

Submission No 89

R-G.



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**Submission to the Parliament of Australia
House of Representatives
Standing Committee on Aboriginal and Torres Strait
Islander Affairs**

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

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EXECUTIVE SUMMARY

At December 2009 the Northern Territory population was estimated to be 223,272. The Northern Territory Indigenous population was estimated to be 67,332, which equates to 30.2% of the total population. Northern Territory statistics reveal that 42.6% of the population under the age of 18 is Indigenous. It is reported that for 2009/2010 to date, of the total 13,336 persons arrested or summonsed, 69.2% were of Indigenous background with 78.8% of offenders under the age of 18 being Indigenous.

This submission outlines policies and programs being implemented by the Northern Territory Government that aim to address the over-representation of Indigenous juveniles and young adults in the criminal justice system in the Northern Territory. The submission also provides an overview of the challenges experienced by Northern Territory Government agencies when dealing with this issue.

The submission refers to the Northern Territory Government's establishment of a Youth Justice Strategy, a framework for working with young people (up to 18 years old) who are involved in anti-social, criminal or disruptive behaviour in the Northern Territory. The Youth Justice Strategy aims to help both young people and their families address any behaviour issues that contribute to anti-social or criminal activities. Young people are encouraged to seek activities and pathways through youth camps and positive diversional programs, while parents are encouraged to improve their parenting skills and confidence and seek appropriate.

The Alcohol and Other Drugs (AOD) Program of the Department of Health and Families develops policies, strategies and programs to prevent, identify and respond to the misuse of alcohol and other drugs. The program incorporates community development, education, training and intervention as well as treatment and care options.

The experience of Northern Territory Police is that:

- programs for young people at risk, that are community owned and driven, deliver significant positive outcomes.
- programs that promote a positive self-image and community engagement lead to a reduction in youth related drug and alcohol use, property crime, violence and anti-social behaviour.

The Northern Territory Police has had considerable success working with the remote Community Youth Development Units which provide case management support to young offenders and work with youth at risk within a community development framework.

Northern Territory Correctional Services Secure Care comprises:

- Darwin and Alice Springs Correctional Centres (accommodating residents 18 years and above);
- Don Dale Juvenile Detention Centre; and
- Alice Springs Juvenile Holding Centre (accommodating those up to 18 years).

During 2008-09, 215 (91%) of the 235 juvenile detainees were Indigenous. During 2008-09, 478 (87.1%) of 549 adult detainees in the 18-24 yr age group were Indigenous. The majority of Northern Territory Correctional Services' programs/interventions in adult custodial centres do not specifically target Indigenous/young offenders. This submission provides an overview of programs/interventions operating at both institutions.

The Northern Territory Department of Education and Training advises that a significant number of students come from dysfunctional backgrounds, and many of the social norms expected in our society need to be explicitly taught and reinforced. Activities which provide opportunities to address such things as personal hygiene, working in a team, sharing with others, resolving conflict in non-violent ways, are prominent in many of the Department's programs. Many students avoid participating in normal school studies and eventually lack the confidence to attempt school work. Working school lessons into non-traditional activities based on student interests, can assist in building confidence. Activities include art and media, vocational education training programs, physical and outdoor education and studying Indigenous cultures.

NORTHERN TERRITORY DEPARTMENT OF HEALTH AND FAMILIES

The NT Families and Children division within the Department of Health and Families (DHF) focuses on all areas relating to families and has responsibility for the Youth Justice Strategy.

The Youth Justice Strategy is a Northern Territory Government framework for working with young people (up to 18 years old) who are involved in anti-social, criminal or disruptive behaviour in the Northern Territory. The Youth Justice Strategy aims to help both young people and their families address behavioural issues. Young people are encouraged to seek different activities and pathways through youth camps and positive diversional activities, while parents are encouraged to improve parenting skills and confidence and seek appropriate support services.

The Youth Justice Strategy includes:

- creation of a new legislative regime providing for Family Responsibility Agreements and Family Responsibility Orders (by amendment to the *Youth Justice Act* (Part 6A);
- creation of Family Support Centres in Darwin and Alice Springs;
- information sharing between Government agencies regarding families of concern;
- establishment of Youth Rehabilitation Camps;
- transfer of Juvenile Community Corrections from the Department of Justice to the DHF; and
- creation of the Youth Justice Advisory Committee.

Youth Rehabilitation Camps

In 2007 a marked increase in youth anti-social behaviour in the Northern Territory resulted in the provision of funding for youth camps across the Northern Territory. Youth camps were first funded in 2007 through the Department of Justice (DoJ). Following a consultancy report additional funding was allocated for youth camps in July 2008. As a result, a total of \$1M recurrent funding is allocated to youth camps. In April 2008, the Youth Justice Strategy was launched by the Northern Territory Government with responsibility granted to include the transfer of service provision and funding for youth camp programs.

Two youth camp providers have been funded in the Top End, (Brahminy Group and Balunu Foundation), and Tangentyere Council in Central Australia. The camps deliver wilderness adventure programs to young people aged between 11 and 17 years who are demonstrating serious anti-social behaviour including offending.

All three camps have different service models ranging from a nine day cultural healing camp to a six week rehabilitation camp. These different models cater for the varying needs of young people. Brahminy operates a youth camp service throughout the year, whilst Balunu and Tangentyere operate at specific times of the year (during the dry/winter seasons). Since the youth camp providers commenced delivering youth camp programs a total of 121 young

people have attended: Tangentyere 29; Balunu 76; and Brahminy 16 (March 2008 – present).

Anecdotal evidence suggests that for some young people, attendance at the camp has been a catalyst for behaviour change and re-engagement with the community. An independent evaluation is planned for 2010.

