

Appendix A

Status of the Recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory

Reported to the Children and Families Tripartite Forum on 25 May 2022

#	Recommendation	Status	Comment
1.01	The Northern Territory and Commonwealth governments establish a program of community engagement to visit communities and communicate the outcomes and recommendations of this report.	Complete	Consultations, forums and program specific engagement has Five Indigenous specific forums and two roundtables were held across the NT.
1.02	Amend the Royal Commissions Act 1902 (Cth) to allow Counsel Assisting to require persons to appear before him/her for examination on oath and to answer questions.	Australian Government Not Supported	Royal Commissions are Australia's highest form of public inquiry, and this is reflected in the considerable powers given to Royal Commissioners, who already have the power to require persons to appear before him/her for examination on oath and to answer questions.
1.03	Amend the Royal Commissions Act 1902 (Cth) to grant records relating to vulnerable witnesses (as defined in the Policy and Procedure for Vulnerable Witnesses) in this Royal Commission the same protections as contained in section 6OM of the Royal Commissions Act which relate to information obtained or relating to a 'private session'.	Australian Government	Commonwealth AGD is considering legislative amendments
1.04	Amend the Freedom of Information Act 1982 (Cth) to exempt from its application records relating to vulnerable witnesses (as defined in the Policy and Procedure for Vulnerable Witnesses) in this Royal Commission.	Australian Government	Commonwealth AGD is considering legislative amendments
2.01	The Northern Territory Government establish mechanisms for children and young people in care and detention to be able to express their views in the development and implementation of laws and policies affecting them, and that those views be given due weight.	Complete	Mechanisms established include round table meetings, surveys and Advisory Groups.
2.02	The Northern Territory Government: 1. amend the legislation in the areas of child protection and youth detention to require that children and young people be provided with meaningful opportunities to express their views on the operation of, and amendments to, that legislation and any policy developed to implement that legislation. 2. Establish a mechanism – for example, a representative council of children in out of home care and youth detention – to enable children and young people to participate in the development and implementation of policy relating to, and any rules of, those institutions.	Complete	See updates for 2.01 and 22.05. Also addressed through legislation amendments in 2018
3.01	The Northern Territory Government conduct a review into: 1. improving cooperation between Northern Territory government and non-government organisations in cross-border jurisdictions on child protection matters, and 2. improving access to high quality education for children in remote communities, especially secondary students.	Complete	Operational collaboration between jurisdictions is led through local operational management.
3.02	The Northern, Central, Tiwi and Anindilyakwa Land Councils jointly convene a forum of male children and their advocates, male Elders and ceremonial leaders to review any ceremonial practice which affects the health of male children to ensure compliance with Article 24(3) of the United Nations Convention on the Rights of the Child.	Land Councils	
6.01	The Productivity Commission undertake a review and audit of Commonwealth expenditure in the Northern Territory in the area of family and children's services relevant to the prevention of harm to children. The review should address co-ordination of programs, funding agreements and selection of service providers, service outputs and evaluations.	Complete	The Productivity Commission released its study in 2020 titled Expenditure on Children in the Northern Territory.

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7.01	The Northern Territory Government and the Commonwealth Governments commit to a 'place- based' approach for the implementation of the relevant recommendations of this report in partnership with local communities. The partnership should be built on the principles of mutual respect, shared commitment, shared responsibility and good faith. The location of the 'place' could be a single community, a group of communities or a region.	Complete	The government's Local Decision Making Framework continues to be implemented across the Northern Territory.
7.02	The purpose of the partnership should be to reach agreement on the strategies, policies and programs needed to provide sustained positive outcomes for children and young people at each 'place'.	Underway	Addressed through the government's Local Decision Making Framework.
7.03	The Northern Territory and Commonwealth Governments immediately engage with Aboriginal community representatives to negotiate the broad terms for the partnership and its implementation across the Northern Territory built on the following principles: 1. the best interest of the child 2. local solutions for local problems 3. local decision-making 4. the centrality of family and community to the wellbeing of children and young people 5. the Northern Territory Government has the ultimate responsibility to ensure the safety and security of all Northern Territory children and young people, and 6. shared responsibility and accountability.	Underway	Addressed through the government's Local Decision Making Framework.
10.01	The Northern Territory Government immediately close the High Security Unit or by whatever name it is known in the current Don Dale Youth Detention Centre.	Complete	The Block referred to has been closed. As at November 2017 there was no comparable function or unit to the former High Security Unit.
10.02	The Northern Territory Government close the current Don Dale Youth Detention Centre (to be replaced with a new, purpose-built facility) and by 17 February 2018, 3 months after the date of this report, the Northern Territory Government report to the Children's Commissioner (or Commission for Children and Young People if that Commission has been established by that time) on the program for that closure.	Underway	The Don Dale Youth Detention Centre continues operations while the new facility is being built. Note: physical alterations to the current facility, operational changes and updated skills training in line with RC recommendations have proceeded.
11.01	Section 150 of the Youth Justice Act (NT) be amended to the following effect: 1. the word 'health' is inserted between the words 'maturity' and 'cultural background' 2. a new subparagraph be added to section 151(3): 'must take all reasonable steps to ensure section 150 of the Youth Justice Act (NT) is complied with', and 3. develop an admissions process into youth detention centres to comply with section 150 of the Youth Justice Act (NT).	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.
11.02	Territory Families ensure that: 1. a child or young person is placed in a detention facility nearest to the place of residence of his or her family or carer 2. consultation prior to transfer occurs and this consultation take place in a fair and transparent manner with the primary factor being the wellbeing and interests of the young person, and 3. transfers over long distances to or between detention centres should be conducted by air transport. If transfers occur by road sufficient breaks should be given and:a. drinking water must always be available to the detainee. toilet breaks are to be made as required and if the journey is anticipated to be longer than three hours, at least one toilet stop must be included. andc. the transfer should not prevent the detainee being provided with a meal at least every 4 hours.	Complete	Addressed through updated Youth Justice Determinations
11.03	Restrictions on contact with family associated with security classification and behaviour management systems be removed.	Complete	Security classifications restricting family contact were removed in 2018
11.04	Specific and appropriate mechanisms and supports for detainees to maintain connection with family while in detention, such as communicating using video technology, be developed and promoted.	Complete	Video conference technology has been implemented at each detention centre. As well work continues on face to face contact, such as finding and collecting family and taking them to a centre to visit a detainee.
11.05	Face-to-face visits with the families of detainees be facilitated through increased weekend visiting hours to strengthen and preserve family relationships.	Complete	Weekend visiting hours were extended and reconfirmed in 2018.

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11.06	The incentive schemes currently in use in youth detention centres be reviewed with detainee input to: 1. remove any elements which might be counter-productive 2. ensure the schemes are effective at encouraging positive behavioural change 3. ensure that the behaviours detainees must exhibit to earn rewards are defined clearly for detainees in ways that they can understand easily, and 4. ensure the scope for staff discretion and inconsistent application are minimised.	Complete	From 2018 the Centre Cycle Program has been regulating security classifications and incentives available to young people detainees.
11.07	Section 154 of the Youth Justice Act (NT) should be amended to the following effect: 1. the transfer of a detainee to an adult facility occur only with the approval of a Judge, and 2. for no more than five consecutive days unless a further order is subsequently sought within that five-day period to extend for a further five days and that multiple extensions are permitted.	Complete	The NT repealed section 154 of the Youth Justice Act in 2017 - the transfer of a young person to an adult facility is not legally possible.
11.08	The Youth Justice Regulations (NT) be amended to require the superintendent of the youth detention centre at the time of transfer to ensure that the staff at the adult facility are made aware that the Youth Justice Act (NT) and its protections apply to the detainee.	Complete	Addressed through the Youth Justice Amendment Bill passed in March 2019.
11.09	Section 148 of the Youth Justice Act (NT) should be amended to provide that if an adult facility is declared a youth detention centre that this declaration be for a period of no more than seven days unless extended by a Judge.	Complete	Addressed through the Machinery of Government legislation changes in 2018.
13.01	The use of spit hoods should continue to be prohibited. If spitting by detainees is a concern for staff numbers at youth detention centres, other practical alternatives should be investigated to prevent exposure.	Complete	Addressed through legislation changes in 2016. Spit hoods are banned in all youth justice facilities.
13.02	The restraint chair should continue to be prohibited.	Complete	Addressed through legislation changes in 2016. Restraint chairs are banned in all youth justice facilities.
13.03	The use of CS gas in youth detention centres should be prohibited.	Complete	Addressed through legislation changes in 2017.
13.04	The Youth Justice Act (NT) and the Youth Justice Regulations (NT) be amended to the following effect: 1. to prohibit expressly force or restraint being used for the purposes of maintaining the 'good order' of a youth detention centre or to 'discipline' a detainee, and 2. to ensure that specific constraints on the circumstances and manner in which force, restraint, isolation and searches may be used under the Youth Justice Act (NT) cannot be avoided by section 152 of the Youth Justice Act (NT).	Complete	Addressed through the Youth Justice Amendment Bill in 2018.
13.05	Youth Justice Act (NT) and the Youth Justice Regulations (NT) be amended to have the following effect in relation to the use of force: 1. use of force be permitted only in circumstances where all other measures have failed the use of force be permitted only to protect a detainee, another detainee, or another person from physical injury 2. the use of force be only applied by persons trained and holding a current qualification in physical intervention techniques on children and young people 3. the use of force be proportionate in the circumstances, and take into account the detainee's background, age, physical and mental circumstances 4. mandate that a verbal warning be given before force is used, and the detainee given a reasonable period of time to comply, except in emergency circumstances, and 5. the superintendent ensure any detainee injured by use of force is examined by a treating doctor or nurse and clinical notes be recorded.	Complete	Addressed through legislation changes in 2018.
13.06	Section 152(1A) of the Youth Justice Act (NT) be repealed and section 153(4) be amended to have the effect that restraints only be used to protect a detainee from self-harm, to protect the safety of another person, or to protect serious damage to property and an emergency situation exists.	Complete	Addressed through legislation changes in 2018.

