner called for the establishment of a juvenile remand centre, and noted that juveniles could be held in gaol for up to a week before being transferred to Essington House.⁴ They also noted that community work placements were preferable to detaining juvenile offenders.

1 Formally known as Her Majesty's Gaol and Labour Prison, Fannie Bay: NT Government, *Museums and Art Galleries of the Northern Territory: Fannie Bay Gaol* (2007) <<http://www.nt.gov.au/nreta/museums/moretosee/gaol.html>> at 7 September 2011.

2 Gordon J Hawkins and Robert L Misner, *Submission to the Minister for the Northern Territory: Restructuring the Criminal Justice System in the Northern Territory* (20 July 1973) at 19. See also Robert L Misner, 'Administration of Criminal Justice on Aboriginal Settlements' (1974) 7 *Sydney Law Review* 257, [683] and [685].

3 Hawkins and Misner, above n 2, 1-3.

4 Ibid, 6

APPENDIX 4: HISTORICAL SUMMARY

1974 The *Report from the Select Committee Appointed to Inquire into Prisons and Prison Legislation*⁵ (the Ward Report) recommended, inter alia, that alternatives to juvenile incarceration should be investigated. The Ward Report described the treatment of juvenile offenders as a matter of grave concern:

that they should have to be sent to such prisons as those at Fannie Bay and Alice Springs because of the lack of other facilities is a public disgrace. Suitable alternatives should be provided without delay.⁶

1979 Fannie Bay Gaol closed and the new Berrimah prison opened, providing specialist accommodation for both female and juvenile prisoners in the Darwin area.

1980s

Throughout the 1980s:

the Territory's rate of detention for juveniles was 5 times the national average and 3 times higher than that of the closest jurisdiction ... [and] the number of juveniles in detention per 100,000 people increased strongly in the Territory through the mid-to late 1980s.⁷

1983 The Juvenile Justice Bill was introduced to the Parliament in September 1983.⁸ An explanation of the 'welfare' and 'justice' models of youth justice was provided by the then Minister:

The introduction of a separate bill for juvenile justice heralds a significant change in philosophy from past approaches to laws relating to juvenile offenders. In the past, the issue of dealing with young people who break the law has been lumped together with those laws relating to the general welfare and protection of children. The theory behind this was that young offenders were really only victims of their circumstances and required care and treatment rather than punishment ...

However, the reality is that, throughout the western world, this welfare approach to juvenile justice has proved to be to the detriment of offenders and the community alike. I shall refer to some of the consequences which these provisions have had. Because the dispositions provided for young offenders are welfare rather than justice oriented, the consistency of the law in dealing with the offenders can be lost. The system is not geared to hold juveniles accountable for their actions in such a way that there are predictable consequences for breaking

5 R C Ward, The Legislative Council for the Northern Territory, *Report from the Select Committee Appointed to Inquire into Prisons and Prison Legislation* (1974).

6 Ibid, 21.

7 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 17 November 1992, 6749 (Mr Reed, Minister for Correctional Services).

8 On same day, the Community Welfare Bill was introduced. It was considered progressive for its time, and included, inter alia, laws requiring the mandatory reporting of child abuse. The Territory was the first jurisdiction in Australia introduce mandatory reporting for child abuse.

APPENDIX 4: HISTORICAL SUMMARY

the law ... This bill will provide legislative backing to current practice in the Northern Territory as well as continuing a widely enhanced range of provisions for dealing with juvenile offenders.⁹

The *Juvenile Justice Act* established the Juvenile Court, created the Juvenile Justice Review Committee, and included:

such diversionary procedures as Police warnings and early intervention by welfare authorities which attempt to address the problems of juvenile offenders without recourse to the formal justice system.¹⁰

It also created Community Service Orders and contained provisions which allowed for the Juvenile Offender Placement Program (JOPP). This was based on the Department of Community Development's welfare division's 'community care program'. It enabled correctional services to place a juvenile offender with a family in circumstances akin to an out-of-home care placement for a maximum period of 28 days. In-care treatment for the juvenile was provided, targeting issues of family displacement and trauma.