The DHF has recruited a Youth Camps Coordinator to work across Northern Territory Government agencies to monitor referrals to the youth camps and to work closely with the youth camp service providers.

Tangentyere Council

Referrals are made to the Youth Camps Coordinator and Tangentyere Council. A referral selection meeting, made up of key stakeholders (Youth Camps Coordinator, Tangentyere, Police, Child Protection, Department of Education and Training), assess and prioritise referrals.

Camps in 2009:

- March 2009 - three week boys camp at Hamilton Downs
- June 2009 - three week boys camp at Hamilton Downs
- September 2009 - nine day girls camp - Camel Trek

The service model is developing and flexible in terms of camps for boys and girls, location of camps and the duration of camps. The focus of camps may change depending on the needs of the identified participants.

Tangentyere Council engages other people to support the camps such as:

- Police - to develop positive views of, and relationships with police; and
- other Tangentyere Council staff such as a nutritionist, psychologist and elders - to assist with cultural learning, life skills, connectedness and healing etc.

Feedback suggests camps are positive for young people - positive experiences, role models, learning teamwork and developing new skills as well as better ways to cope with negative life experiences and challenges. Tangentyere Council is embracing a reflective practice approach, learning from each camp and making improvements.

Family Support Centres

Part 6A of the *Youth Justice Act* allows certain Government departments to enter into Family Responsibility Agreements and Family Responsibility Orders with families struggling with their child's behaviour.

A Family Responsibility Agreement is a voluntary plan of action that appropriate agencies from the Northern Territory Government can make with a family to assist in managing the anti-social or criminal behaviour of their child. The Agreement aims to get the young person and family back on track. Agreements require the parent to undertake actions that may include attending counselling sessions, parenting classes and allowing regular police visits to the home. The Agreement may also stipulate the youth to not mix with certain

people, stay away from certain locations, attend school, attend youth diversion programs; and be at home at night.

A Family Responsibility Order is a direction handed down by the Youth Justice Court to families who need assistance in managing the anti-social or criminal behaviour of their child. The family and young person are obliged by law to follow the directions given by the Court.

Stakeholder consultations have been held with the judiciary and with legal practitioners to discuss the implementation of the Family Responsibility program and the inclusion of Youth Community Corrections into the DHF.

A range of community groups and non-Government organisations have also been given information about Family Support Centres and their operation in order to maximise their appropriate use.

Interagency Collaboration

In response to the introduction of Part 6A of the *Youth Justice Act* Interagency Collaboration Panels (ICPs) have been established in the Northern Territory to formalise information sharing between agencies.

The ICPs meet on a monthly basis in Alice Springs and Darwin. Panel members share information in relation to families that may benefit from a Family Responsibility Agreement or Order.

Links With Child Protection

Northern Territory Families and Children (NTFC) Child Protection staff who are nominated as Authorised Officers, sit on the ICP and provide relevant information on clients.

At this time, the Family Support Centre does not engage if NTFC Child Protection is working with the family. If there is an open investigation relating to the family, the referral remains with the ICP until the investigation is complete. Once the investigation is completed the ICP will consider whether further intervention would benefit the family.

Alcohol and Other Drugs Program

The AOD Program of the DHF develops policies, strategies and programs to prevent, identify and respond to the misuse of alcohol and other drugs. The program incorporates community development, education, training and intervention, treatment and care options.

The AOD Program employs a range of staff across the Northern Territory including doctors, nurses, counsellors, psychologists, researchers, policy officers, educators, trainers and administrative staff.

Alcohol and other drug misuse is often a key element that results in contact with the criminal justice system. The availability of services focussing on clients with complex needs is noted service gap. This is further exacerbated

by the remoteness of many Northern Territory locations and the difficulty in identifying, managing and supporting those that require intensive assistance.

Services Available in the Top End

TOBACCO, ALCOHOL AND OTHER DRUGS CLINICAL SERVICES

Volatile Substance Abuse

Treats all ages. Provides assessment, counselling, coordinated care, referrals for both mandated treatment and voluntary treatment under the Volatile Substance Abuse Prevention Act. Staff members travel to all communities to assess clients and to provide education and support to community organisations.

Community Development Team

Under the Volatile Substance Abuse Prevention Act, staff provide assistance and guidance to develop management areas, management plans, provide training and support community coordination and development.

Opioid Pharmacotherapy Program

Treats ages 18 and above. Provides comprehensive assessment and case planning, maintenance pharmacotherapy, with full case management and intensive support and counselling for clients with an opiate addiction. Clients are assessed and treated for all substances used including (but not restricted to) tobacco, benzodiazepines, amphetamines, alcohol and cannabis. Shared care approach with other services.

Withdrawal Services

Treats all ages, generally in conjunction with non-Government organisation (NGO) youth service if under 18 years. Both medicated and non-medicated withdrawal assistance from all substances, provided as either, home based, ambulatory, 24 hour residential (in conjunction with NGO) or hospital based. Provision of assessment, intensive support and counselling, brief intervention, and case management including relapse prevention counselling. Shared care approach with other services.

Counselling

Treats all ages. Provides brief intervention, assessment, intensive support and counselling, and case management including relapse prevention counselling, cognitive behaviour therapy, rational emotive behaviour therapy and psychological assessments to assist in appropriate case management.

Prison In-reach program

Treats all ages. Provides an assessment and counselling service for clients currently incarcerated under remand or sentenced for less than 6 months. Counselling provided on a one-to-one basis and as group therapy, discharge planning and referrals for ongoing support and counselling on release. Shared care approach with other agencies. This service is available at Don Dale Juvenile Detention Centre and the Darwin Correctional Centre

Hospital intervention

Provides triage, brief intervention, counselling, discharge planning with referral to residential or other AOD counselling services.