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13.07	The Youth Justice Act (NT) and Youth Justice Regulations (NT) be amended to regulate the use of strip searches to the following effect: <ol style="list-style-type: none"> 1. provide that strip searches only be conducted where there is a reasonable belief that the search is necessary to prevent a risk of harm to detainees or staff of the youth detention centre 2. stipulate that any strip search be conducted by two members of staff of the same gender as the detainee 3. stipulate that a detainee must not be stripped of clothing and searched in the presence of another detainee, unless it cannot be avoided, and 4. stipulate that the strip search be conducted having the detainee remove the top half of his or her clothing for the inspection and then re-dress before removing the bottom half of his or her clothing, colloquially known as the 'half and half'. 	Complete	Addressed through legislation changes.
13.08	Territory Families investigate the provision of body scanners, including their suitability for use on children and young people.	Complete	This has been investigated and is incorporated into the design for the new facility.
13.09	Territory Families investigate the use of pat down searches in conjunction with metal detector wands as an alternative to strip searches.	Complete	Addressed through the Youth Justice Amendment Bill in 2018.
14.01	Section 153(5) of the Youth Justice Act (NT) be repealed and in its place a new provision be inserted to have the following effect: <ol style="list-style-type: none"> 1. The superintendent may separate a detainee from other detainees where: <ol style="list-style-type: none"> a. a detainee for good reason requests to be separated from other detainees b. a detainee is ill and may be infectious c. separation is reasonably necessary for the detainee's protection d. separation is reasonably necessary either: to protect the safety of another person or property but only after all reasonable behavioural or therapeutic options have been attempted and have not alleviated any threat to safety, or e. to restore order at the detention facility but only after all reasonable behavioural or therapeutic options have been attempted and order has not been restored, and no other course is reasonably available or practical. 2. If the superintendent separates a detainee from other detainees under sub-paragraph (1)(d) above, it must be reported to the Chief Executive Officer of Territory Families and to the Children's Commissioner as soon as reasonably practical. 3. If the superintendent separates a detainee from other detainees under sub-paragraphs (1)(c) or (d) above, that separation must not continue for more than 24 hours without the approval of the Chief Executive Officer of Territory Families. 4. Prior to isolating a detainee, verbal and other de-escalation strategies must be attempted. 5. The superintendent must regularly and at least every two hours review the decision to separate to ensure that the period of separation does not extend longer than is required. 6. The superintendent must record or cause to be recorded a decision to separate a detainee under subsection 1 in a register and include in that register information such as the date on which the period of separation commenced, the duration of the period of separation and the reasons for the decision. 7. Prior to separation, or within a reasonable period after separation, a detainee must be seen by a health professional. 8. During the period in which the detainee is separated, the detainee: <ol style="list-style-type: none"> a. must have access to a case worker, counsellor or psychologist within a reasonable time, or when a staff member forms the view that they should be consulted must not be denied access to education including education material to enable private study b. must not be denied access to lawyers, family members and appropriate peers c. must be given access to outdoor exercise or recreation at least every three hours if the separation lasts for three hours or longer between 8am and 6pm for at least 15 minutes, and d. must have access to appropriate recreation material such as reading material. 9. Isolation for the purposes of behaviour management or punishment is prohibited. 10. Extendable periods in isolation beyond 24 hours are prohibited. 	Complete	Addressed through the Youth Justice Amendment Bill in 2018.

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15.01	<p>Amend regulation 57 of the Youth Justice Regulations (NT) so that comprehensive medical assessments can be delayed or postponed for a further 72 hours post admission but that an initial risk assessment occur within 24 hours of admission. On the admission of a child or young person to a detention centre:</p> <ol style="list-style-type: none"> 1. ensure sufficient medical staff are made available at youth detention centres to: <ol style="list-style-type: none"> a. undertake a comprehensive medical and health assessment in accordance with regulation 57, and b. provide the medical attention, treatment and medicine that, in the opinion of a medical practitioner is necessary for the preservation of the health of the detainee in accordance with regulation 58. 2. mental health screening be adopted, and if mental health issues are identified in that process or in the pre-sentence report or medical and health assessment, a mental health plan be developed and ongoing counselling for each detainee including continuing treatment after release be made available. 3. The comprehensive medical and health assessment required to be carried out, should include: <ol style="list-style-type: none"> a. an assessment of both physical and mental health, and b. a behavioural questionnaire to determine whether a formal assessment for Foetal Alcohol Spectrum Disorder should be conducted, and if so determined and if the detainee has not previously been the subject of a formal assessment, that assessment to be conducted. 4. The Northern Territory Government: <ol style="list-style-type: none"> a. ensure that culturally competent and age-appropriate health professionals deliver services to children and young people in detention. b. in consultation with Aboriginal Community Controlled Organisations, revise health manuals and tools to ensure they are culturally appropriate. 	Underway	Transitioning the primary health care service at Alice Springs to Central Australia Aboriginal Congress. The PHC service at Don Dale has transitioned to Danila Dilba Aboriginal Health Corporation. The health and wellbeing of detainees at both centres remains a priority with continuing appropriate medical and health care provided.
15.02	<p>While in detention:</p> <ol style="list-style-type: none"> 1. regular, at least monthly, medical checks including dental checks are implemented for detainees 2. regular drug and alcohol education programs are provided to promote harm minimisation, and 3. after release, specialised drug and alcohol treatment services if required continue to be made available. 	Underway	Transitioning the primary health care service at Alice Springs to Central Australia Aboriginal Congress. The PHC service at Don Dale has transitioned to Danila Dilba Aboriginal Health Corporation. The health and wellbeing of detainees at both centres remains a priority with continuing appropriate medical and health care provided.
15.03	<p>Best practice in youth suicide prevention be part of induction training for youth justice officers. If isolation is required a trained staff member sit in proximity to the detainee and engage appropriately as required</p>	Complete	In 2018 a revised training program for youth justice officers was introduced to incorporate appropriate training across a range of areas including suicide prevention.
15.04	<p>The Commonwealth Minister for Health:</p> <ol style="list-style-type: none"> 1. make the necessary directions under section 19(2) of the Health Insurance Act 1973 (Cth) to enable the payment of Medicare benefits for medical services provided to children and young people in detention in the Northern Territory 2. take all necessary steps to ensure that supply of pharmaceuticals to children and young people in detention in the Northern Territory is provided under the Pharmaceutical Benefits Scheme, and 3. direct that if an initial questionnaire for Foetal Alcohol Spectrum Disorder indicates that a full assessment is required, that assessment be funded through Medicare or the NDIS as appropriate. 	Not supported	Commonwealth funding is already provided to states and territories for services provided within prisons. Department of Health will continue to identify opportunities in which the Commonwealth Government can assist in improving the health outcomes of children and young people in detention in the Northern Territory.
16.01	<p>The Department of Education, in cooperation with other relevant departments ensure that those involved in the education of young people in detention have access to information about each child and young person, with appropriate safeguards to protect confidentiality, including:</p> <ol style="list-style-type: none"> 1. access to the child or young person's medical history access to information about the child or young person's education level, school attendance and assessment records in and out of the youth detention centres, and 2. provide information to continue the child or young person's learning program while in detention and to enable the child to move between schools. 	Complete	Addressed through 2019 MOU between the Department of Education and Territory Families, Housing and Communities.

