

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs. Finocchiaro to the Minister for Territory Families:

Royal Commission Progress Report

I refer to the Government document titled 'First Progress Report, November 2018':

1. Which recommendations are 'well progressed'? Please list by Recommendation number.

The 47 recommendations identified as 'well progressed' in the First Progress Report are as follows:

2.01, 2.02, 7.01, 7.02, 7.03, 11.01, 11.06, 11.09, 16.02, 16.03, 16.04, 17.01, 17.02, 17.03, 20.07, 23.01, 23.02, 24.01, 25.01, 25.02, 25.04, 25.06, 25.09, 25.10, 25.11, 25.12, 25.19, 25.21, 25.22, 25.40, 27.01, 31.01, 32.01, 33.04, 33.06, 33.08, 33.10, 33.12, 33.13, 33.18, 33.22, 37.01, 37.02, 37.05, 40.02, 40.05 and 41.04.

2. Which recommendations are 'not yet started'? Please list by Recommendation number.

The 16 recommendations identified as 'not yet started' in the First Progress Report are as follows:

3.01, 13.08, 24.02, 33.25, 34.06, 36.04, 36.05, 37.04, 37.07, 37.08, 37.09, 37.10, 39.07, 40.04, 40.07 and 43.02.

3. Out of the 'completed recommendations':

a. 10.01: Are any detainees residing in the High Security Unit? Are there security cameras in the girls' ablution block?

There is no longer a High Security Unit in the Don Dale Youth Detention Centre. The area formally referred to as the High Security Unit has undergone significant renovations and is now called B Block.

There are Closed Circuit Television (CCTV) cameras throughout the Don Dale Youth Detention Centre, providing coverage of Centre operations for security and safety purposes.

Territory Families has established a girls' wing in the H Block accommodation building, which currently consists of two rooms in an at risk configuration, meaning that they have a CCTV camera in the room. Further accommodation rooms are currently under construction in the girls' wing. Once these other rooms are online, Territory Families will maintain one room in an at risk configuration.

To ensure privacy around the use of toilets and showers, if a female young person is accommodated in a room with an at risk configuration, but has not been deemed at risk, the CCTV cameras will be masked.

b. 11.05: What are the visiting hours at Don Dale and Alice Springs Youth Detention centres?

The visiting hours for both detention centres is between 11 am to 3 pm on weekdays and between 9 am to 3 pm on weekends.

Territory Families facilitates visits outside these times where necessary and possible to accommodate individual needs.

c. 14.01: On how many occasions if youths have been separated for over three hours have they been denied opportunities to exercise?

A review of the records of separations since August 2018 indicates that no young person who was in separation for over three hours was deprived of the opportunity to exercise.

d. 20.02: How many current detention centre staff hold a Cert IV in Youth Justice? How many do not?

There are 26 current Youth Justice staff that have successfully completed the Certificate IV in Youth Justice.

There are 10 current Youth Justice staff that are enrolled and currently completing the Certificate IV in Youth Justice.

There are 54 new Youth Justice recruits that have completed one of the four Youth Justice Induction Courses between July 2018 to December 2018, and will be enrolled on the next cohort of the Certificate IV in Youth Justice.

There are 20 current Youth Justice staff that have never enrolled in the Certificate IV in Youth Justice. Territory Families is currently formulating a training schedule to ensure that the Certificate IV is available to all permanent staff. Induction training for a further cohort of new recruits will be held in February 2019. Territory Families plans for current Youth Justice staff who have not received training on elements of the course to undertake those modules.

e. 32.02: In your audit of notification outcomes, how many cases were unfairly screened out?

Territory Families audited the outcomes of notifications to Central Intake through the implementation of the Children's Commissioner's recommendations in response to case reviews related to Tennant Creek in 2018.

