

Submission:



NORTHERN TERRITORY
MENTAL HEALTH
COALITION

Youth Justice and Child Wellbeing Reform across Australia

29 June 2023

ABOUT:

The Northern Territory Mental Health Coalition (NTMHC) is the peak body for community managed mental health services across the Northern Territory. We work in collaboration with a wide network of community mental health organisations, people with lived experience, and their families and supporters. We work at the local and national level to improve mental health and wellbeing for all Territorians.

On behalf of our members, we welcome the opportunity to make this submission on Youth Justice and Child Wellbeing Reform across Australia. The submission focuses on the Northern Territory context. It is noted that significant research and reporting including the Royal Commission into the Protection and Detention of Children in the NT have gathered evidence and made recommendations that are referenced in general through the submission below.

For further information or clarification, please contact Geoff Radford, Chief Executive Officer on 08 8948 2246 or ceo@ntmhc.org.au

RESPONSES:

1. What factors contribute to children's and young people's involvement in youth justice systems in Australia?

Evidence from numerous reports and the NT Royal Commission is clear on factors that lead to overincarceration of youth, particularly Aboriginal and Torres Strait Islander young people in the Northern Territory. These factors are:

- Involvement with the child protection system
- Trauma
 - Intergenerational trauma
 - Complex trauma
 - Ongoing trauma related to interaction with the justice system
 - Ongoing trauma related to detention
 - Ongoing trauma related to the child protection system
 - Ongoing racial inequality and disadvantage

Trauma may often be a barrier to mainstream service delivery where models and interventions focus on addressing criminogenic needs, rather than addressing the social determinants of mental health and wellbeing, the most prominent of these being safe and secure housing and food security, prior to addressing the source and support around the experiences of trauma that are outlined above.

The lack of culturally safe service provision in schooling and mainstream systems of care creates a disconnect and disengagement among youth.

The following is a quote from a research report aligning with the NT Royal Commission:

“Most participants had experienced multiple layers of trauma, but more pressingly, were still experiencing trauma as a result of failings of both the corrections and youth justice systems. The presence of trauma presented

barriers for working therapeutically with people. This was exacerbated by the climate of tension experienced in the community”.

2. What needs to be changed so that youth justice and related systems protect the rights and wellbeing of children and young people? What are the barriers to change, and how can these be overcome?

Health, wellbeing, and cognitive assessments must be mandated on the first point of contact with the justice system.

The implementation of the NT Youth Detention Centres model of care while well written and based in evidence does not practically address workforce shortages and quality improvement systems. NT Mental Health Coalition recommends employing Trauma Information Practitioners working alongside Aboriginal Family Support Workers and community leaders in a bi-cultural model rather than reliance on youth justice officers. Central Australian Aboriginal Congress demonstrate this model of transformational practice which could be replicated in youth justice setting. The report *“It’s About Time”* is referenced below.

3. Can you identify reforms that show evidence of positive outcomes, including reductions in children’s and young people’s involvement in youth justice and child protection systems, either in Australia or internationally?

To reduce replicating feedback and recommendations of numerous reports; the following reforms present solutions as dot points to the question raised above:

- i. Raising the age of criminal responsibility
- ii. Community based rehabilitation and community-led responses on country outside of the justice system and departmental frameworks
- iii. Children and Family Intensive Supports; funded by Department of Social Services and the reciprocal program Family Support Services funded by NT government.
- iv. Social And Emotional Wellbeing and Healing programs
- v. [Children’s Ground approach](#)
- vi. Anindilyakwa’s Land Council’s Community Justice reinvestment [success](#)
- vii. Valuing and remunerating the skillset of community leaders and Elders in providing guidance and delivery of community led programs.

4. From your perspective, are there benefits in taking a national approach to youth justice and child wellbeing reform in Australia? If so, what are the next steps?

While placed based solutions are crucial in addressing local needs the NT Mental Health Coalition urges the Australian Human Rights Commission to advocate for the following national reforms.

- Raising the age of criminal responsibility
- Embedding Aboriginal and Torres Strait Islander perspectives of Social and Emotional Wellbeing and healing in all youth justice programs and responses.
- Using recovery-oriented models of care to support young people’s wellbeing
- Valuing continuity of relationship in models of throughcare, prior, during and post release from detention and through community-based diversionary programs

- A long term and relational approach to contracting justice reinvestment programs
- Embed an NDIS justice liaison role similar to the [NDIS Health Liaison Officer role](#) in clinics and hospitals to support greater access to assessment and supports.
- Implement publicly available measurements of the number of young people incarcerated that have had an NDIS assessment; are on an NDIS plan, and have a wellness plan reflecting Social and Emotional Wellbeing perspectives.
- Research the impact of investing in NDIS assessment and supports for young people in detention, including experiences and outcomes for young people, and any associated impacts on the administration of the justice and health systems.
- Compulsory ongoing cultural supervision and training, contextualised to the country upon which the staff are working, and the home communities of detainees. Apply this requirement to police; justice system staff and staff that are funded through non-government organisations.
- National standards of competency for youth justice officers that are redesigned to Social and Emotional Wellbeing roles
- Develop targets, recruitment strategies and remuneration for a Aboriginal and Torres Strait Islander workforce that aligns with the number of Aboriginal and Torres Strait Islander young people in the justice system in that jurisdiction
- Highlight best practice on a national scale and fund evaluation of programs that are demonstrating effectiveness
- Report on health and social outcomes achieved while a young person is in connection with the youth justice system

REFERENCE AND RESOURCES:

1. Central Australian Aboriginal Congress (2021). *It's About Time: Transformational practice in an Aboriginal Intensive Family Support Service*. Available from: https://www.caac.org.au/wp-content/uploads/2022/07/BJ2390_CAAC_ItsAboutTime_Report-2021_FF_Oct_Digital.pdf
2. Children's Ground (2023). *Our Approach*. Available from: <https://childrensground.org.au/our-approach/#:~:text=The%20Children's%20Ground%20Approach%20is%20a%2025%2Dyear%20strategy,with%20western%20and%20global%20practice.>
3. Dudgeon, P., Milroy, H., & Walker, R. (Eds.) (2014). *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*. (2nd Edition ed.) Commonwealth of Australia.
4. Smarter Justice for Safer Communities. (2022). [Media Release]. *Community-led youth justice initiatives deliver 95 per cent decline in crime and offending*. Available from: <https://smarterjustice.org.au/community-led-youth-justice/>
5. Tujague, N., & Ryan, K. (2022). *Cultural Safety in Trauma-Informed Practice from a First Nations Perspective: Billabongs of Knowledge*. Palgrave Macmillan.
6. White, M., Gooda, M. (2017). *Royal Commission into the Protection and Detention of Children in the NT*.