Nhulunbuy Special Care Centre

Treats 18 years and above (may consider from age 16 after comprehensive assessment of needs). Provision of a 24 hour residential program, assessment, counselling, opiate pharmacotherapy, withdrawal services, volatile substances program, day program, outreach program and transitional aftercare. A number of these services will come online as the need warrants.

Sobering Up Shelters (SUS)

Sobering up shelters are safe places where intoxicated people can be cared for until the period of acute intoxication has passed. Police or Night Patrols apprehend intoxicated people and transport them to the shelters where they release the person into the care of shelter workers. Sobering up Shelters operate in Darwin, Katherine and Nhulunbuy.

The main objectives of a SUS are to:

- provide a safe and caring alternative to police custody for persons intoxicated in public places and apprehended under section 128 of the *Police Administration Act*;
- provide a safe and caring environment where intoxicated persons transported by community patrols can sober up; and
- facilitate access by the person, when sober, to appropriate treatment and/or other health and families services.

Council for Aboriginal Alcohol Program Services (CAAPS)

Youth Wellbeing Program

Treats all ages, (if under 18 years, a carer is to escort the client). 24 hour 8 week Residential program to reduce volatile substance use amongst young people in the Northern Territory. This is the only residential youth program in the Top End.

Healthy Families Program

All ages attend CAAPS as a family unit. The residential program designed to help in all areas of life, providing knowledge and skill to make informed decisions for the individual and their families which address the underlying issues contributing to family hardship, risk of homelessness and substance abuse. This program also includes an outreach service, return to home initiative, supportive accommodation program and aftercare.

Amity Community Services

Inhalant and Other drugs Strategic Intervention. Provides an outreach service consisting of counselling and intervention for people and their families living in town camps and surrounding communities.

Catholic Care

Non-residential counselling and Community Education. Provides culturally relevant services for family members, including, partners, parents, children, relatives and friends who are experiencing the negative impact of alcohol or other drugs.

Drug and Alcohol Intensive Support Program for Youth (DAISY)

Counselling services for young people affected by alcohol and other drugs. DAISY offers individual intensive support, group work and family counselling.

Banyan House

Services for clients 18 years and up. Residential rehabilitation program for people experiencing difficulties with drugs use. Based on a therapeutic community model. This program includes an Aboriginal drug rehabilitation service.

Foundation of Rehabilitation with Aboriginal Alcohol Related Difficulties FORWAARD

Age 18 and up. Residential program for Indigenous people experiencing alcohol and other drug problems.

Danila Dilba

Dare to Dream Program. Youth program, including a drop in centre. Danila Dilba's Dare to Dream program is an emotional and social wellbeing program aimed at improving the mental health of local Indigenous clients. The program itself has three main areas of delivery: carer stress, early intervention and prevention (AOD and mental health issues), and education.

HeadSpace

Ages 12 – 25. Open to all youth between in this age range. Provides counselling, support and early intervention for youth worried about mental health and substance use. The Tobacco Alcohol and Drugs Services provides a psychologist to HeadSpace three hours per week.

Services and Programs Available in Central Australia**Alcohol and Drug Services Central Australia (ADSCA Clinical Team)**

ADSCA currently has four AOD clients under 25 and another 37 clients being supported to address their volatile substance misuse issues. All current clients are Indigenous. The ADSCA Project Officer is currently targeting youth in contact with town camp services and BushMob. The emphasis is on sport and the benefits of living life without alcohol and other drugs.

BushMob

Ages 12 – 25. Provides an alcohol and other drugs case management service; a bush adventure therapy program and a residential rehabilitation service for young people. These elements are funded by the Alcohol and Other Drug Program of the DHF. BushMob also provide a multi media training and education program funded by the Office for Aboriginal and Torres Strait Islander Health. BushMob is funded by AODP to provide five residential beds.

Some 95-98% of BushMob's clientele are Indigenous young people, and the gender ratio is approximately 50:50. When considering only correctional service clients, the ratio is approximately 60:40, male to female.

Ilpurla

Currently provides a remote alcohol and other drug rehabilitation service for Indigenous clients over the age of 18 years. AODP use Ilpurla exclusively for volatile substance misuse clients.

Mt Theo Substance Abuse Prevention Program

All ages. Provides a remote AOD rehabilitation program for Warlpiri people. Access for people under the age of 18 years is by negotiation and requires a family carer to attend. Operates from Yuendumu and has a residential outstation program operating at Mt Theo. Funded on a fee for service basis by AODP. Predominantly funded by OATSIH. Used by AODP exclusively for VSA clients.

Drug and Alcohol Services Association (DASA)

Ages 18 and above. Provides a range of AOD services including outreach case management, sobering up shelter and residential rehabilitation services for people over the age of 18 years.

Central Australian Aboriginal Alcohol Programs Unit (CAAAPU)

Ages 18 and above. Provides a range of adult Aboriginal specific AOD services including a residential rehabilitation and treatment program for 20 males and 8 females. The majority of clients have been referred by Northern Territory Correctional Services.

Alice Springs Transformation Plan

Young people under the age of 25. A proposal to establish a community based ambulatory AOD case management and therapeutic intervention project has been approved. The project will be delivered by Central Australian Aboriginal Congress' GrogMob Program. A key component of this project will be a focus on youth services and providing a more comprehensive AOD screening, assessment and program delivery for young people.

Intervention based projects

Community educators working/worked with;

- Department of Education and Training (DET) to provide AOD education to primary and high schools in Alice Springs and Tennant Creek ;
- school nurses to provide AOD education to students in years 11 and 12;
- Santa Teresa football team for AOD education;
- CAAAPU clients (male and female, many who are under 25);
- students in Docker River, Ti Tree and Santa Teresa providing AOD advice;
- youth workers in Mutitjulu, Finke, Docker River, Kintore, Imanpa and Areyonga;
- Ti Tree school on a music project promoting life without drugs; and
- youth at Areyonga community. The focus was a smoking cessation program.

