



Social Policy Scrutiny Committee Inquiry into the Youth Justice and Related Legislation Amendment Bill

Background

Darwin Community Legal Service (DCLS) is a community-based organisation committed to legal and social justice and the protection of human rights in the Northern Territory. We assist those who are disadvantaged or marginalised to access justice by:

- Providing high quality legal and advocacy services.
- Identifying obstacles to justice and options for reform.
- Promoting understanding of legal rights and how to assert them.

The Bill

The Bill is part of a framework to deal with the particular issues and context of youth offending and rehabilitation in the NT and references the recommendations of the Royal Commission into the Protection and Detention of Children. DCLS would prefer to see law reform, measures, policies and procedures released as a package for consultation as it is sometimes difficult to view issues in isolation.

Issues have been well raised by a number of organisations in their submissions, including in particular the Law Society of the Northern Territory, NT Legal Aid Commission and the North Australian Aboriginal Justice Agency. We endorse the points and recommendations made and reiterate the following:

- The age of criminal responsibility should be lifted to 12 years of age.
- Children under the age of 14 should not be detained or removed from their community or family.
- Breach of bail should not criminalise children
- Children should only be arrested as a last resort and should not be placed in police cells unless it was clearly an option of last resort and was determined beneficial for the safety of the child.
- Bail and diversionary services should be developed in conjunction with the child, their family or carers and the community.
- Interpreters should be provided to all children who have contact with the justice system. The provision of interpreters in their own language for Aboriginal children is integral to understanding.
- Children should have their privacy protected by a closed court but this does not prohibit reporting de-identified information which supports accountability and transparency of the system.

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