The *Juvenile Justice Act* defined a 'juvenile' as a person aged under 17 years. The explanation for this was given during the Parliamentary debate on the Bill:

At present, 17 is the age at which young people are dealt with by the adult court and, although this is 1 year younger than the age of majority, it is seen as more appropriate. Contrary to the belief that all the privileges and responsibilities of adulthood should be foisted onto people at 17, it is seen by this government as more desirable that the process be a gradual one. Young people, for example, have been able to obtain driving licences at 17 years of age and will soon be able to obtain licences, excluding taxis and bus licences, at the age of 16. All unemployment benefits are available to 18-year-olds, while partial benefits are available to 16 and 17-year-olds.¹¹

1984 Giles House, in Alice Springs, was opened as the first juvenile detention centre in the Northern Territory.

Giles House (and later Malak House), focused on providing detainees with life skills and education, thereby ensuring young offenders were not 'put in prisons; that they did not come under the influence of hardened criminals and that they did not, after being released, follow a life of crime'.¹²

9 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 1 September 1983, 1028 (Mr Tuxworth, Minister for Community Development).

10 Ibid, 1030.

11 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 19 October 1983, 1353 (Mr Tuxworth, Minister for Community Development).

12 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 19 November 1991, 3366 (Mr Reed, Minister for Correctional Services).

APPENDIX 4: HISTORICAL SUMMARY

1985 The first meeting of the Juvenile Justice Review Committee was held in April.¹³ The committee made a number of recommendations to improve the juvenile justice system in the Northern Territory over the following several years.

1986 The functions and administration of juvenile justice were transferred to the Department of Correctional Services¹⁴ from the Department of Community Development.

1987 Malak House was approved as a juvenile detention centre in Darwin.

The first legislative amendments were made to the *Juvenile Justice Act*, replacing the Juvenile Justice Review Committee with two boards of management.

Established in May 1987, the Wildman River Wilderness Work Camp was considered an innovative initiative. The camp was based on the 'Outward Bound' model of providing youths with a series of increasingly challenging tasks. The work camp was a low security facility and programs included the construction of the Shady Camp tourist destination on the Mary River, as well as laying fencing to protect the Mary River region from feral animals. Wildman River was for boys only, as the facilities were not considered suitable for girls.

Alcohol and petrol sniffing amongst the juvenile populations became prevalent, with devastating effects, and often resulted in a court appearance.¹⁵ The over-representation of Aboriginal juveniles in detention centres was noted as was low education rates and the need to re-engage Aboriginal youths with traditional elders. It was noted:

By implementing what are considered to be more culturally appropriate and relevant practices and providing alternatives to traditional correctional programs, it is anticipated there will be longer term positive results. These results may take a generation or more but the emphasis has been shifted away from surveillance type activities to emphasising vocational and life skills.¹⁶

1990s

One of the priorities of the Department of Correctional Services was to reduce the high imprisonment rates by preventing juvenile offenders from graduating to the adult criminal justice system.

1990 A review of the Act occurred, culminating in the Juvenile Justice Amendment Bill 1990. Its purpose was to:

13 Established under the new Juvenile Justice Act, this committee set about formulating recommendations to clearly separate the gaps between the 'welfare' and 'justice' models of youth justice. See Kenneth Newman, 'Juvenile Offender Diversionary Programs in the Northern Territory' in Heather Strang and Sally-Anne Gerull (eds), *Keeping People Out of Prisons* (1991) 135.

14 Established in 1984.

15 Newman, above n 13, 140.

16 Ibid, 143.

APPENDIX 4: HISTORICAL SUMMARY

allow the Juvenile Court to make an order for restitution against the parents of the juvenile offender where the juvenile offender cannot pay the restitution in whole or in part, and where it is not unreasonable to make such an order against the parent in the circumstances of the case. The bill also allows the Juvenile Court to order that the parents of the juvenile contribute to a maximum of \$100 per week towards the cost of detention, where the juvenile offender is sentenced for a period of detention at a juvenile detention centre.¹⁷

The Scheme was not ultimately implemented, but it was the first time an attempt would be made by Government to make parents responsible for the actions of their 'delinquent' children. It would be revisited in 2008.

The Katherine Community Aid Panel was established. A Magistrate could defer sentencing of a juvenile offender who entered a plea of guilty for three months following referral to the panel, which would then meet the young person and decide on an appropriate course of counseling and other interventions, which would then be reported back to the Court at sentence.

1991 The Don Dale Juvenile Detention Centre was opened in Darwin replacing Malak House. It was the first facility in the Territory that was specifically designed and built for juvenile detainees and was considered, a 'state of the art' facility. It detained up to 22 young offenders from around the Territory.