Sobering Up Shelters (SUS)

Sobering up shelters are safe places where intoxicated people can be cared for until the period of acute intoxication has passed. Police or Night Patrols transport intoxicated people to the shelters where they are cared for by trained staff. Sobering up Shelters operate in Alice Springs and Tennant Creek.

Alcohol Court Referrals

The DHF is responsible for providing a treatment options matched to the needs of clients referred by the Northern Territory Alcohol Court.

In July 2008 to June 2009 there were 112 referrals to the Specialist Court Clinicians for assessment for clients' suitability for treatment through the Alcohol Court.

- 79 clients were found suitable for referral to treatment programs;
- 4 clients were issued with a prohibition order (no treatment);
- 18 clients have completed treatment;
- 23 clients have not completed their treatment program; and
- 34 clients are still being treated.

All referrals from the Alcohol Court have been effectively managed by the AOD treatment sector.

The most common referral from the Alcohol Court is for residential treatment. Up until June 2009 81% of referrals from the Alcohol Court were directed to residential rehabilitation treatment services. In Alice Springs, the main treatment provider is CAAAPU. In Darwin, the main treatment provider is FORWAARD.

Treatment Orders for Those at Risk of Harm

Treatment orders for people at risk of harm from volatile substance abuse under the Northern Territory *Volatile Substance Abuse Prevention Act*

The Northern Territory is committed to addressing volatile substance abuse by supporting community prevention and management as well as the application of the *Volatile Substance Abuse Prevention Act* (the Act).

Families, police and health workers can apply for assessment and mandated treatment for people at risk of severe harm. Court-ordered treatment provisions are the most widely used part of the Act.

- A total of 291 referrals affecting 240 people have been made since Treatment Orders commenced three years ago; and
- 217 people have been directed to be assessed and 32 were mandated by the Court to receive treatment. Twenty were adults and 12 were children.

Some communities have managed volatile substance abuse problems through strong community sanctions against community use and containment of substances that can be inhaled. Youth diversionary activities are also very important. The AOD Program assists with health promotion and capacity building activities.

Community Engagement and Support for Action

Community management areas and plans to control the availability and reduce potential for the misuse of volatile substances

Under the Act, communities can declare that certain areas are subject to community plans about the possession, use and supply of volatile substances. These plans are legally enforceable; and penalties apply for contravening a management plan. The AOD Program is working in conjunction with communities on these plans and provides guidance and assistance with their development.

In total there are 16 management areas and 10 management plans operational in the Northern Territory, eight in Central Australia and two in the Top End. Combined with the roll out of Opal fuel, these plans have proved an effective supply control measure.

Community members can also obtain training funded via through the AOD Program, to be authorised persons under the Act. After training, the individual can remove volatile substances from intoxicated or at risk persons, safely dispose of the substance initiate taking the affected person to a safe place.

Volatile Substance Abuse Management Plans exist in:

- Lhenpe Artnwe (Hoppy's Town Camp)
- Yarrenyty Arltere (Larapinta Valley Town Camp)
- Ikuntji (Haasts Bluff)
- Papunya
- Walungurru (Kintore)
- Alparrulum (Lake Nash)
- Kaltakatjarra (Docker River)
- Ntaria (Hermannsburg)
- Jilkminggan
- Central Arnhem

AODP is also working with Mutitjulu, Apatula (Finke), Mt Liebig*, Ti Tree, Oenpelli and Minyerri with a view to establishing VSA Management Plans. Mt Liebig, Oenpelli and Minyerri currently have gazetted Management Areas but have not reached agreement on the nature of their Management Plans.

Discussions have also commenced with Imanpa and Tennant Creek.

Grant Funding to Support Local Activities

Remote Area Aboriginal Alcohol and Other Substance Strategy

The strategy aims to assist communities prevent substance misuse and/or provide intervention when substance misuse is already occurring. Funds provided under this program are capped at \$5000.

Funding is considered for projects under three categories:

(a) **Intervention Projects:** increasing community or individual capacity to directly intervene in episodes of substance abuse. Projects in this category include: night patrol, brief intervention training.

(b) **Diversiory Projects:** providing positive alternative activities for people who may be at risk of substance misuse. Activities could include opportunities in the arts, manual skills and other recreational activities.

(c) **Educational Projects:** providing individuals, groups, and whole populations with accurate and appropriate information to assist them in making decisions in relation to their health and substance misuse.

Community Support Drug Education grant:

This is designed to reduce the damaging effects that alcohol and other drugs have on the health and well being of Indigenous people in the Top End. Grants of up to \$2500 are available for projects that address alcohol and other drug use communities.

Tobacco Incentive grant:

This is a small grants program of up to \$3000 per grant, to assist rural and remote Indigenous communities to develop tobacco interventions at a local level.

NORTHERN TERRITORY POLICE

Introduction

Over-representation of indigenous youth in the criminal justice system is not unique to the Northern Territory.

In December 2009 the Northern Territory population was estimated to be 223,272 (attachment A). The Northern Territory Indigenous population is estimated to be 67,332, which equates to 30.2% of the total population (NT Government Population Projections 2009).

Some 42.6% of the NT population under the age of 18 are Indigenous. From 2009/2010 to date, of the total or summonsed 69.2% of 13,336 persons arrested were of Indigenous background with 78.8% of offenders under the age of 18 being Indigenous (see Attachment B).

At the 6th Ministerial Council for Police and Emergency Management, Senior Officers Group held on the 10 September 2009, Agenda Item 1.5 dealt with Aboriginal offending. The conclusion was:

“ A focus upon reducing the over representation of Aboriginal and Torres Strait Islanders in the justice system rather than focusing on the adverse social issues that are driving Aboriginal offending will not have the effect of reducing the underlying conditions which give rise to Aboriginal offending and resulting incarceration. The focus should be on the primary issue which is the offending as any reduction in offending will result in reduced incarceration rates.”

