



SUBMISSION TO PRODUCTIVITY COMMISSION INQUIRY INTO EXPENDITURE ON CHILDREN IN THE NORTHERN TERRITORY

INTRODUCTION

The Northern Territory Legal Aid Commission (NTLAC) provides legal representation to children and young people in the Northern Territory who are arrested, detained and/or charged by police; and who are prosecuted, remanded, tried and/or sentenced in the Youth Justice Court. In addition, NTLAC provides representation to parents who are respondents in child protection proceedings, and to clients in family law disputes. NTLAC provides a specialist service to clients in the Youth Justice Court with a dedicated team comprising a youth justice lawyer and a social worker in both Darwin and Alice Springs. NTLAC lawyers also appear for clients in the Youth Justice Court at Katherine and Tennant Creek. In addition, NTLAC's civil law section provides and arranges legal assistance, advice and representation to young people with potential civil claims arising from their contact with the criminal justice system. In the course of delivering these services, NTLAC officers frequently appear in the Youth Justice Court, and visit young people in youth detention centres. In addition, we collaborate closely with both government and non-government agencies that deliver youth services.

NTLAC is funded by both the Northern Territory and Commonwealth Governments in accordance with National Partnership Agreement on Legal Assistance Services.

NTLAC and clients participated in the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the NT (The Royal Commission) in a number of ways. NTLAC client information was required to be produced to the Royal Commission, clients gave evidence, officers gave evidence, and NTLAC made a submission to the Royal Commission.

NTLAC has also made a significant contribution to youth justice and child protection reform since the Royal Commission. NTLAC has actively participated in consultations conducted by the Northern Territory government in relation to the implementation of the Royal Commission's recommendations, including membership since its inception of the recently suspended Legislative Amendment Advisory Committee (LAAC) convened by the CEO of the Department of Territory Families.

Having acted for hundreds of children and young people who have been through the criminal justice system in the Northern Territory in recent years, NTLAC shares the commonly expressed view that the youth justice system is broken. Having participated closely in the Royal Commission and the consequential reform program, NTLAC is strongly of the view that the Royal Commission has comprehensively and accurately identified why and how the youth justice system is broken, and that the Royal Commission's carefully detailed

"roadmap" – its 227 recommendations – provides a unique opportunity to fix that broken system. The roadmap is firmly based on national and international principles and standards for the administration of youth justice as established by numerous instruments, including the *Convention on the Rights of the Child*, the *Beijing Rules*, the *International Convention on Civil and Political Rights* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, as well as by youth justice statutes in other Australian jurisdictions. Just as importantly, the roadmap is rigorously evidence-based: the Royal Commission's extensive hearings provided an unprecedented opportunity to inquire into the practices, procedures and experiences of all participants in the Northern Territory youth justice system.

RESPONSES TO SELECTED QUESTIONS IN THE ISSUES PAPER

11. What should be the respective roles of the Australian Government and the Northern Territory Government in relation to children and family services? How should this intersect with their roles in Indigenous policy and in other policy areas, such as health and education?

- The Australian Government should match the funding committed by the Northern Territory Government to implement the Royal Commission "roadmap".
- The Tripartite Forum established to co-ordinate and advise on policy (as recommended by the Royal Commission) should be resourced to enable it to effectively fulfil its functions

12. What role should Indigenous corporations and non-government organisations play in delivering children and family services? Are there particular roles better suited to different sorts of non-government organisations?

- As recommended by the Royal Commission, a co-design, collaborative approach should be taken to the delivery of children and family services by partnerships between government and non-government agencies. The overwhelming majority of children and young people in both the child protection and youth justice systems are Indigenous. In the Northern Territory, they are the mainstream. Policy and program development and delivery should be informed, guided and, where possible provided by Aboriginal controlled community based organisations, because they are best placed to provide culturally safe, appropriate and responsive services.

23. Do governments engage genuinely and effectively with communities in designing policies and programs?

The Northern Territory Government has engaged in extensive consultation regarding the implementation of the Royal Commission recommendations, and in particular regarding the associated law reform measures. Non-government agencies (NGOs), including NTLAC, have donated hundreds of hours to attend meetings, workshops and consultations, and to drafting submissions and other documents. The cost to both government and the NGOs has been substantial, but difficult to quantify. However, the effectiveness of this extensive activity is questionable. One after another, implementation of key recommendations of the Royal Commission have been postponed, diluted or abandoned. This in turn calls into question the genuineness of the consultation. In July 2019, Territory Families informed NTLAC that it had decided to indefinitely suspend the LAAC.