From April 2018 to September 2018, Territory Families audited 1,386 notifications which related to 255 children. Of these, 13 intakes were referred back to Central Intake for re-assessment. Of those 13 intakes, eight were subsequently screened in and proceeded to investigation, and the remaining five were assessed as requiring no further intervention from Territory Families.

f. 41.01: Since what date has the NT been compliant with the Juvenile Justice National Minimum Data Sets? Is the NT compliant with Child Protection National Minimum Data Sets?

Territory Families provided data for the Juvenile Justice Minimum Data Set for the September 2018 data submission to the Australian Institute of Health and Welfare. This data provided 2017-18 information including prior years and it is anticipated that this will allow trend analysis reporting through 2019.

The Northern Territory is majority compliant with the Child Protection National Minimum Data Set. There are some non-critical elements of the data-set that Territory Families is unable to provide due to current system limitations. The client management system replacement currently underway will deliver full compliance.

g. 43.06: Why is the Reform Management Office run out of Territory Families? Isn't this a contravention of this recommendation?

The Reform Management Office is not run out of Territory Families.

As a whole-of-government initiative, the Reform Management Office is accountable to the Children and Families Standing Committee and reports directly to Mr Ken Davies in his capacity as the Chair of the Children and Families Standing Committee.

Details of the governance arrangement are published in the Northern Territory Government's plan Safe, Thriving and Connected: Generational Change for Children and Families.

4. On how many occasions has approval from the CEO been sought to separate detainees for a period exceeding 12 hours, as required under section 155A of the *Youth Justice Act (NT)*?

Approval has been sought from the Chief Executive Officer to separate detainees for a period exceeding 12 hours on one occasion since August 2018.

5. On how many occasions has the superintendent authorised separation for a period between 8 and 12 hours?

The Superintendent of a detention centre, or his delegate, has authorised separation for between eight and 12 hours on two occasions since August 2018.

6. On how many occasions have detainees been confined to their cells for periods over 20 hours?

While young people's movements within the Don Dale Youth Detention Centre and the Alice Springs Youth Detention Centre may at times be restricted under structured management regimes to address safety and security risks, young people are only confined to their cells for extended periods if they have been separated, pursuant to section 155A of the *Youth Justice Act*.

7. On average for how many hours per day is a detainee confined to their room, for operational matters (e.g. staff break, shift change etc.)?

The structured day in each detention centre has young people confined to their accommodation for the following times each day:

- nightly lockdown: 6:30 pm to 7:30 am; and
- staff breaks: 10:30 am to 11:00 am and 3:00 pm to 3:30 pm.

8. How many hours have youth spent in a Police Watch House due to incidents at detention centres?

There have been two occasions since June 2018 where young people have been taken to a Police Watch House following a serious incident in the detention centre and it is no longer operational: from 29 to 30 June 2018 in Alice Springs, and from 6 to 10 November 2018 in Darwin. Territory Families does not otherwise maintain data on the amount of time individual young people have spent at a Police Station for questioning following an incident or otherwise in a detention centre.

9. In light of incidents at Don Dale in November 2018, how much more will the Government expend on fix and make safe works?

The Fix and Make Safe Program includes works to improve safety for workers and young people as well as rehabilitation outcomes for young people. It also includes works which address the findings and recommendations of the Royal Commission, such as appropriate accommodation for girls and access to quality education amenities. Works currently underway in 2019 include:

- Fit out and refurbishing of a separate quarter for girls (in line with recommendations from the Royal Commission) - \$2.4 mil
- Electronic door locks and security upgrade - \$1.36 mil
- Installation of two modern classrooms ready for the 2019 school year - \$400,000

10. Since the damage to a classroom building on 7 November 2018, how has delivery of education programs been affected?

Territory Families continues to partner with the Department of Education to ensure that education services are delivered to detainees every school day.

Three alternative classrooms have been established within the Centre, two in M Block and one in the Chapel.

An Alternative teacher preparation area has been created in the old Treatment Services building within the Centre.

11. Have locations been chosen for the 10 remaining Child and Family centres? If so where?

The Northern Territory Government has identified potential locations for the additional Child and Family Centres with the advice of the Children and Families Tripartite Forum.