The resolution indicates that law enforcement alone is not the solution to Indigenous offending. Law enforcement agencies cannot, nor should they, ignore offending by Indigenous offenders as a means to reduce incarceration levels. All agencies across all levels of government need to focus on the social issues underlying indigenous offending, otherwise the on-going cost of providing police and judicial services and resources required to address this level of criminality will be unsustainable.

Between July 2009 to November 2009 Indigenous youths estimated to be 42% of the population under 18 years, made up approximately 80% of all youth offenders. Indigenous young adults (18 to 25 years) formed approximately 36% of the young adult population, but were apprehended for 66% of all offences during the period. Indigenous youth and young adults were also significantly over represented in the repeat offender category compared to non-Indigenous Territorians (Attachment C).

Restorative Justice

The Northern Territory Government has implemented restorative justice practices. The *Youth Justice Act (NT) 2006* includes an explicit 'presumption of diversion' regarding youth offenders (Part 3). The NT Police Youth Diversion Scheme (YDS) operated under a restorative justice framework, encouraging offenders to accept responsibility for their behaviour. Programs that address underlying behaviours such as low self esteem, alcohol or drug issues, family violence, dysfunctional families and poor or no role models are

important. The diversion process may involve meeting the victim in a youth justice conference setting and repairing the harm caused. The conference process provides the victim with an opportunity to participate, and encourages family to help the offender take responsibility for the outcomes.

The Australian Institute of Criminology 2007 study "*Pre Court Diversion in the Northern Territory: Impact on juvenile re-offending*" confirmed the value of the YDS and noted "*significant differences between juveniles who attended court and those who were diverted.... with those who were diverted re-offending less than those who attended court.*" The paper also noted a lack of remote community programs, however, those who were diverted in remote communities had better outcomes than if they went to court.¹

A comparison of youth apprehension data (Indigenous and non Indigenous) in the Northern Territory for three years up to July 2009 is consistent with findings interstate and overseas regarding diversion. In contrast to court, diversion offers a better outcome with longer lasting effects. Attachment D outlines the consistently higher rate of success of diversion compared with court. Over the three year period, with an average of 1200 apprehension cases, the re-offending rate for court referrals was 44% compared with an overall rate of 16% for diversion. Diversion is more effective where a youth justice conference is conducted with family and/ or victims, with a 13% re-offending rate. During the six months between January and July 2009 there was an increase of approximately 70% in the number of participants in youth justice conferences.

Despite the recognised benefits of the restorative Justice process, in 2008/2009 financial year indigenous youths were dealt with via the court process to the diversion process at significantly higher (four times) rates than non indigenous youths (Attachment E) although access to diversion programs by indigenous youth was double that of non indigenous youth. When assessing the reasons for this there are a number of factors which need to be considered:

- some offences committed are excluded due to the serious nature of the offending or they are regulatory (traffic) offences;
- recidivist offenders are often denied diversion after failing to complete earlier diversions; and
- a reluctance by the offender or legal advice not to admit the offence at the earliest opportunity.

Community Youth Development Units

The experience of Northern Territory Police is that programs for young people at risk that are community owned and driven, deliver the positive outcomes. Programs that promote a positive self-image and community engagement lead to a reduction in youth related drug and alcohol use, property crime, violence and anti-social behaviour. Where they exist, NT Police has had success working with the remote Community Youth Development Units (CYDUs) which provide case management to young offenders and work with youth at risk within a community development framework.

¹ <http://www.aic.gov.au/en/publications/current%20series/tandi/321-340/tandi339.aspx>

Most youth programs are delivered in urban areas with limited programs available in remote communities. This situation is slowly changing due to financial assistance from the Australian Government, via the Northern Territory Emergency Response and the current three year commitment to Youth Diversionary programs. The Northern Territory Government makes a significant contribution through the Youth Diversion Scheme Community Grants Program administered by the NT DHF. Recurrent funding has enabled the support of CYDUs which provide case management support for NT Police diversion clients. They undertake assessment, pre-conference arrangements and follow up program referrals.

CYDUs undertake formal case management of youths referred to diversion, however, most of their work is concerned with youth development. Successful programs are being run by the Tiwi Islands Youth Development and Diversion Unit (TIYDDU) at Nguiu on Bathurst Island. Since its establishment in March 2004, TIYDDU has managed many hundreds of 'family interventions' and case-managed 120 formal youth diversions. The number of formal diversions would be significantly higher without the informal youth development work of the TIYDDU.

The Tiwi Island, Groote Eylandt and Tennant Creek CYDUs offer a wide range of programs linked to identified community concerns and initiatives which exemplify the particular strengths and concerns of the individual communities. For example the Tiwi Island programs are based on a family intervention model using the skin groups as a key driver. On Groote Eylandt the CYDU is associated with the Anindilyakwa Land Council which provides in kind and monetary support. It links with ranger programs and other community based initiatives run by the Council. It is a particularly strong community driven program that has received many awards, grants and other forms of recognition for the work it has undertaken in the past six years. A summary of the operations and achievements of various programs appears below:

Tennant Creek Youth Development Unit Programs

- formal assessment and case management of youth diversion referrals and participate in youth justice conferences;
- case manage post court referrals supporting offenders on community work orders and other youth court services;
- offer training for a Certificate II in Media and Screen and Building Certificate 1;
- residential Beef Cattle Production Certificate 1 training courses (received National Crime and Violence Prevention Award in 2006 with a \$10,000 grant acknowledging the success of the program);
- youth drop in centre seven days a week;
- crisis/short term accommodation program in town camp for young people during the school week;
- Australian Theatre for Young People workshops and community work services;
- alternative education, Youth Development Unit working closely with Tennant Creek High School to re-engage young people;

- supporting young people to engage and participate in programs such as alcohol & other drugs, health, sport & recreation and life skills;
- development and support for young people to participate in Indigenous small business opportunities;
- regular outreach visits to Elliot, Canteen Creek and several smaller outstations; and
- employment program linkages supporting young people into work.