#	Recommendation	Status	Comment
16.02	Children and young people receive schoolwork appropriate to their ability during any period of suspension, exclusion or other non-attendance at school. The Northern Territory Department of Education ensure its policies and guidelines regulating exclusion and suspension decision-making provide procedural fairness mechanisms appropriate to the position of children and young people in youth detention.	Complete	Addressed through updated guidelines.
16.03	The Department of Education's Student Support Services: 1. engage regularly with the schools in youth detention centres to ensure the education needs of children and young people in detention are identified and responded to adequately, and 2. if a detainee has not been assessed in the previous 12 months, assess a detainee within seven days of entering detention.	Complete	Addressed through 2019 MOU between the Department of Education and Territory Families, Housing and Communities.
16.04	The Department of Education and superintendents of youth detention facilities base school classes within youth detention centres on ability level and age.	Complete	Addressed through Individual Education Plans for students
16.05	Staff members working in education in youth detention be appropriately qualified to conduct special education.	Complete	Addressed through staff training and the inclusion of Highly Accomplished Lead Teachers (HALT)
16.06	Sufficient numbers of permanent and relief teaches be available in youth detention centres to maintain a ratio of one teacher to five students.	Complete	Given the number of students in the education settings varies significantly on a weekly basis, an absolute commitment of the maintenance of a 1 teacher to 5 students ratio, as recommended by the Royal Commission, is not possible. However, DoE has committed additional resources and improved governance arrangements for Owen Springs and Tivendale schools, inclusive of rationalisation of resourcing between the schools.
16.07	Staff members employed in education in youth detention receive training in: 1. the rehabilitation purpose of youth detention 2. the function of education in the rehabilitation of children and young people 3. the case management principles that govern management of youth detention operations 4. the special education needs profile of children and young people in detention 5. the special support services available to children and young people in detention and how and when to make referrals to those services, and 6. how to deliver education in youth detention by a trauma-informed approach.	Complete	Education staff working with young people in detention have access to further specialised training including trauma informed practice.
16.08	The Department of Education recruit tutors proficient in the major Aboriginal language(s) of the area in which the detention centre is located to deliver, at least weekly, a literacy program in Aboriginal language.	Complete	Addressed through an Indigenous languages and culture program .
16.09	The Northern Territory Government remove barriers to children and young people in youth detention accessing vocational education services due to their detainee status, including: 1. developing programs suitable for delivery inside the detention centres 2. developing policies to permit children and young people (with appropriate risk assessments) to leave youth detention facilities temporarily to attend vocational education activities in the community 3. increasing the availability of online vocational education activities and access to those activities, and 4. ensuring these programs are made available to young persons on remand.	Complete	There is ongoing work to to improve access to Vocational Education and Training (VET) in ways which best engage the young people.

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16.10	The Department of Education ensure that there is capacity to adopt an 'English as a second language' teaching model in detention centre schools.	Complete	Students are assessed for their English as a second language levels in reading and writing at Owen Springs School and grouped accordingly. Teaching and learning tasks are designed to scaffold the language of the curriculum as needed. Tivendale School is completing diagnostic assessments in reading and comprehension and looking to also incorporate assessments in numeracy and wellbeing.
17.01	Sufficient female youth justice officers be rostered on duty to supervise female detainees.	Complete	The number of female Youth Justice Officers has dramatically increased since 2016-17. Workforce reporting and recruitment strategies include a focus on gender balance within the detention workforce.
17.02	Girls and young women in youth detention have equivalent access to education, training, recreation and personal care facilities as boys and young men.	Complete	Access to education, training, recreation and personal care for young women in detention is consistent with the options available to the young men in detention.
17.03	A female youth justice officer be appointed in each youth detention centre as a 'Girl's Officer' who, in addition to her usual duties, is responsible for monitoring female detainees' access to education, training, recreation, health and facilities.	Complete	Per comments under 17.01
17.04	The Youth Justice Regulations (NT) be amended to include a regulation requiring physical contact with female detainees only be by female youth justice officers unless there are no female youth justice officers rostered in the youth detention centre or in an emergency.	Complete	Addressed through amendments to the Youth Justice Act in December 2016.
18.01	Territory Families: 1. implement policies to incorporate Aboriginal cultural competence and safety in the design and delivery of education, programs, activities and services for children and young people in detention 2. implement the recommendations of the 2014 review of the youth justice and community corrections recruitment processes targeted at recruiting more Aboriginal youth justice officers 3. require case management assessments to ascertain a detainee's personal, family and cultural background, including skin or language group and competence in the English language, and 4. establish a working party comprised of representatives of relevant Aboriginal organisations, the department responsible for youth detention and senior representatives of the detention centres to explore the development, funding and implementation of an enhanced Elders Visiting Program and other culturally appropriate activities and programs.	Complete	Aboriginal cultural competence and safety is included in the delivery of education, programs and activities in the detention centres. Recruitment strategies have focused on employing more Aboriginal YJOs. A range of assessments are conducted for any new detainee who enters the system to ensure that their personal information is gathered and informs future interactions with the young person. There is an Aboriginal Elders and Mentors program in youth detention.

#	Recommendation	Status	Comment
19.01	A case management system be implemented in all youth detention centres to manage behaviours in a therapeutic non-punitive, non-adversarial, trauma-informed and culturally competent way to apply to all detainees including those on remand to include: 1. training case workers in the use of an evidence-based and culturally appropriate individual needs assessment tool, utilised from admission of a child or young person and on an on-going basis give case workers access to a manual that is comprehensive, up-to-date and reviewed on a regular basis 2. training and accrediting case workers to deliver therapeutic, trauma-informed and child-centred case management to all young people within the detention centres 3. resourcing and funding an increase in the case worker to client ratio to ensure that intensive and consistent case management can be delivered to each young person 4. implementing a multi-disciplinary approach to case management engaging with relevant stakeholders, including community service providers, the young person and, where appropriate, the young person's family and/or departmental caseworkers 5. providing each young person with individually tailored rehabilitation, with appropriate programs and services, including drug and alcohol programs ensuring each young person has ongoing access to their case managers, case management programs and activities regardless of security classification 6. ensuring young people on remand are provided with appropriately tailored case management services for release planning, and ensuring case management and release planning for children and young people in detention take account of existing therapeutic and rehabilitation interventions and maintain their existing relationships with service providers. 7. Where appropriate, the young person's community caseworker continues as a caseworker during any period the young person is in detention.	Complete	A new Youth Justice Model of Care Framework is in development and sits alongside the policies and procedures to provide a holistic case management approach. All YJOs are required to complete the Certificate IV in Youth Justice with further training which focuses on trauma-informed and strength based approaches to management of young people. The Specialist Assessment and Treatment Services team is staffed by psychologists and clinicians, and they are focused on assessment and screening, individual plans for young people, clinical support, delivery of psychoeducational programs and other trauma informed, therapeutic supports. Multidisciplinary case plan meetings are held, including the young person and their family and relevant services, and case plans are individually tailored to the needs of the young person. Young people on remand are also provided case management services including release planning and supports.
20.01	The selection criteria for a youth justice officer be amended to include demonstrated experience working with vulnerable young people including an understanding of child and adolescent development, issues with drug use, poverty, cultural identity, mental health and disability.	Complete	Relevant changes made to recruitment processes and policies.
20.02	Youth justice officers be required to obtain a Certificate IV in Youth Justice in the first 12 months of their employment.	Complete	The Certificate IV in Youth Justice is a mandatory qualification for all Youth Justice Officers in the Northern Territory Public Sector, in accordance with Determination 3 of 1,999 (Qualifications Framework).
20.03	Youth justice officers participate in induction training before commencing work in youth detention centres which includes at least the following: <ol style="list-style-type: none"> 1. report writing and the use of the Integrated Offender Management System 2. work place policies and procedures, including any Code of Conduct 3. the Youth Justice Act (NT) and the Youth Justice Regulations (NT) 4. responding to suicide and self-harm de-escalation and mediation 5. use of reasonable force 6. use of restraint devices 7. trauma informed practice 8. cultural awareness 9. drug and alcohol awareness 10. mental health issues, and 11. staff well-being. 	Complete	Addressed through updated induction training.
20.04	Shadow shift training be provided only by youth justice officers who have attended induction training and refresher training and have been a youth justice officer for at least 12 months.	Complete	The seven week training course includes five shadow shifts.
20.05	Annual refresher training be provided to youth justice officers or when new detention centre policies are introduced and annually.	Complete	Toolbox presentations are delivered to Youth Justice staff as per the determinations. Annual refresher training continues. Staff have allocated professional development days included in the new roster. Training records are maintained.
20.06	Superintendents participate in an induction training program before commencing work in youth detention centres on the Youth Justice Act (NT) and Youth Justice Regulations (NT).	Complete	Addressed through training expectations of all youth justice staff.

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20.07	Territory Families continue to move towards a permanent staffing model for youth justice officers.	Complete	TFHC increased the base line establishment figures and the number and level of leadership positions. It has also moved away from a casual towards permanent staffing model. Rosters are built around permanent staff.
20.08	Youth detention centres be sufficiently staffed to ensure that: 1. youth justice officers do not work extended shifts 2. are able to take annual leave, and 3. detainees need not be locked down to enable youth justice officers to take necessary breaks during their shifts.	Complete	Addressed through increased youth justice staff recruitment and numbers.
20.09	Territory Families investigate introducing eight shifts for youth justice officers of less than 12 hours duration.	Complete	Youth Justice staff were extensively consulted and voted for a majority of 12 hour shifts interspersed with eight hour shifts. Training shifts are included in the roster. This also meets operational requirements.
21.01	Territory Families: 1. introduce video and sound recording, in the form of body-worn video cameras in youth detention centres, and 2. designate an individual, who is independent from youth justice officers, as the single point of contact for the provision of video and sound records to external agencies.	Complete	Body-worn video cameras were not supported or accepted for youth detention as they were viewed as being counter to building constructive relationships between staff and young people. There is improved video capture capability throughout detention facilities and a designated role for the provision of video and sound records to external agencies.
21.02	Youth Justice Regulations (NT) be amended to require the superintendent: 1. to retain all CCTV footage for at least 12 months 2. to ensure that any footage is made available on a timely basis on lawful request of any government department or agency, and 3. to ensure that all parts of the youth detention centres other than bathroom facilities are sufficiently covered by CCTV cameras.	Complete	Closed circuit television (CCTV) footage is retainable for six months - there is a project underway to increase this capability to 12 months. Footage is made available to other departments or agencies as required. CCTV footage is released to the Office of the Children's Commissioner when a Notice to Access request is received. The placement and maintenance of CCTV cameras is regularly reviewed to ensure adequate coverage without compromising the privacy of the young people.
21.03	A document retention policy, having regard to all relevant legal obligations, be developed and implemented	Complete	A document retention policy has been developed and implemented as part of the Records Management Toolkit
21.04	The criteria for the assessment of the superintendent's work-place performance include compliance with record keeping obligations under the Youth Justice Act (NT), the Information Act (NT), Youth Justice Regulations (NT) and any relevant Commissioner Directives.	Complete	Implemented.
21.05	The criteria for the assessment of the Deputy Chief Executive Officer's work-place performance include the steps taken to facilitate and effect compliance with record keeping obligations under the Youth Justice Act (NT), the Information Act (NT), Youth Justice Regulations (NT) and any relevant Commissioner Directives.	Complete	Implemented.