In Alice Springs, Giles House, after being closed for two years following the opening of Don Dale Juvenile Detention Centre, was reopened and re-named Aranda House. It was operated by the Central Australian Child Care Agency, its purpose being to accommodate youth at risk, particularly Aboriginal children, but it also provided an approved residential placement option for juvenile offenders on bail. As accommodation was offered on a 'fee for service' basis, Aranda House developed into a holding facility, paid for by the Department of Correctional Services, with a 10 bed capacity, for juveniles awaiting relocation to Darwin.

Aranda House did not operate as a fully functional detention centre, did not offer educational facilities, rehabilitation programs, and had little scope even for outside activities such as sport. This contrasted with facilities available in the previous decade. Aranda House operated between 1989 until early 2011.

Following community consultation, the *Juvenile Justice Amendment Act 1991* and the *Law Reform (Miscellaneous Provisions) Amendment Act 1991* were introduced, amending the Juvenile Justice Act to permit a sentencing Court to make an order against the parents to contribute towards the cost of the detention of a juvenile offender to a maximum amount of \$100 per week. The Law Reform

¹⁷ Northern Territory, *Parliamentary Debates*, Legislative Assembly, 1 May 1991, 865 (Mr Manzie, Attorney-General).

APPENDIX 4: HISTORICAL SUMMARY

(Miscellaneous Provisions) Amendment Bill had provided that parents would be held liable for property damage where their child intentionally caused property damage to a ceiling limit of \$5,000.¹⁸

- 1992 A Youth Policy Strategy Working Group was established by Government, which produced a report titled 'Juvenile Crime Prevention.' The report found that juvenile crime had remained static since 1984, and that juvenile crime could largely be described as 'petty' or 'minor' and rarely involved violent crime, and that a small number of youths appeared to be responsible for the majority of crimes.¹⁹

Other initiatives for young offenders were developed in the 1990s. In Central Australia, the Juvenile Offender Station Placement Program commenced. This was a pre-release program for juveniles in detention to be placed on a rural property to receive training in stock-handling and property maintenance such as fencing and horticulture. A well-known example of this program was the King Valley Station program, which specifically targeted juveniles who had made contact with the criminal justice system because of problems with alcohol.²⁰

- 1993 The second Juvenile Crime Workshop was conducted in Darwin. The profile of offenders causes of crime and solutions were canvassed, and reported to Government. Statistical snapshots were provided to participants. Police reported that:

In the period 1 July 1991 to 31 December 1992, a total of 3,752 charges were made against 917 juvenile offenders. The vast majority of charges were for offences against property, being 2251 charges, representing 60% of the total laid in this period. Police statistics indicated that the majority of juvenile offenders charged were male, Aboriginal, between 14 and 16 years of age, and resided in the Darwin metropolitan area.²¹

Correctional Services reported that:

The proportion of Aboriginal juveniles sentenced to detention decreased from 89.41% in 1991 to 68.75% in 1992. The percentage of Aboriginal juveniles on remand decreased from 80.11% to 67.85% over the same period. Since February 1987, there has been a 10% reduction in juvenile detention rates, and a reduction of 91% in juvenile imprisonment rates. As with police figures, the vast majority of offences (74%) committed by juveniles on Correctional Services programs were property offences.²²

18 Ibid, 866.

19 Annie Bonney, *Juvenile Justice in the Northern Territory: An overview of the 1990s*, Research Paper No 1 (1995) Northern Territory Library, 7. See also Northern Territory, *Parliamentary Debates*, Legislative Assembly, 27 May 1993, 8607 (Mr Poole, Minister for Correctional Services).

20 Bonney, above n 19, 5.

21 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 27 May 1996, 8606 (Mr Poole, Minister for Correctional Services).

22 Ibid.

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The workshop recommended the following:

- establishing Community Justice Panels (following on from a trial panel which had been established in Katherine)
- development of NT Youth Policy review
- formulation of research projects related to juvenile offending
- developing solutions for young Aboriginal people in contact with the law.²³

1994 A Juvenile Crime Workshop was held in Alice Springs, titled ‘Crime Prevention – Whose responsibility is it?’ It developed policies and ideas to reduce juvenile crime in the Territory. Recommendations were circulated among an inter-departmental working group within the Alice Springs region, including discussions addressing:

- substance and alcohol abuse;
- alienation of youths; and
- juveniles as victims.

It was clear that the community was becoming more concerned about juvenile crime, and that long-term solutions were required.