Tiwi Islands Youth Development and Diversion Unit Programs

- formal assessment and case management of youth diversion referrals and participate in youth justice conferences;
- provision of Alcohol and Drug information/Awareness and education to students of Xavier Community Education Centre and Milikapiti Community members;
- various programs at Murrupurtiyanwu Catholic School and Xavier Community Education Centre including 'Rewarding Good Behaviour and Attendance';
- working with problem young people at Murrupurtiyanwu Catholic School;
- provision of counselling and family mediation and support services;
- workshops in prevention of child sexual abuse (through Child Wise and with Women's Safe House);
- contribute to the community safety plan;
- provision of Alcohol and Other Drug awareness to banned Nguiu Club members and responsible alcohol awareness training to young people once they turn 18;
- Tiwi CYDU staff identifying "at risk" clients at Nguiu including suicide intervention;
- night patrol;
- skin group meetings;
- after school care and vacation care programs;
- establishment of Tiwi Youth Council;
- working with community and Court on Tiwi Circle Sentencing Program;
- Army training for young Tiwi people;
- sport and recreation activities; and
- supporting young people in training through Tiwi Islands Training and Employment Board.

Groote Eylandt and Milyaburra Youth Development Unit Programs

- formal assessment and case management of youth diversion referrals and participate in youth justice conferences;
- offers training for a Certificate II in Multi-media and Screen;
- music room at Angurugu with Foundation of Young Australians grant for music equipment and young indigenous music trainer salary for 12 months;
- healthy eating and 'Big on Bush Tucker' program;
- inter-agency 'Big Day Out' promoting healthy lifestyles
- Mooditj sexual health and other alcohol and other drugs, health and life skills training programs;
- driver training (including licensing and safety awareness);

- other general arts and recreation activities;
- dug out canoe project with community elders; and
- regular young mums and babies literacy program at Angurugu.

These programs are similar to other preventative youth initiatives delivered by CYDUs at Borroloola and Galiwinku. Other similar programs operate on a smaller scale in the NT southern region, in partnership with number of other NT Government and Australian Government programs. These programs operate at Papunya and regionally in partnership with other programs such as NT Integrated Youth Strategy run by Mission Australia in the four southern region communities of Docker River, Mutitjulu, Imanpa and Aputula. The YDS program funds workers in both the NPY Women's Council which provides town based support to young people from these communities and Tangentyere Council Central Australian Youth Link up Service which supports all other southern community youth programs.

It is expensive to develop and deliver youth quality youth programs. Due to cultural issues, ideally all remote Territory youth programs should include a minimum of a male and a female youth worker plus community employed staff. All should be appropriately accommodated, trained and supported. The NT Integrated Youth Strategy has cost the Australian Government \$12M to deliver in four small southern region communities over four years. This very effective model cannot be easily replicated in other communities without a similar level of funding support.

All NT Indigenous communities have difficulties providing quality accommodation for temporary workers. This has been an obstacle in expanding remote youth programs and contributes to a high turn over of staff. At this time there is no area of government taking responsibility to develop appropriate housing for community staff.

NORTHERN TERRITORY CORRECTIONAL SERVICES

Northern Territory Correctional Services (NTCS) Secure Care comprises:

- Darwin and Alice Springs Correctional Centres (accommodating those 18 years and above);
- Don Dale Juvenile Detention Centre; and
- Alice Springs Juvenile Holding Centre (accommodating those up to 18 years).

In 2008-09, 215 (91%) of the 235 juvenile detainees were Indigenous.

In 2008-09, 478 (87.1%) of 549 adult detainees in the 18 to 24 year age group were Indigenous.

The majority of NTCS programs/interventions in adult custodial centres do not specifically target Indigenous/young offenders. The following text is an overview of programs/interventions operating at both institutions.

Programs/Interventions Common to Both Institutions

Prisoner Education

National Accredited courses in literacy/numeracy, art and craft and music provides prisoners opportunities to develop their skills and knowledge in English and provides the basis for further training, links to culture are developed through the music and art and craft courses.

Therapeutic Programs

Include:

- Indigenous Family Violence Program;
- Intensive Cognitive Skills/Victim Awareness Program;
- Anger Management Program;
- Sex Offenders Treatment Program;
- Individual Counselling/Treatment Intervention Programs; and
- Alcohol/Illicit Drug Programs.

Elders Visiting Program

This program has been running for four years. Elders from a variety of communities across the Territory visit the prison regularly to provide help for prisoners getting ready for release; liaise between prisoners and the community; work with NTCS to establish and negotiate appropriate release plans; facilitate information exchange with other elders, NTCS and the community; follow up prisoners when they return to community; support community healing; inform NTCS of any threat of harm or violence to self, others or communities. Elders are continually being recruited from relevant communities to ensure they are reflecting our prison population.

Drink Drivers Program

External provider conducts courses for prisoners who are required to complete the program before they can apply to regain their drivers' licence.

Driver Education and Practical Testing Program

Suitable prisoners receive driver education training to obtain a learner driver permit and later obtain their driver licence.

Aboriginal Liaison Officers

Aboriginal prisoners are assisted maintaining cultural links through contact with families, participation in 'sorry business' and other related activities.