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22.01	<p>1. Police Standing Orders include a directive that when police receive a report from any source of an alleged criminal offence against a young person in detention, police are required to attend the detention facility and have direct contact with the detainee. This should take place as promptly as operational matters permit, but in any case within 72 hours of receipt of the report.</p> <p>2. Police Standing Orders include a directive that when interviewing a detainee who is potentially a complainant in a criminal matter, police ensure that communication with the detainee is conducted privately from detention centre staff members and other detainees and if the complaint is against a staff member, at times when the relevant officer is not on duty. If practicable, police should arrange for an independent person to be present to support the detainee.</p>	Complete	A protocol in relation to Police response to allegations of assaults in prisons and youth detention centres was developed and implemented to fully reflect all the requirements of the Royal Commission recommendations.
22.02	<p>Regulation 66 of the Youth Justice Regulations (NT) be amended to require:</p> <p>1. the Commission for Children and Young People provide children and young people in detention with assistance to make complaints, and</p> <p>2. all complaints made by detainees in youth detention must be forwarded to the Commission for Children and Young People.</p>	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
22.03	The Official Visitors Program, including recruitment, training and reporting, be a function of the Commission for Children and Young People and the Commission for Children and Young People be required to report regularly to the relevant Minister on the program's activities.	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
22.04	<p>The powers of the Commission for Children and Young People be expanded to: allow free and unfettered access to:</p> <p>a. youth detention facilities and any part of such facilities</p> <p>b. children and young people in youth detention</p> <p>c. people whose work is concerned with youth detention facilities and services</p> <p>d. documents and records in the possession of the department and its contractors, and</p> <p>e. allow investigation of matters of a systemic nature.</p>	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
22.05	Territory Families introduce a Detainee Representative Group program to enable detainees to meet formally each fortnight with the superintendent of youth detention.	Complete	A Youth Advisory Group include and seeks the input of young people on youth detention centre operations.
22.06	The Northern Territory Government amend section 215 of the Youth Justice Act (NT) to the effect that the person is not civilly or criminally liable for an act reasonably done or omitted to be done by the person in good faith and without recklessness in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.	Complete	Legal advice from the Solicitor for the Northern Territory and Parliamentary Council was that the wording recommended was not consistent with current statute and would be at odds with liability provisions across Australia. It was agreed not to pursue at this time.
22.07	Section 215B of the Youth Justice Act (NT) be amended to reflect the provisions of sections 4 and 36 of the Limitation Act (NT), to recognise that by reason of age or sentenced imprisonment status a person may be incapable of managing their affairs in respect of legal proceedings.	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.

#	Recommendation	Status	Comment
23.01	<p>1. The Deputy Chief Executive Officer of Territory Families ensure that training programmes for all management and operational workers in youth detention centres meet the following minimum standards:</p> <p>a. that such training programmes ensure that the physical, psychological and emotional welfare of children and young people, as well as their rehabilitation, is a principal focus</p> <p>b. that, in accordance with Regulation 64 of the Youth Justice Regulations (NT), workers are trained in ways to exercise understanding, restraint and patience in the care, control and supervision of children and young people and in the maintenance of discipline among children and young people, and to encourage positive behaviour among children and young people consistent with increasing their responsibility and independence</p> <p>c. that workers comply with, and understand, the sections of the Youth Justice Act (NT) and the Youth Justice Regulations (NT) concerning the use of force, restraint, searches and isolation</p> <p>d. that such training is consistent with Australia's human rights obligations with respect to children and young people held in detention, and</p> <p>e. that such training applies principles and standards of the Australasian Juvenile Justice Administrators.</p> <p>2. One of the criteria for the assessment of the Deputy Chief Executive Officer of Territory Families work-place performance be ensuring compliance with the above obligation.</p>	Complete	Addressed through updated training programs
23.02	Territory Families develop, in conjunction with Australian Juvenile Justice Administrators and an appropriate training institute, a course on managing youth detention whose content reflects best practice internationally and from other Australian jurisdictions, to be undertaken by those in senior management positions in youth detention centres in the Northern Territory.	Complete	Options regarding Public Services Leadership courses to meet this recommendation are being considered by the Australian Youth Justice Administrators.
24.01	An integrated, evidence-based throughcare service be established for children and young people in detention to deliver: a. adequate planning for release including, as appropriate, i. safe and stable accommodation, ii. access to physical and mental health support, iii. access to substance abuse programs, iv. assistance with education and/or employment b. improved exit planning and post-release services to be made available to all children and young people detained more than once or for longer than one week c. a comprehensive wraparound approach facilitated by cross-agency involvement, and d. planning for detainees to exit from detention as soon as they enter detention.	Underway	Being addressed through the development of a new Youth Justice Model of Care.
24.02	The throughcare service be independently evaluated at the end of five years, with a report to the Commission for Children and Young People, including outcomes and rates of reoffending.	Not for NTG	Commonwealth responsibility
25.01	<p>1. The position of Aboriginal Community Police Officers be expanded and include the position of Youth Diversion Officers.</p> <p>2. Establish a specialist, highly trained Youth Division similar to New Zealand Police Youth Aid.</p> <p>3. All officers involved in youth diversion or youth engagement be encouraged to hold or gain specialist qualifications in youth justice and receive ongoing professional development in youth justice.</p> <p>4. Northern Territory Police organisation and remuneration structures appropriately recognise officers with specialist skills in youth justice.</p> <p>5. All Northern Territory Police receive training in youth justice which contains components about childhood and adolescent brain development, the impact of cognitive and intellectual disabilities including FASD and the effects of trauma, including intergenerational trauma.</p>	Complete	<p>The Northern Territory Police have Aboriginal Community Police Officers in positions within the Youth Engagement Division.</p> <p>The specialised Youth Engagement Division has as its primary focus youth diversion, Judicial Operations and youth and community engagement. Officers within the division receive training which has been developed and is appropriate to the Northern Territory environment. NT Police have developed an online training package which is compulsory for all officers. The package has five components which cover an introduction to childhood, Brain Development and intellectual disabilities, Fetal Alcohol Spectrum Disorder, Trauma and Intergenerational Trauma and Domestic and Family Violence. This training was specifically developed to address the findings of the Royal Commission.</p>

#	Recommendation	Status	Comment
25.02	<ol style="list-style-type: none"> 1. Northern Territory Police undergo training every two years to reinforce their obligations under the Police Administration Act (NT), Youth Justice Act (NT) and Police General Order – Arrest in relation to the exercise of their discretion to arrest children and young people. 2. Northern Territory Police collect data on the incidence of arrest of children and young people, the reasons for the use of arrest, rather than summons, the outcome of the charges laid against children and young people who were arrested and prepare a report to be published annually. 3. The Northern Territory Commissioner of Police amend the Police General Order – Arrest to provide that children and young people must not be arrested at school unless there is a substantial risk the child or young person will abscond or reoffend if not arrested at school. 4. The Northern Territory Commissioner of Police review Police General Orders and police training to ensure police understand the basis on which charges may be laid against a child or young person. Undertake a review of charging practices over the last three years with respect to children and young people. 	Complete	<ol style="list-style-type: none"> 1. A training package was developed for the introduction of the Youth Justice Amendments and changes to General Orders relating to powers, policies and procedures in dealing with Children and Young People, including discretion to arrest. 2. This recommendation will be addressed by including in the NTPFES Annual Report a section specific to Youth Justice 3. Addressed by the Introduction of the instruction - Power and Obligations: Youth. 4. Addressed by the introduction of suite of new instructions that relate specifically to children and young people and reinforce the intent of the Royal Commission recommendations and the amendments to the Youth Justice Act.
25.03	<ol style="list-style-type: none"> 1. The Northern Territory Government ensure all police cells are made suitable for detaining children. 2. Provision be made in either the Police Administration Act (NT) or the Youth Justice Act (NT) that children and young people may be held in custody without charge for no longer than four hours. Any extension up to a further four hours may only be granted by a Judge. 	Complete	Youths are detained as a last resort. If they are detained, they are treated as at risk - closely observed and not near incarcerated adults. Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.
25.04	<ol style="list-style-type: none"> 1. A custody notification scheme be introduced requiring police to notify a lawyer from an appropriate legal service as soon as a child or young person is brought into custody. 2. The Northern Territory Government commit to resource the custody notification scheme following the initial three-year funding from the Commonwealth Government, including funding the legal services to provide the custody notification scheme. 	Complete	Implemented.
25.05	<ol style="list-style-type: none"> 1. The Northern Territory collect and report data on Aboriginal deaths in custody to the Australian Institute of Criminology. 2. The Australian Institute of Criminology to publish all data made available on Aboriginal deaths in custody on an annual basis. 	Complete	Northern Territory data on Aboriginal deaths in custody is supplied to the Australian Institute of Criminology
25.06	<ol style="list-style-type: none"> 1. The Youth Justice Act (NT) be amended to provide that a child or young person must not be interviewed by police: <ol style="list-style-type: none"> a. until they have sought and obtained legal advice and assistance, or b. after exercising their right to silence. 2. The Northern Territory Government take immediate steps: <ol style="list-style-type: none"> a. to ensure the register of support persons established under section 14 of the Youth Justice Act (NT) includes people from Aboriginal Law and Justice Groups and/or other Aboriginal community bodies for each area of the Northern Territory b. to amend section 14 of the Youth Justice Act (NT) to require that a person may only be on the register of support persons if they have undertaken training by an approved provider on their role as a support person c. to ensure police provide support people who are not lawyers with information in an easily understood form, including orally, with the use of an interpreter if necessary, or by providing a document or showing a video explaining the support role and outlining what the support person can or cannot do to assist the child during the interview, and d. to ensure all decisions by police to use a support person from the register of support people are reviewed by a senior officer, including the steps taken to locate a member of the young person's family or an alternative support person. 	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019 - Clauses 26 and 44.
25.07	The Northern Territory Commissioner of Police refresh and reissue Police General Order – Youth promulgated 22 February 2007. The Northern Territory Police General Order – Youth provides police with direction on how to appropriately deal with young people, according to their obligations, under the Youth Justice Act.52	Complete	Implemented.