1995 Further legislative amendment in the form of the *Juvenile Justice Amendment Act* saw changes to the length of time a juvenile could be held in a detention centre. Previously, a juvenile who had been sentenced to detention in a juvenile detention centre could remain there to complete their sentence, and would be transferred to a prison only on becoming 18 years of age. The amendments saw juveniles being transferred from the detention centre to a prison within 28 days of reaching 17 years of age.²⁴ The reason for this was that the Act did not apply to 17 year olds and it was ‘a highly undesirable situation where mature adolescents in their late teens can be held in the same facility with children as young as 10 years of age’.²⁵

However, the Act also enabled a juvenile detainee to be released 48 hours prior to the discharge date on compassionate grounds. A number of other changes were made, including:

- the introduction of the Official Visitor Scheme to the detention centre
- ended the responsible Minister becoming involved in matters of discipline, particularly when placing a detainee in isolation
- prevented the sentence of a juvenile detainee to continue to run while the detainee remained at large.²⁶

23 Bonney, above n 19, 8.

24 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 17 May 1995, 3295 (Mrs Hickey, Member for Barkly).

25 Ibid, 3296.

26 Northern Territory, *Parliamentary Debates*, Legislative Assembly, 23 February 1995, 2699-2700 (Mr Poole, Minister for Correctional Services).

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- 1995-96 A pilot program called the Community Justice Program operated in Yuendumu and Alice Springs. This was operated by the NT Police and provided an opportunity for young offenders who had admitted guilt to participate in a victim conference to discuss and repair any damage caused by the offence committed.²⁷
- 1997 Changes to the *Sentencing Act* and the *Juvenile Justice Act* introduced mandatory sentencing in the Territory. The laws required Courts to impose minimum sentences of detention for adults and young people convicted of property offences. While adults went straight to gaol, juveniles required one prior conviction before a period of mandatory detention could be imposed. It was mandatory for young people aged 15 or 16 to be sentenced to a period of at least 28 days.

When introducing the Bills, the then Attorney-General, Denis Burke, stated that the Government believed that ‘compulsory imprisonment’ would have the following benefits:

Send a clear and strong message to offenders that these offences will not be treated lightly; force sentencing courts to adopt a tougher policy on sentencing property offenders; deal with present community concern that penalties imposed are too light; and encourage law enforcement agencies that their efforts in apprehending villains will not be wasted ... These bills are intended to make our community safer by ensuring that those who are guilty of breaking the law repeatedly will go to prison.²⁸

The changes also gave Courts the additional option of imposing a ‘punitive work order.’ An ‘approved project’²⁹ for such orders were for periods of 224 hours to be undertaken cumulatively or concurrently with the period of detention. The purpose of these orders was ‘the performance of hard physical labour in circumstances designed to stress the shame of performing the sentence ... The order will be intensive and highly visible to the community.’³⁰

The effect of mandatory sentencing was that significantly more young offenders were imprisoned. In one year to June 1998, for instance, the number of juveniles sentenced as a result of the laws increased by 53%.³¹

27 Annie Bonney, *Background into Mandatory Sentencing of Juvenile Offenders: A Northern Territory Perspective*, Research Paper No 14 (1996) Northern Territory Library, 14.

28 Second Reading Speech, *Juvenile Justice Amendment Bill 1996* (NT), Legislative Assembly, 17 October 1996 (Mr Burke, Attorney-General).

29 *Juvenile Justice Amendment Act (No 2) 1996*, section 53AH.

30 Second Reading Speech, *Juvenile Justice Amendment Bill 1996* (NT), Legislative Assembly, 17 October 1996 (Mr Burke, Attorney-General).

31 Helen Bayes, ‘Punishment is Blind: Mandatory Sentencing of Children in Western Australia and the Northern Territory’ (1999) 22 *University of New South Wales Law Journal*, 286, cited in Australian Human Rights Commission, *Mandatory Detention Laws in Australia: An Overview of Current Laws and Proposed Reform* (2001) <http://www.hreoc.gov.au/human_rights/children/mandatory_briefing.html> at 19 August 2011.

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2000s

2000 In late 2000, the Commonwealth Government offered funding of \$5m over four years to the Territory Government to operate a Pre-Court Juvenile Diversion scheme, to be managed by Northern Territory Police.