Programs/Interventions Specific to Alice Springs Correctional Centre

Boys from the Bush Program

Commenced 6 January 2010 as part of ongoing national campaign recruiting a target group of Indigenous Youth in Central Australia to train as meat workers. Fifteen male participants, all aged between 18 and 25 years, attended the information session. Assessments will now be conducted with interested and eligible youth. Upon release successful candidates will be immediately flown to the interstate training venue.

Family Well Being Program

Commences 11 February 2010 and will run one full day per week until the end of October 2010. Prisoner Services will encourage participation by eligible young offenders. This program is a nationally accredited program which entitles the participants to a Certificate II in Family Wellbeing.

Job Services Australia

Job Services Australia has been successful in obtaining three years of funding to deliver services at ASCC. The program includes a youth specific work readiness case management. This service has commenced.

Essential Service Operator Trainees (Power and Water)

This is an annual program targeted at prisoners nearing release who meet security requirements and will be returning to communities where Power Water Essential Service Operator / Trainee positions are located. Accredited competency units are undertaken. Eighteen to twenty five year olds are encouraged to apply.

Shire Council Community Based Employment Program (under development)

This program will be available to any sentenced prisoner who has either an appropriate skill set (or the ability to obtain) that matches the employee requirements of the NT Shires.

Programs/Interventions Specific to Darwin Correctional Centre

Alcohol and Other Drug Program

Delivered by the DHF and targets prisoners serving less than six months.

Aboriginal Dance Group

Suitable prisoners are selected to participate in the "One Mob Different Country" dance troupe that performs at many events in Darwin. This activity gives prisoners the opportunity to participate in a cultural activity thereby promoting wellbeing.

Batchelor Institute of Indigenous Tertiary Education (BIITE)

Provides training (and employment opportunities) in the construction field to prisoners. Projects include construction of a number of buildings on the Darwin Correctional Centre site including prisoner accommodation.

Programs/Interventions Specific to the Don Dale Juvenile Detention Centre – Darwin

The Don Dale Juvenile Detention Centre caters to young offenders predominately in the 13-18 year old age bracket. The centre places a strong emphasis on continuing formal education in the middle to senior school years including vocational and technical education. Formal education is supplemented with anger management programs and pastoral care. The on-site Case Management Unit also provides individual counselling and case planning. In the early part of 2010, the Centre is planning to introduce a broader health and wellbeing program that is tailored for the high number of young Indigenous detainees. The broader program will involve an indigenous case worker / role model will include the following topics:

- Healthy sexuality
- Alcohol and Drug Issues
- Mental Health
- Family of origin
- Grief and Loss
- Culture
- Who Am I?
- Offence specific issues

NORTHERN TERRITORY DEPARTMENT OF EDUCATION AND TRAINING

Safe Schools NT Framework and Code of Behaviour

Schools are required to develop and implement a School Wellbeing and Behaviour Policy that aligns the school context, values, culture and behaviour expectations with the Safe Schools NT Code of Behaviour. The School Wellbeing and Behaviour Policy includes strategies to ensure a safe and positive learning environment and processes for the effective management of student behaviour. It includes both positive and preventative approaches to managing student behaviour as well as the appropriate use of consequences for students who display unacceptable behaviour.

School Wide Positive Behaviour Framework

In 2010 DET is piloting the successful Queensland framework in a small number of urban schools. The Framework uses a rigorous evidence-led approach to determining local issues and responses.

Positive Learning Centres (PLC)

DET has established three PLCs, one in each of Darwin, Palmerston and Alice Springs. PLCs provide an intensive program for students demonstrating severely disruptive behaviours in school.

Students often come from dysfunctional backgrounds, and many of the social norms expected in our society need to be taught and reinforced. Activities which provide opportunities to address such things as personal hygiene, working in a team, sharing with others, resolving conflict in non-violent ways, are prominent in any individual program. Most students in a PLC have missed a great deal of school, and have significant gaps in their knowledge. Remedial programs where gaps are identified and addressed occupy a considerable amount of the timetable and provide opportunities to work in a classroom like environment. Many students have developed behaviours intended to avoid participating in normal school studies and now lack the confidence to even attempt school work. Especially in the early stages of a program, a well designed program finds ways to build levels of confidence, and this often requires working school lessons into non-traditional activities based on student interests. Activities include various forms of the arts and media, VET programs, physical and outdoor education and studying Indigenous cultures.

School Attendance Team

The School Attendance Team provides program support and strategic advice dedicated to improving enrolment and attendance, particularly for children at risk of poor school attendance. In 2009 DET employed five regional school attendance officers, in addition to 43 Aboriginal and Torres Strait Islander Education Workers and 30 Home Liaison Officers providing schools with additional resources to improve student attendance.

Alternative Education Provision (AEP)

DET's AEP initiative operates in Darwin, Palmerston and Katherine and works to transition young people disengaged from schooling aged 10 to 15 years back into schooling, or alternatively, training or employment. AEP uses a case management model and currently supports some 150 students and families.

Its aim is to engage the students with schooling, training or employment and uses highly innovative strategies to achieve this. For example, a 12 year old student considered unable to be returned to school was linked with a horticulture certificate at Charles Darwin University. By the age of 13.5 the student had completed the certificate and at the age of 14 an exemption was sought and approved for the student to commence employment. AEP has an average success rate with its clients of 50-60% as determined by whether the student has remained engaged with school, or the training or employment placement six months after having exited the program.

DET has employed a Drug Education officer with a primary focus on school drug education policy development and implementation, professional learning and curriculum resource development. This role supports the implementation of a holistic, drug education framework for NT school-communities supporting:

1. health promotion (teaching and learning programs/initiatives);
2. drug prevention (use/misuse and associated harms); and
3. intervention processes (policy/guidelines/incident management).