#	Recommendation	Status	Comment
25.08	The Northern Territory Police Youth Diversion Unit be resourced to provide a comprehensive diversion service with adequate specialist staff members and facilities, to give effect to the principles of the Youth Justice Act (NT).	Complete	There are a total of 17 officers who are a dedicated Youth Diversion resource and responsible for the delivery of a youth diversion service. These officers are located in Darwin, Alice Springs and Katherine and support all police officers in regional locations.
25.09	The definition of the 'serious offences' that exclude a young person from eligibility for diversion be reviewed, with a view to removing preclusion from diversion for less serious offending.	Complete	Addressed through legislation amendments to five Acts.
25.11	The references to offences against Part (V) and Part (VI) of the Traffic Act (NT) be reviewed with a view to enabling children and young people charged with offences under these provisions to be eligible for diversion under section 39 of the Youth Justice Act (NT).	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.
25.12	The Northern Territory Commissioner of Police amend Police General Order – Youth Pre-Court Diversion to remove the requirement that a child or young person must admit to committing an offence when an officer is considering them for diversion and require instead that the child or young person 'does not deny' the offence.	Complete	Addressed through rewritten and restructured policy and procedures relating to children and young people.
25.13	The Youth Justice Act (NT) be amended to require reports about a child or young person's participation in a diversion program be tendered in court and made available to the child or young person's legal representative.	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.
25.14	Youth diversion programs in remote communities be developed and operated in partnership with, or by, Aboriginal communities and/or Aboriginal controlled organisations.	Complete	A place-based approach and Local Decision Making processes are being used to identify providers to deliver community youth programs.
25.15	Ensure that appropriate facilities are available in Alice Springs for girls or young women who need to be held on remand.	Complete	Standalone female accommodation was installed at Alice Springs Youth Detention Centre in 2018.
25.16	Territory Families investigate the development of electronic means of explaining bail and reminding young people of their bail obligations.	Complete	Addressed through the implementation of 1800 BAILED.
25.17	Electronic monitoring conditions should only be considered when there is no other alternative to remanding the child or young person in detention.	Complete	Youth Justice Directives were updated and introduced following the Royal Commission, and cover the appropriate use of electronic monitoring.
25.18	A formal administrative arrangement between the Office of the Director of Public Prosecutions and Police be developed to update bail and bail condition information to avoid erroneous arrest.	Complete	Addressed through amendments to the Bail Act and updates to police instructions.
25.19	The Bail Act (NT) be amended: a. to provide that a youth should not be denied bail unless: i. charged with a serious offence and a sentence of detention is probable if convicted ii. they present a serious risk to public safety iii. there is a serious risk of the youth committing a serious offence while on bail, or iv. they have previously failed to appear without a reasonable excuse b. to require that when imposing bail conditions the police and courts take into consideration: i. the age, maturity and circumstances of the young person, including their home environment, and ii. the capacity of the young person to comply with the conditions c. to require that at the time bail is granted to a young person, each bail condition and the consequences of breach of that condition be explained to the young person, taking steps to ensure their understanding, using interpreters or modified means of communication if necessary d. to exclude children and young people from the operation of section 37B (offence to breach bail), and e. to give police the power to: i. issue an informal or formal written warning to a young person believed to have breached any bail condition, or ii. where a breach has occurred more than once, issue a summons to a young person who has breached bail requiring them to come before the court to determine the consequences of any breach.	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.

#	Recommendation	Status	Comment
25.20	The Commissioner of Police issue a Directive setting out: a. guidelines for the police in relation to curfew checks, including the circumstances in which they should be used or avoided, and their frequency, and b. that police only arrest a child or young person for breach of bail where the breach occurs as a result of or in connection with further offending and after police have considered and rejected as inappropriate issuing a summons, or where the breaching conduct clearly indicates a materially increased risk of non-attendance at court or further offending.	Complete	Broadcast was issued on 21 August 2018. The spirit and intent of this recommendation will be further reinforced by proposed amendments to the Youth Justices Act, in relation to the removal of breach of bail as a standalone offence. The content of this broadcast will form part of the rewrite of youth general order and related policies.
25.21	Bail support services for children and young people be provided in Darwin, Alice Springs, Tennant Creek, Katherine and Nhulunbuy, together with other such locations as are appropriate, which include the following features: i. accommodation services in small homelike residences ii. bail support plans developed with a specialist youth worker, covering education, employment, recreation and sporting goals iii. the engagement of the young person and their family, where possible, in the development of the plan, and iv. the availability of, and referral to, services and practical life skills support to assist the young person.	Complete	The Community Youth Justice Accommodation service supports young people aged 10 to 17 years to comply with statutory conditions including accommodation for young people on bail orders, bail supervision, and a bail support and referral telephone line. Following a review the service has been extended to youth on other Court Orders including Good Behaviour Orders and Suspended Sentences. Where other bail support services are not available. Youth Justice Outreach and Re-Engagement Officers (YOREOs) support young people subject to Bail Orders.
25.22	The Northern Territory Government, in the establishment and delivery of bail support services, give priority to working with Aboriginal community controlled organisations.	Complete	Youth Justice Bail Support Accommodation was established in Darwin and Alice Springs to support young people aged 10 -17 years to comply with their bail conditions.
25.23	A separate court venue in Alice Springs for proceedings under the Youth Justice Act (NT) and Care and Protection of Children Act (NT) be established as a matter of urgency.	Complete	As an interim solution, a dedicated youth court facility has been established inside the Alice Springs court house – part of a \$15 million upgrade. A separate court venue is listed on the courts strategic plan for a future project.
25.24	In other locations where the Youth Court and Family Matters Jurisdiction of the Local Court conduct proceedings where there is no separate facility, such as Katherine and Tennant Creek, proceedings under the Youth Justice Act (NT) and the Care and Protection of Children Act (NT) be scheduled on days or times when no adult matters are scheduled, or alternatively other premises be used where possible to hear those matters or ancillary proceedings such as family group conferencing to give better effect to sections 4(r) and 48 of the Youth Justice Act (NT) and section 92 of the Care and Protection of Children Act (NT).	Complete	Youth matters are always scheduled separately from adult matters in centres where applicable.
25.25	Proceedings under the Youth Justice Act (NT) should be heard in closed court, similar to child protection proceedings under the Care and Protection of Children Act (NT). The court should retain a discretion to publish all or part of a proceeding upon application.	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.
25.26	All judicial officers in the Northern Territory be provided with access to seminars conducted by experts with particular emphasis on cognitive development, adolescent behaviour, communication with young people appearing in court and Aboriginal cultural competence.	Complete	Access to relevant seminars and professional development is available to all judicial officers. As well, discussions and presentations on topics including cognitive development and Aboriginal cultural competence are featured at regular judicial conferences.
25.27	A separate court be established independent of the Local Court to hear and determine those matters currently within the jurisdiction of the Youth Justice Court and the Family Matters Division of the Local Court.	Complete	The population and volume of matters do not support or sustain this recommendation.
25.28	A position of President of the new court be established. This position is to be an Executive Council appointment, carrying extra judicial powers and functions modelled on those conferred on the President of the Children's Court in NSW by section 16 of the Children's Court Act 1987 (NSW).	Complete	The population and volume of matters do not support or sustain this recommendation.