The Government enacted legislation amending the *Police Administration Act* that provided that diversion must be offered to all juveniles who committed minor property offences.³² Under the scheme, young people who committed relatively minor offences were diverted away from the Courts; and young offenders would only appear before the Court when they committed more serious offences, or where diversion had failed. Nevertheless, the mandatory sentencing laws were not repealed.

2001 The Country Liberal Party had been in power in the Territory since self-government in 1978. In August 2001, the Labor Party was elected to govern for the first time. In the election campaign, Labor promised to abolish the controversial mandatory sentencing laws, which was done swiftly.³³ The new Government made changes to the Department of Justice (DoJ) which included, *inter alia*, the abolition of Correctional Services as a separate department. As Correctional Services became a division of DoJ, matters pertaining to juvenile justice became the responsibility of the Department of Justice.

2003 The Wildman River work camp closed. The reasons publicly given for its closure included: a significant reduction in the number of detainees assessable for placement at such a low security facility; resource challenges associated with new best practice models for provision of appropriate case management and intervention services; in such a remote location and the need for considerable further investment to replace aging infrastructure at the camp.³⁴

2004-2006 Following discussions between the Northern Territory Magistrates Court and the Yilli Rreung Council in Darwin, Community Courts were trialled in the Northern Territory. These Courts were developed 'to recognise that in some cases community, cultural or other factors play a significant role in reaching a sentencing outcome which is more beneficial to the community.'³⁵

Modelled on concepts of restorative justice, these Courts permitted the participation of victims, offender, community elders or other significant persons, as well as Magistrates, lawyers and correctional services officers, in the sentencing process, with an emphasis on problem solving. The program was

32 Brian Bates, 'A Diverse Approach to Juvenile Offending in the Northern Territory' (Paper presented at the Fourth National Outlook Symposium on Crime in Australia: New Crimes or New Responses, Canberra, 21-22 June 2011) 4.

33 The Bills were introduced by Mr Toyne, Attorney-General, on 17 August 2001.

34 NTCS, *submission 18*.

35 Mr H B Bradley CM, Northern Territory Magistrates Court, *Community Court Darwin: Guidelines* (27 May 2005) 1.

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made available to any person who fit the criteria for admission to the program, although overwhelmingly the majority of people who came to be sentenced before the Community Court were Aboriginal.

During 2004 and 2005 another review of the *Juvenile Justice Act* was undertaken, resulting in its repeal. It was replaced by the *Youth Justice Act*, which commenced in August 2006. This Act reflected further changes in policy and academic reflection on the area of 'youth' justice, heralding the commencement of a 'restorative' model of youth justice in the Northern Territory.

However in keeping with the new 'restorative' focus on youth justice the *Community Welfare Act* was also reviewed, and was eventually replaced by the *Care and Protection of Children Act* in December 2008.

The *Youth Justice Act* introduced a number of progressive initiatives which brought all aspects of youth justice into one piece of legislation. These included:

- the creation of a dedicated Youth Justice Court, with a specialist Youth Magistrate;
- a Youth Justice Advisory Committee;
- a pre-Court Youth Diversion Scheme designed to keep young offenders out of the court system, including the capacity of the Youth Justice Court to refer offenders for consideration in the program;
- a broader range of interventions than those offered under the *Juvenile Justice Act*, which included community based sentencing options for young offenders, such as periodic detention, alternative detention and community work orders; and
- pre-sentence conferences which include family group conferences or victim/ offender conferences.

An 18 bed medium security section was added to the Don Dale Juvenile Detention Centre which enabled detainees to progress through a classification system, and which increased the capacity to 38 beds.

2007 The pre-Court diversion scheme was evaluated³⁶ and found to make a positive impact on the range of community based options for young offenders. Community Courts now received funding under the 'Closing the Gap' initiative but were not formalised into any legislative regime.³⁷

36 See Teresa Cunningham, *Pre-Court Diversion in the Northern Territory: Impact on Juvenile Offending*, Trends & Issues in Crime and Criminal Justice No 339 (2007) Australian Institute of Criminology. Cunningham reviewed the juvenile pre-court diversion scheme and found it was effective in reducing recidivism amongst young offenders.

37 Northern Territory Government, *Department of Justice: Annual Report 2006-2007* (2007) 11.

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In late 2007 government announced that it would make the parents of young offenders more accountable for the actions of children who repeatedly broke the law, and that a package of measures would be announced early the following year.³⁸

At the same time, Government announced that a 'Youth Action Plan' would be finalised and that youth camps would be established in both the Top End and Central Australia, in addition to the establishment of 'youth hubs' in both Darwin and Alice Springs.