This framework promotes health and wellbeing, meaningful teaching and learning programs and provides opportunities to develop teacher confidence and competence to deliver drug education and wellbeing programs, and to respond appropriately to drug use/misuse issues in schools. It is consistent with the harm minimisation philosophy that underpins Australia's National Drug Strategy and the associated supply, demand and harm reduction strategies.

The Drug and Personal Safety Awareness Program curriculum resource has been developed and published by DET for use by school based police officers (in urban and rural communities) to support them to deliver drug and personal safety lessons in conjunction with classroom teachers. The resource focuses on the following seven themes:

- the legal system;
- rights, rules and responsibilities;
- consequences of our actions;
- keeping ourselves and others safe;
- drugs and alcohol;
- community development; and
- role of police in society.

Units of work have been developed around the themes for students in Transition to Year 3, Years 4-6, and Years 7-9.

The success of the Professional Learning undertaken in 2009 is highlighted in a few examples by the Drug Education and related wellbeing programs that are being implemented in an ongoing and sustainable manner at Nhulunbuy High School, Casuarina Senior College and Nightcliff Middle School. These schools now have drug education and wellbeing programs (including health education lessons, valuable guest speakers, peer forums, peer teaching/mentoring and pastoral care) embedded within their yearly curriculum plans. Events like whole-school Health Promotion Week and participation in national drug and personal safety awareness initiatives like National Youth Tobacco Free Day, Drug Action Week and Day for Daniel are etched into their school timetables.

A number of teaching and learning programs have been designed to support meaningful learning around these activities.

Year 7-10 students at Nhulunbuy High School regularly explore a range of drug-related issues including the concepts of personal safety and harm minimisation and cover broad content matter as part of their peer-facilitated pastoral care program. Some of the content includes:

- binge drinking;
- safe partying and party choices;
- looking after your mates;
- standard drinks and non-alcoholic alternatives i.e. 'mocktails';
- dangers of mixing alcohol;
- cannabis and consequences – health and mental health;
- tobacco; and
- ecstasy and related drugs.

The Drug Education Peer Forum program is aimed at increasing teachers' capacity to deliver Drug Education, and to enhance students' awareness, skills and understanding about substance use/misuse issues through opportunities that increase their knowledge, resilience, connectedness and healthy decision-making skills. Through participatory approaches, students have also been provided with opportunities to develop their communication, cooperation and leadership skills via activities that engage them with their school community on issues relating to AOD.

Peer Forums

Irrkerlantye Unit, Bradshaw School

The Irrkerlantye Unit is a special education unit designed to cater for high-needs Indigenous students from Alice Springs town camps and surrounding areas. The Unit adopted a 'whole school' peer forum plan and integrated drug education content into their teaching and learning program. All classes (60 students) covered drug education content surrounding alcohol – harms and effects, in their literacy, numeracy and well-being lessons and presented their work to their peers, family members and parents/care givers during their culminating event. Each class had an active role to play in facilitating the peer forum event.

The purpose of the Irrkerlantye Unit peer forum was to:

- increase peers' understanding of alcohol and its effects on the body and mind, individuals, people and the community;
- increase student personal safety awareness and skills to support self/family when adversely impacted by alcohol and family violence related issues;
- increase students' understanding of 'drugs' and discuss the terms, uses and risks associated with use/misuse;
- allow students to share their perspective, thoughts, feelings and ideas surrounding the chosen topics with their peers and families;
- promote Indigenous 'community champions' as positive role models from a wide community cross section;

- assist students to identify 'safe practices and places of safety' on and around the community;
- support students to develop and identify self-help skills and trust groups;
- identify and discuss safe and unsafe situations, feelings and emotions, healthy choices, how to say NO, and people to trust in respect to harm minimisation;
- present artwork, posters and research work to peers, families and members of the community;
- invite the community and assist to run a school catered barbecue called the "Irrkerlantye Healthy Life Expo" involving interactive stalls from the Alcohol and Other Drug Service, NT Police, Bush Mob, RSPCA, Alice Springs Desert Park, Natural Bush tucker, Congress Aboriginal Health Service, "Story Board with Aunty Gwen", Tangentyere Youth Service, AusKick and Junior Rugby; and
- present a puppet play video entitled 'The Grog Monster' at the Irrkerlantye Healthy Life Expo.

In attendance were:

- students from Irrkerlantye Unit (60 students in total);
- teachers and staff (12 in total);
- approximately 150 community members and their families; and
- staff members and 'community champions' from youth service providers in Alice Springs (40 in total).

Ti-Tree School

Ti-Tree School (220km north of Alice Springs) identified the need to focus on healthy choices in relation to alcohol and community development activities. The students participated in activities to clean up all the alcohol cans littered around the community over a six week period of time. The cans were collected, counted, standard drinks calculated, and graphs and pictures were developed to illustrate/represent their findings. The students then presented their information and health messages to the whole community at the peer forum culminating event and now have the displays at the local roadhouse/licensed premises for the whole community, tourists and passers-by to view.

As a part of the Ti-Tree School peer forum students:

- learned, practised and performed an 'anti-drugs' song and a healthy choices song;
- participated in discussions and group work around the impact of alcohol on the body/community and calculated standard drinks;
- explored and devised a range of strategies to support healthy lifestyle choices and listed a range of poor choices in relation to drugs, health and exercise to present to their peers and the community in conjunction with the alcohol related research;
- showed how they have developed skills to work cooperatively, to behave and address each other and adults in a supportive and collaborative way;
- presented their learning at a whole school-community barbeque; and
- displayed all the related artwork and research at the roadhouse.

In attendance were:

- Ti-Tree whole school (upper and lower classes) of approx 75 students;
- five teachers, five assistant teachers and school ancillary staff;
- approximately 200 + community members and their families;
- two NT Police Officers;
- members of the Central Desert Shire Council; and
- Ti-Tree Clinic Staff.