#	Recommendation	Status	Comment
25.29	The appointment of judges to the court include consultation with the President (of the new court) and Chief Judge of the Local Court and only those persons who reflect the qualities described in section 46(2) of the Youth Justice Act (NT) be appointed.	Complete	No separate court or President per Recs 25.27 and 25.28 nullifies this recommendation
25.30	The Youth Justice Act (NT) and the Care and Protection of Children Act (NT) be amended to require all children and young people to be legally represented in contested bail and criminal and care and protection proceedings.	Complete	Members of the LAAC agreed this occurs in practice and is not required in legislation.
25.31	All legal practitioners appearing in a youth court be accredited as specialist youth justice lawyers after training in youth justice to include child and adolescent development, trauma, adolescent mental health, cognitive and communication deficits and Aboriginal cultural competence.	Complete	There is no accreditation of specialist lawyers. However, training and professional development sessions continue to be offered on relevant youth justice issues including child and adolescent development and Aboriginal cultural competence
25.32	A Youth Proceedings Education Committee be established to develop and deliver a training program for Northern Territory legal practitioners in youth justice and care and protection. Membership to include a representative from the Supreme Court, Youth Justice Court (or equivalent), Territory Families, police, health, NAAJA, NTLAC, CAALAS and an academic expert in the field of youth justice.	Complete	The Committee has been established.
25.33	The Commissioner of Police by Directive require police to take all reasonable steps to obtain the contact details of a responsible adult for a young person taken into police custody and provide those details to the young person's legal representative as soon as possible.	Complete	Implemented.
25.34	Resources be provided to support Law and Justice groups, or other suitable entities, to allocate adults to be responsible for Aboriginal young people appearing in criminal proceedings whether in remote or urban communities.	Complete	The Aboriginal Justice Agreement was launched on 9 August 2021 with at least 2 Law and Justice Groups (LJG) to be established.
25.35	The Youth Justice Court be resourced to employ dedicated youth justice staff and place-based local Aboriginal liaison officers to coordinate case management and facilitate comprehensive referrals to support services for youth.	Complete	There are three dedicated Youth Justice Court Officers. They can also provide support to other regional and remote court sites.
25.36	The Youth Justice Court be resourced to install hearing loops to help young hearing-impaired accused participate appropriately in the proceedings.	Complete	There are already hearing amplification devices in courts
25.37	The Youth Justice Court be resourced to assume responsibility for arranging for reports required pursuant to section 67 of the Youth Justice Act (NT).	Complete	The Court may already order S67 reports be provided for consideration.
25.38	The Youth Justice Court in consultation with the Department of Health, Aboriginal health organisations and legal assistance organisations such as NAAJA, CAALAS and NTLAC, establish a panel of child and adolescent health practitioners to facilitate the timely preparation of section 67 reports.	Complete	The Court may already order S67 reports be provided for consideration.
25.39	Territory Families in consultation with Aboriginal health and legal assistance organisations and NTLAC undertake an immediate assessment of the diversion program requirements available to the Youth Justice Court pursuant to section 64 of the Youth Justice Act (NT) and make available the necessary resourcing to support their implementation and delivery.	Complete	Addressed through legislation amendments. As well significant new procurement of diversion services and new diversion pathways has occurred including the review of existing diversion programs and the creation of the Youth Outreach and Reengagement Program in 2017, the establishment of the Youth Services Directorate in 2018 and the launch of Back on Track in 2019.
25.40	Adequate resourcing be available to ensure the accessibility of section 84 conferencing, including in remote areas for all children and young people. <i>S84 Court may order pre-sentencing conference</i> <i>(1) The Court may, when determining the appropriate sentence for a youth who has been found guilty of an offence, adjourn the proceedings and order the youth to participate in a pre-sentencing conference.</i> <i>(2) A pre-sentencing conference may be with any of the victims of the offence the youth is charged with, community representatives, members of the youth's family or any other persons as the Court considers appropriate</i>	Complete	Restorative Youth Justice Conferencing (RYJC) is currently provided by Jesuit Social Services (JSS) under contract and includes Darwin, Palmerston, Katherine, Alice Springs and Tennant Creek as well as select remote areas

#	Recommendation	Status	Comment
25.41	All agencies explore the provision of electronic briefs to prosecution and defence lawyers in proceedings against a youth consistent with section 4(m) of the Youth Justice Act (NT) to reduce delays.	Complete	The DPP have moved from a purely paper based model to almost entirely online. Summary Prosecutions have moved to a paperless prosecution model in the Youth Court using a program called Evidence.com.
25.42	1. Communities be resourced to establish a process to provide: a. information for pre-sentencing reports for Aboriginal children and young people, and b. information about local non-custodial sentencing options for Aboriginal children and young people. 2. The Youth Justice Act (NT) be amended to require this information be taken into account by the Youth Justice Court.	Complete	Work is ongoing with communities on the establishment and communication of alternative sentencing options.
25.43	A youth-specific parole body be established with the following features: i. a small number of members, including an Aboriginal representative, an employee from an Aboriginal-led community organisation, and a professional with youth-specific training and experience ii. taking a therapeutic and collaborative approach that aims to engage young people in the parole decision making process iii. young people, their lawyers and their responsible adult must be present at hearings and, preferably, when decisions are made, and iv. with wide discretion to make a variety of orders.	Complete	Due to the small number of young people seeking parole, rather than establish a separate parole board, the Northern Territory Government has taken steps to ensure the existing Board has the capacity and expertise to fulfil the requirements of the recommendations.
27.01	1. Section 38(1) of the Criminal Code Act (NT) be amended to provide that the age of criminal responsibility be 12 years. 2. Section 83 of the Youth Justice Act (NT) be amended to add a qualifying condition to section 83(1)(l) that youth under the age of 14 years may not be ordered to serve a time of detention, other than where the youth: i. has been convicted of a serious and violent crime against the person ii. presents a serious risk to the community, and iii. the sentence is approved by the President of the proposed Children's Court.	Underway	The NT Government has committed to raise the age of criminal responsibility to 12 within this term of Government.
28.01	The Northern Territory design, construct and implement a new model of secure accommodation based on the principles set out in this chapter.	Underway	A new Youth Justice Model of Care is being developed.
28.02	The Northern Territory: 1. Develop and complete as soon as possible a program of works to further improve the physical environments and facilities at the current Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre. 2. Involve detainees in the project as much as possible, including by consulting with them about the kinds of improvements they would like, taking their views into account in developing the program of works and giving them the opportunity to participate in the work where appropriate. 3. Review the current staff working at youth detention centres to ensure that only those who can work in a trauma-informed therapeutic model of youth detention continue to be employed in frontline roles	Complete	The NT has committed and implemented over \$10.48 m to the fix and make safe program in Don Dale and Alice Springs Youth Detention Centres. The program has involved detainees and has greatly improved the physical environments of the Don Dale Youth Detention Centre and Alice Springs Youth Detention Centre. The selection requirements for Youth Justice Officers and introduced an updated induction and training program that focusses on therapeutic approaches in youth detention.
31.01	The Northern Territory Government review periodically its compliance with the Aboriginal and Torres Strait Islander Child Placement Principle.	Complete	Consideration of placement options is a core part of current legislation, policy, practice, procedure, forms and templates. This work will always be ongoing.
32.01	Territory Families review the Structured Decision Making tools to ensure they are appropriate to the Northern Territory.	Complete	Structured Decision Making was reviewed in 2017-18 and replaced in 2019 by Signs of Safety.
32.02	Territory Families commission an independent audit of the outcomes of notifications reported to the Central Intake Team to examine the assessment process, the application of the structured decision-making tools and whether cases have been incorrectly screened out.	Complete	Implemented.
32.03	All notifications to the Central Intake Team, whether received by hotline or email, be consolidated into a single chronological queue to ensure that they are properly recorded, assessed and given appropriate priority.	Complete	All notifications are written up and viewed in a single chronological queue and triaged according to their priority.

#	Recommendation	Status	Comment
32.04	Territory Families: a. develop mandatory reporting guidelines for professional and community notifiers b. conduct information seminars and provide written guidelines to assist professional notifiers meet their reporting obligation under section 26 of the Care and Protection of Children Act (NT), and c. explore the establishment of central points to receive notifications from police and educators	Complete	A Professional Reporters Guide, to assist professional notifiers meet their mandatory reporting obligations, is available through the online Professional Reporters Tool. An online tutorial is also available through the Tool.
32.05	Territory Families amend data-recording processes so that any subsequent substantiated notifications in relation to a particular child are separately recorded notifications, so there is a clear recording of the total number of notifications pertaining to that particular child.	Complete	One-child-one-case approaches were introduced in 2018. This approach requires that subsequent notifications are recorded against an individual child's record.
32.06	Territory Families: a. adopt a consistent definition of cumulative harm, and b. develop internal guidance for practitioners regarding the assessment of cumulative harm.	Complete	Steps to enhance practitioners understanding and assessment of cumulative harm include: * adopting a consistent definition of cumulative harm and updating relevant policy and procedures * delivery of practice sessions on cumulative harm to staff; * development of a cumulative harm training module which now features in core indication training * development of practice guidance and tools for identifying and assessing cumulative harm, including a visual traffic light tool to assist practitioners; and * reviewing and updating core practice templates to prompt practitioners to consistently assess cumulative harm.
32.07	Territory Families ensure that Central Intake is adequately resourced to accommodate peak periods including by the provision of standby practitioners.	Complete	Implemented.
32.08	Territory Families in developing its dual pathways model: a. consult with stakeholders regarding the design and operation of the model b. ensure a range of services are available providing 'soft entry' referral pathways c. develop strategies to encourage families to access those services, and d. amend the Care and Protection of Children Act (NT) to implement a dual-pathways model.	Complete	All elements in the recommendation have been implemented and/or addressed.
32.09	Territory Families develop a strategy to address the current backlog of overdue investigations.	Complete	One-child-one-case approaches have been reducing the backlog of overdue investigations by investigating the circumstances of children holistically.
32.10	Territory Families: * review the caseworker workforce requirements * redesign recruitment strategies * develop in-service and optional training * develop fixed caseworker to file ratios taking into account the complexity of the child and family, issues of remoteness and other relevant considerations, and * develop cultural awareness and competence training in consultation with Aboriginal controlled organisations.	Complete	Addressed through updates to recruitment strategies and policies, training programs and caseload reviews. Cultural awareness and competence are supported through the creation of the Aboriginal Cultural Security Framework, through the Aboriginal Practice Leaders Group and with the appointment of an agency Elder in Residence
32.11	Child protection income management no longer be required to access the Intensive Family Support Service.	Complete	Referral pathways to the DSS' Intensive Family Support Service program were adjusted in 2014, broadening access to a range of vulnerable families.
32.12	Territory Families ensure that any family where a child is to be removed is given all appropriate information about the reason for the removal, the steps the family must take to have the child returned, and legal advisors the family may contact in a form and language suitable for the family.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019