Consistent with recommendations 7.01 to 7.03 of the Royal Commission into the Protection and Detention of Children in the Northern Territory and the commitment to Local Decision Making, the Northern Territory Government is now engaging with communities and community organisations on the potential sites.

Site locations will be confirmed once local communities have been engaged on the proposal and have agreed to proceed with the establishment of a Child and Family Centre in partnership with Government.

12. Recommendation 3.2 of the Royal Commission is that Land Councils convene a forum of male children and elders to review ceremonial practices affecting health and rights of the child. What is government doing to work with the Land Councils to convene this forum?

Recommendation 3.2 of the Royal Commission into the Protection and Detention of Children in the Northern Territory applies to the Northern, Central, Tiwi and Anindilyakwa Land Councils. Land Councils are established under Commonwealth legislation the *Aboriginal Land Rights (Northern Territory) Act 1976* and *Native Title Act 1993*.

The Northern Territory Government noted the recommendation for action by the Land Councils in its April 2017 response to the recommendations.

13. How many young people who reside in Alice Springs / Central Australia have been placed in Detention at Don Dale:

a. Immediately?

b. Have been moved to Don Dale due to overcrowding in Alice Springs?

Territory Families holds facility population data but it is not based on the location of detainees. Data for a single day is included below.

On 27 November 2018, there were 39 youth in detention, including 15 in Alice Springs and 24 in Darwin, of whom 10 were originally detained at the Alice Springs Youth Detention Centre.

14. How are youth transported from Alice Springs Youth Detention Centre and Don Dale Youth Detention Centre?

a. What is the average cost per detainee for transport?

Young people are transported on commercial flights, with a cost of approximately \$600 - \$650 per young person.

15. On how many occasions has CS Gas been used in a detention centre between 16 November 2017 –16 November 2018? (Rec 13.03)?

Territory Families has not used CS Gas at any time in a detention centre since it took on responsibility for youth justice.

Northern Territory Police have deployed CS Gas on one occasion on the evening of 6 November 2018, at the fence line where young people were attempting to breach a perimeter fence.

16. In the 17/18 financial year, what percentage of detainees had Mental Health Plans?

Every young person is given a comprehensive medical assessment by the Department of Health Primary Health Care Team upon admission, and at any time they are assessed as being at risk of self-harm.

The Department of Health provides a psychological service in the youth detention centres.

17. Have weekly literacy programs in Aboriginal language been delivered in Detention Centres?

The Department of Education partners with Territory Families to deliver education services in both centres:

- Owen Springs (at the Alice Springs Youth Detention Centre):

A language and cultural program is delivered weekly by Aboriginal people at Owen Springs.

- Tivendale (at the Don Dale Youth Detention Centre):

The culture and language facilitator position is currently vacant, following the recent resignation of the incumbent. The position will be advertised in early 2019. The school continues to be supported by an Aboriginal and Islander Education Worker.

All purchased resources such as language books printed in a variety of Aboriginal languages, language dictionaries and other Aboriginal materials that were destroyed by fire on 7 November 2018 are being replaced.

An online resource has been provided to staff (Living Archive of Aboriginal Languages – Charles Darwin University) to begin the conversation about how Aboriginal languages and culture can best be delivered at this time.

- Work is currently occurring with Elders to provide cultural and language programs in Don Dale

18. How many days of annual leave have been taken by Youth Justice Officers in the 17/18 Financial Year?

1,855 working days leave were taken in 2017-18.

19. How many Youth Justice Officers or other persons have suffered harm or injury within Detention Centres between November 2017 and November 2018? Please list by types of injury?

There have been 73 recorded harm or injury incidents in detention centres. Incidents recorded here vary from very minor to more serious and include all Territory Families employees, contractors and visitors. The IOMS electronic data set records by incident not by number of individuals injured or by the type of injury.