2008 Amendments to the *Youth Justice Act* were introduced to the Parliament through the *Youth Justice Amendment (Family Responsibility) Act 2008*. The amendments created the ability for certain Government departments to enter into Family Responsibility Agreements with families who were struggling with their child's anti-social or criminal behaviour. Parents who were unwilling to enter into an agreement would face the possibility of a Family Responsibility Order being made against them, and Police would be able to seek such an order if the youth had been charged with an offence or breached a bail condition.

If an order was made, parents would be provided with various forms of assistance to ensure that conditions were met, but in the event that they were not, the amendments provided that parents would face fines of up to \$2,200, Community Work Orders, or the seizure of 'non-essential household items', such as plasma televisions.³⁹

The amending legislation also amended provisions relating to the Youth Diversion Scheme, by limiting the number of times a youth could be diverted by Police.

As part of the new 'Youth Justice Strategy' the Youth Justice Advisory Committee was formally established and commenced operation. Youth camps were commenced targeting 'youth at risk'. Two camps were established in Darwin: the Brahminy Youth Camp and Balanu Foundation. In Alice Springs, Tangentyere Council facilitated the provision of a youth camp.

Commensurate with the introduction of the Family Responsibility Program and the advent of the 'Youth Justice Strategy', a further portfolio shift occurred. The administration of the *Youth Justice Act* was largely transferred from the Department of Justice to the then Department of Health and Families (DHF), with notable exceptions being the provisions around police diversion and juvenile detention. Part of the shift included the transfer of a portion of the DoJ division

38 Paul Henderson, 'Parents of Juvenile Offenders Must Be More Accountable' (Media Release, 10 December 2007).

39 Dr Chris Burns, 'Parents need to take Responsibility' (Media Release, 17 January 2008).

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of Community Corrections within Correctional Services, to sit within the DHF administration and provide community-based sentencing support to young offenders.

2010 The Government announced a 'New Era in Corrections' largely comprised of the announcement of a new 800 bed adult prison facility, to be built at Holtze, south of Darwin by 2014. This is a \$300 million infrastructure project, but does not include provisions for young offenders.

2011 Northern Territory Correctional Services opened a new juvenile detention centre at the Alice Springs Correctional Centre. Made up of one of the low-security cottages at the gaol, this new facility enables youths from central Australia to remain in their local area, but also to receive facilities not previously available at Giles House, such as education, rehabilitation programs, and other training facilities. The Alice Springs Juvenile Detention Centre holds 16 beds, and has the capacity to be expanded to 24 beds. Currently this centre averages about 10 male youths. Girls are still relocated to Darwin.

In March 2011 the Attorney-General announced a Review of the Youth Justice System.

APPENDIX 5: YOUTH DIVERSION PROGRAMS¹

DCF Region	Place	Auspice	Service Name	End Date
Darwin	Darwin	YWCA	YWCA Youth Diversion Program	30/06/2012
Central Australia (Urban)	Alice Springs	Relationships Australia NT	Youth Diversion Program	30/06/2012
Central Australia (Urban)	Alice Springs	Tangentyere Council Inc	CAYLUS Youth Support Program	30/06/2012
Central Australia (Urban)	Tennant Creek	Julalikari Council Aboriginal Corp.	Youth Development Unit	30/06/2012
Central Australia (Remote)	Papunya	MacDonnell Shire Council	Papunya Youth Development Unit	30/06/2012
Central Australia (Remote)	NPY Lands	NPY Women's Council	NPY Women's Council Youth Diversion Program	30/06/2012
Katherine/ Northern	Galiwinku	TBC	TBC	30/06/2012
Katherine/ Northern	Gunbalunya	TBC	TBC	30/06/2012
Katherine/ Northern	Ngukurr, Numbulwar, Borrooloola	Roper Gulf Shire Council	RGSC Youth Diversion	30/06/2012
Katherine/ Northern	Groote Eylandt	GEMYDU	GEMYDU Program	30/06/2012
Katherine/ Northern	Nguiu, Tiwi Islands	Tiwi Shire	TIYDDU	30/06/2012
Katherine/ Northern	Katherine	YMCA	YMCA Katherine Youth	30/06/2012

¹ DCF, *submission 5*, Attachment D, 3.