#	Recommendation	Status	Comment
33.01	Territory Families develop strategies to give better effect to section 11 of the Care and Protection of Children Act (Child Participation) at all stages of their engagement with children in their care.	Complete	See updates for 2.02 and 22.05.
33.02	Care plans must be kept up to date and provided to parents in clear and understandable language, with an interpreter if necessary, about what is required for reunification with their children.	Complete	Addressed through the Care and Protection of Children Act.
33.03	Territory Families: 1. report on the number of children and young people successfully and unsuccessfully reunified with families and the duration of their period in out of home care and the systemic impediments to reunification, and 2. create a senior position with overall responsibility for reunification policy and processes.	Complete	1. Territory Families reports on reunifications to the Office of the Children's Commissioner as part of the annual data submission. 2. The Deputy CEO Families has overall responsibility for reunification policy and processes under the Out of Home Care Reform Project.
33.04	To ensure timely and quality care plans are developed and implemented for each child in out of home care: a. the Care and Protection of Children Act (NT) be amended to the effect that: i. an application to the court for a 'protection order', as that term is defined in the Act, be accompanied by a care plan for the relevant child ii. if the application is not accompanied by a care plan, the court may set a date by which the care plan is to be filed with the court that is no longer than three weeks after filing the application for a protection order, and iii. any subsequent care plan developed and approved by the Chief Executive Officer of Territory Families during the course of the proceedings must be filed with the court within 14 days of its creation or review b. section 130 of the Care and Protection of Children Act (NT) be amended to provide that a court may not issue a protection order unless satisfied that the Chief Executive Officer has developed, approved and filed with the court a care plan that meets the needs and best interests of the child c. the Northern Territory Government collect care plan data in a form that will allow it to provide such data to the Productivity Commission for comparison with other states and territories d. section 74(4) of the Care and Protection of Children Act (NT) be amended to provide that the Chief Executive Officer 'must obtain, to the extent reasonably practicable, and have regard to the views expressed' by the specified persons, and e. section 70 of the Care and Protection of Children Act (NT) be amended to include a requirement that a cultural component of a care plan must be included in all care plans specifically tailored to the child.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019
33.05	Territory Families: a. develop and implement a campaign in conjunction with Foster Carers Association NT, current carers and other relevant organisations to recognise the contribution of existing foster and kinship carers, draw attention to the current shortage of carers and encourage people in the Northern Territory, particularly in remote areas, to apply to become carers b. review the financial support provided to carers in the Northern Territory and-- work with Aboriginal organisations to implement a joint program dedicated to increasing the number of Aboriginal foster and kinship carers, using community awareness and individualised community engagement.	Complete	Addressed through funded programs of Aboriginal Organisations in the Northern Territory aimed at increasing the number and proportion of Aboriginal Children in care that are placed in safe, suitable and culturally connected placements with Aboriginal Kinship or Foster carers.

#	Recommendation	Status	Comment
33.06	Territory Families create at least two senior positions, to be filled by Aboriginal people, in the Out of Home Care unit, with responsibility for: <ul style="list-style-type: none"> i. increasing the number of Aboriginal foster and kinship carers ii. overseeing training on kinship and kinship care decision-making iii. reviewing decisions relating to kinship care, including carer assessments and failure to place children with identified kin, and iv. reporting annually on aspects of kinship care, including the number of Aboriginal children placed in or outside kinship care. 	Complete	Action and initiatives implemented: <ul style="list-style-type: none"> • Partnered with Aboriginal organisations to introduce the Aboriginal Carers Growing Up Aboriginal Children grants; • The Aboriginal Practice Leaders Group monitors the progress and practice of the Aboriginal Carer Grants; • Collaborated with Tangentyere Council to develop Children, Safe, Family Together – a comprehensive culturally safe Aboriginal kinship care services model, which has been recognised nationally; • Hosted the first Community of Practice meeting with partner organisations
33.07	The Northern Territory Civil and Administrative Tribunal Act (NT) be amended so the Tribunal has jurisdiction to review decisions made by Territory Families about foster and kinship carers or applicants seeking to become carers.	Complete	To be addressed by an amendment to the Care and Protection of Children Act.
33.08	<ol style="list-style-type: none"> 1. Territory Families consult with Aboriginal organisations to: <ul style="list-style-type: none"> a. improve content and the delivery of specific training to Territory Families staff members undertaking kinship care assessments, and b. amend and streamline kinship care assessment forms and processes to ensure that the best interests of the child are considered, consistent with a fully informed assessment of acceptable and unacceptable risks to the child. 2. The Northern Territory Government undertake the following improvements to its systems to develop quality foster and kinship care: <ul style="list-style-type: none"> a. properly resource the kinship care assessment unit to ensure the timely assessment of prospective kinship carers, and b. cease using any type of placement or placement arrangement that does not: <ul style="list-style-type: none"> i. require a formalised and signed agreement or court order ii. offer carers financial support for the costs of caring for a child require a care plan for a child, including a documented reunification plan, where applicable, and iii. involve case management of a child that is in accordance with the Act. 	Complete	Per Rec 33.06 TFHC has also appointed the agency's first Elder in Residence - a senior role with a direct advisory role to the CEO and senior executive on issues such as workforce development and policies affecting Aboriginal clients and staff.
33.09	The Northern Territory Government phase out the current model of purchased home-based care over a 24 month period	Underway	PHBC continues to be used while a professional foster care stream is developed.
33.10	The Northern Territory Government use residential care only as a therapeutic placement option for children with complex behavioural needs or disabilities, in accordance with therapeutic care criteria.	Complete	In 2020, procurement of Intensive Therapeutic Residential Care (ITRC) was finalised and contracts awarded to Life Without Barriers and CASPA. ITRC is in the implementation phase.
33.11	The Northern Territory Government develop and establish a professional stream of foster care, to respond to the targeted therapeutic needs of children, and to care for children with complex needs.	Underway	Work continues on this recommendation
33.12	The Northern Territory Government reconsider outsourcing out of home care services to the non-government sector. If it proceeds to do so, it should: <ol style="list-style-type: none"> a. identify service solutions, including placement types, that meet the specific needs of this population b. design an out of home care accreditation scheme that meets the specific needs of this population c. develop a framework for measuring the wellbeing of children in out of home care, and set clear goals and requirements for service providers, and d. ensure robust oversight which will include both Territory Families and the Commission for Children and Young People. 	Complete	In April 2019 the Territory Government launched the Transforming Out-of-Home Care Project - a significant, complex and multi-faceted reform package that will over time, completely change the way out-of-home care services are designed, funded, contracted and delivered. The Office of the Children's Commissioner provides oversight of the out of home care system.
33.13	The Northern Territory Government implement a collaborative inter-agency approach between Territory Families and Northern Territory Police to manage children and young people absconding from out of home care placements.	Complete	Implemented.