20. What is the Membership of the Youth Advisory Committee? How many fortnightly meetings with the Superintendent have occurred?

Membership is all young people in detention. Youth Advisory Group meetings with the Superintendent have been held since September 2018. The Don Dale Youth Detention Centre facilitates a block accommodation meeting each week on a rotational basis. Youth Advisory Group meetings in Alice Springs Youth Detention Centre are held in a larger group, due to the layout of the Centre and numbers in detention.

21. Apart from the 1800 BAILED hotline, what other electronic means of explaining bail and reminding young people of their bail obligations have been investigated by Territory Families? (Rec 25.16)

In addition to face-to-face services provided through the Court assessment and Case Management of youth by Territory Families Youth Outreach and Re-Engagement Team (YORET), an On-Call Officer and telephone number is also available and operates 24/7. Through supervision, including afterhours on call, Case Management and/or Court proceedings, young people are reminded of their Bail conditions.

When given a condition to wear an electronic monitoring device, the G4S Electronic Monitoring Centre phone number is also provided. In addition to contacting the YORET, G4S will also contact young people and their Carers/parents if there is an instance of non-compliance with the conditions of their Order, e.g. curfew.

22. How many calls are received to the 1800 BAILED line per day, on average? Per week? What is the average and longest hold time for calls to the number?

Territory Families uses an Interactive Voice Recording (IVR) system on the 1800 BAILED line to:

- (1) Direct incoming calls to either Darwin or Alice Springs; and then
- (2) Capture the identity-type of the caller.

The IVR system is not able to identify, or capture, such information as time of call, duration, or how long a person may have been placed on hold.

For the 18 week period from 1 August 2018 until 29 November 2018, a total of 384 calls were received on the 1800 BAILED line.

23. Have you released a tender to renovate the Alice Springs Local Court to include a multi-purpose court room for matters relating to children and young people? Is this renovation separate to the promise in the Safe, Thriving and Connected plan of a new Youth and Children's Court Facility in Alice Springs?

The Alice Springs Local Court is presently undergoing a major renovation to facilitate a specialised approach to domestic violence, and to update the Court's facilities in line with more modern standards. The renovation includes the construction of a multi-purpose court room for matters relating to children and young people, similar in design to the court room at the Darwin Children's Court.

There was a tender for both design and construction, awarded to Sue Dugdale & Associates and Scope respectively.

The renovation is not separate to the promise per se, it is an interim measure to provide an appropriate facility for youth and children matters in the Alice Springs Local Court.

24. In your progress report one of the 'next major milestones' is to draft and introduce the next round of priority legislative amendments. What amendments are these? Please answer with reference to Royal Commission recommendations.

Territory Families is drafting amendments to the *Care and Protection of Children Act*, *Youth Justice Act*, *Criminal Code Act*, *Bail Act*, and the *Police Administration Act* to implement the intent and direction of 25 Royal Commission recommendations.

Further information will be provided early in 2019.

25. How many meetings of the Tripartite Forum have occurred? Please list by date and location. Are Minutes of the Meetings publicly available?

The Children and Families Tripartite Forum has met three times since being established in July 2018:

- 23 July 2018 in Alice Springs;
- 15 October 2018 in Darwin; and
- 19 November 2018 in Darwin.

Communiqués from the Children and Families Tripartite Forum are published on the Reform Management Office website at rmo.nt.gov.au. The next meeting is scheduled for 31 January 2019.

26. What are the three ‘Local Decision Making’ Agreements that are referred to in the progress report?

In the period covered by the First Progress Report, the Northern Territory Government established local decision making agreements with Yugul Mangi Development Aboriginal Corporation (Ngukurr), Baniyala Aboriginal Corporations and Djalkiripuyngu leaders of the Blue Mud Bay region, and the Jawoyn Association Aboriginal Corporation.

Since the Report was published, the Northern Territory Government has established further local decision making agreements with the Anindilyakwa Land Council, Gurindji Aboriginal Corporation, and West Daly Region.