



## COMMISSIONER'S OFFICE

COMM2017/00016:268 : Your Ref

04:EF19:1237 : Our Ref

Ms Julia Knight  
Secretary  
Social Policy Scrutiny Committee  
Department of the Legislative Assembly  
GPO Box 3721  
DARWIN NT 0801

Dear Ms Knight

### YOUTH JUSTICE AND RELATED LEGISLATION AMENDMENT BILL 2019

Thank you for the opportunity to provide a submission to the work being undertaken by Territory Families to implement the intention and direction of 11 recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory (NT).

I refer to the Youth Justice and Related Legislation Amendment Bill 2019 (hereafter 'the Bill') that was referred to the Social Policy Scrutiny Committee.

The NT Police Force (NTPF) supports the Government's intent to improve the conditions and treatment of vulnerable children and young people in detention.

The NTPF notes the significant complexities and challenges faced by Territory Families in developing this legislative response to the Royal Commission. The NTPF submits that the Legislative Assembly should pass the Bill.

### **Whether the bill has sufficient regard to the rights and liberties of individuals**

This Bill decriminalises breaches of conditions of bail as well as limiting the time spent in custody for youths. These measures will minimise the use of custody and ensure it is imposed as a last resort and for the shortest appropriate period of time. This is consistent with the principle set out in the *Convention on the Rights of the Child* that no child is deprived of their liberty unlawfully or arbitrarily, and that detention of a child is only used as a measure of last resort and for the shortest appropriate period of time.

**Provides appropriate protection against self-incrimination**

The Bill provides appropriate protection against self-incrimination by mandating police to make reasonable efforts to obtain a qualified interpreter where a youth appears to have insufficient English language skills and prior to interviewing a youth. Police must also inform the youth of the youth's ability to access legal advice and representation and to have a support person present during interviews.

The NTPF will continue to work cooperatively and consistently with the Government and all stakeholders towards implementing the Royal Commission Recommendations.

Should you have any further enquiries in relation to this submission, please contact Ms Sandy Lau, Director of Legislative and Doctrine Reform via email [sandy.lau@pfes.nt.gov.au](mailto:sandy.lau@pfes.nt.gov.au).

Yours sincerely



Reece P Kershaw APM  
Commissioner of Police

17 April 2019