#	Recommendation	Status	Comment
33.14	Territory Families standardise screening for these children for FASD when entering out of home care.	Complete	The Ages and Stages Questionnaire (ASQ-TRAK) is being rolled out across the NT. The developmental screening tool will be used by organisations in partnership with parents to assist them to recognise and respond to developmental delays as early as possible. The NT FASD Strategy outlines the NT Government's commitment to facilitating the assessment of all children in out of home care and youth in juvenile justice settings
33.15	Territory Families improve access for children and young people in out of home care to effective rehabilitation and counselling services including the prevention and treatment of substance abuse.	Complete	Seven service providers deliver a variety of residential treatment, diversionary, education and cultural programs to young people who experience, or are at risk of, Volatile Substance Abuse (VSA) / Alcohol and Other Drugs (AOD) misuse.
33.16	Territory Families: 1. review and simplify the process for approving educational enrolments for children in out of home care, and 2. introduce a standardised form for a child subject to a protection order, allocating responsibility for ensuring enrolment approval within set time frames.	Complete	Work is ongoing on possible improvements to enrolment issues
33.17	Where a child is placed on a protection order but a parent retains guardianship, the Northern Territory Government enable carers to make a range of day-to-day decisions for the wellbeing of a child in their care, if necessary by legislative amendment.	Complete	Implemented.
33.18	Territory Families, in partnership with Foster Carers Association NT, establish regular forums to provide carers an opportunity to raise issues with Territory Families that relate to the experience of being a carer.	Complete	Implemented.
33.19	Territory Families provide support to foster and kinship carers, including through implementation of training targeting specific populations in out of home care. This training should be accessible to all foster and kinship carers, including those in remote communities, and those who cannot attend training during business hours.	Complete	The Foster and Kinship Carers Association has been contracted to deliver training and support services across the Territory, including remote locations.
33.20	Territory Families ensure that quality respite care is available to foster and kinship carers.	Complete	Support provided by both Carer Assessment and Support Staff and Aboriginal Carer Services providers, includes identifying suitable respite options and facilitating short breaks occurring.
33.21	Territory Families ensure that all young people between aged 15 and 18 have leaving care plans in compliance with section 71 of the Care and Protection of Children Act (NT).	Complete	Dedicated Transition from Care Officers work to ensure all young people between 15 and 18 years have appropriate leaving care plans. The Care and Protection Amendment Bill 2019 strengthened requirements for care planning.
33.22	The Department of Housing and Community Development and Territory Families jointly develop a new accommodation service model which meets the specific needs of young people leaving out of home care to live independently. The service be responsible for finding and securing acceptable accommodation for all young people who have left the Chief Executive Officer's care and be available to those young people until they are 25 years old, consistent with section 68 of the Care and Protection of Children Act (NT).	Complete	The Housing for Young People Program in the Greater Darwin Region has been developed to meet the physical and emotional needs of young people. Similar programs are being developed for Katherine and Alice Springs.

#	Recommendation	Status	Comment
33.23	<p>Territory Families:</p> <ol style="list-style-type: none"> 1. ensure that children leaving the care of the Chief Executive Officer are fully informed of the obligation of the Chief Executive Officer to provide child-related services until the individual turns 25 years of age. The information provided to children leaving care to include specific information as to what services are available to the child and how they can be accessed. 2. implement a follow up procedure in which a caseworker, or other entity to whom the Chief Executive Officer delegates responsibility, contacts a person who has left the care of the Chief Executive Officer every six months until the individual turns 21 to provide updated information as to what services are available and how they can be accessed pursuant to section 86 of the Care and Protection of Children Act (NT). The communication must occur, to the extent practicable, both orally and in writing. 	Complete	<p>Transition from Care Officers support case managers to ensure that children leaving care have quality leaving care plans prepared and are fully informed of the CEO's obligations until the individual turns 25 years old.</p> <p>Section 2 of this recommendation was not supported by the Policy Consultation Group as it is unclear how it could be operationalised effectively and it was deemed more suitable to participate in the national Moving On program discussions to align practice improvement to contemporary policy design.</p>
33.24	The Northern Territory Government develop an evaluation plan about the process of leaving care for young people turning 18.	Complete	Legislative amendments are being developed to increase the age of support to 22 years. All young people over 18 and up to 22 will be eligible to receive placement support and/or support to transition successfully to adulthood.
33.25	<p>The Northern Territory Government continue working with the Australian Institute of Health and Welfare to develop a dataset to report on outcomes for children transitioning from out of home care up to age 25. Indicators should include:</p> <ol style="list-style-type: none"> i. connection to family and/or carers ii. education and employment iii. housing, and iv. health, including mental health. 	Complete	This work is continuing with the technical requirements relating to the development of an NT dataset on outcomes for children in care part of the new \$67 million Client Management System Alignment project.
34.01	Amend sections 121 and 129 of the Care and Protection of Children Act (NT) so that the term 'the best means' is replaced with a requirement that the most appropriate order be made, but that it be the least intrusive order which can be made in the circumstances.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.02	Amend section 129 of the Care and Protection of Children Act (NT) to provide that the court must not make a protection order unless it has considered, and rejected as being contrary to the best interests of the child, an order allowing the child to remain in the care of their parent.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.03	Amend section 130 of the Care and Protection of Children Act (NT) as section 130(1)(cc) to the following effect: 'In making the decision, the Court must consider if all reasonable steps have been taken by the government agency to provide the services that are necessary in addressing any risks of harm to the child'.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.04	Territory Families resource audio-visual facilities so that a wider range of experts, both within the Northern Territory and in other states, can be engaged to assist the Court.	Complete	Under consideration including resourcing issues to meet the requirements set out by the recommendation
34.05	The Department of the Attorney-General and Justice establish and resource a panel of court-appointed experts, including from outside the Northern Territory, from whom the court may seek a report pursuant to section 149 of the Care and Protection of Children Act (NT).	Complete	Under consideration including resourcing issues to meet the requirements set out by the recommendation
34.06	<p>The Care and Protection of Children Act (NT) be amended to:</p> <ol style="list-style-type: none"> a. include a definition for the term 'recognised entity', which shall be any organisation approved by the Chief Executive Officer of Territory Families, as qualified and meeting relevant criteria, and able to participate and advise in child protection matters under the Care and Protection of Children Act (NT), and b. confer an entitlement on recognised entities to be heard in relation to a proceeding about a child. 	Complete	Significant work progressed and internal consultation that recognition of cultural authority would be appropriate in next stages of legislative reform.
34.07	Section 127 of the Care and Protection of Children Act (NT) be amended to delete the reference to 'mediation' and insert 'family group'. The section then be gazetted as coming into force as soon as practicable. The Care and Protection of Children (Mediation Conferences) Regulations be amended to reference 'family group conferences' for 'mediation conferences'.	Complete	This recommendation is not being progressed as described. It has been assessed as no longer necessary due to extensive practice reforms. Alternative models are being supported.

#	Recommendation	Status	Comment
34.08	Regulations be developed to provide for family group conferences, setting out who must and who may attend and how the conference may be facilitated.	Complete	This recommendation is not being progressed as described. It has been assessed as no longer necessary due to extensive practice reforms. Alternative models are being supported.
34.09	Amend: a. section 49 of the Care and Protection of Children Act (NT) so that a mediation conference must be arranged by the Chief Executive Officer if requested by a parent, the separate representative for a child or a recognised entity. b. section 49(5) of the Care and Protection of Children Act (NT) to specify that the Chief Executive Officer may not appoint an employee of Territory Families to be the convenor of a mediation conference.	Complete	This recommendation is not being progressed as described. It has been assessed as no longer necessary due to extensive practice reforms. Alternative models are being supported.
34.10	Section 129 of the Care and Protection of Children Act (NT) be amended to provide that a protection order directing short or long-term parental responsibility to a specified person cannot be made unless a family group conference has been held in the previous six months.	Complete	This recommendation is not being progressed as described. It has been assessed as no longer necessary due to extensive practice reforms. Alternative models are being supported.
34.11	Territory Families ensure access to Aboriginal interpreters as required.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.12	Territory Families ensure that their data management system formally records the languages spoken by families and their proficiency in English so that incoming and subsequent caseworkers have advance notice as to whether an interpreter is required.	Complete	Implemented.
34.13	Amend section 140 of the Care and Protection of Children Act (NT) to remove the words 'other than a temporary protection order', allowing an appeal to be made to the Supreme Court following the grant of a temporary protection order.	Complete	After consideration it was agreed the process of appealing a temporary protection order through the Supreme Court would be self-defeating and is not necessary.
34.14	Amend section 104 of the Care and Protection of Children Act (NT) to require the Chief Executive Officer to take reasonable steps, commensurate to the urgency of the application, to provide notice of the application to the parents of the child.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.15	Amend section 106 of the Care and Protection of Children Act (NT) to include the requirement that at the time the order is given to a parent of the child, the length and effect of the order, the right of appeal and information about how to appeal must be appropriately explained to the parent in their preferred language.	Complete	Addressed through the Care and Protection of Children Amendment Bill 2019.
34.16	Amend section 106 of the Care and Protection of Children Act (NT) to provide that where a decision is made to remove the child under a temporary protection order, a Family Support Centre must be informed about the removal of the child as soon as practicable after the decision is made, for referral to or to act as the recognised entity. This amendment to come into force when Family Support Centres have been established.	Complete	It is not proposed to create legal or statutory provisions regarding the operation of child and family centres.
35.01	Further research be undertaken in the Northern Territory to understand the characteristics and needs of children and young people who have been in both out of home care and detention, to identify the size and characteristics of the crossover issue, to measure the prevalence of trauma-related mental health issues within this group, and to identify the type of need and service requirements for this group. This research to be undertaken by the Crossover Unit mentioned below.	Underway	The Menzies School of Health Research has been engaged through the Child Youth Development Research Partnership to conduct the needs and characteristics of children and young people in detention and out of home care.
35.02	A joint protocol be developed between Territory Families, the out of home care service sector and the police to address the management and response to criminal behaviour in the out of home care environment, with an evaluation of the protocol carried out within two years.	Complete	A joint protocol has been developed, implemented and provided to all stakeholders. It will be reviewed as any operational issues arise and will also be subject to formal review and evaluation.
35.03	The Practice Integrity and Performance Unit continue to monitor the use of police callouts by out of home care providers with respect to the behaviour of children in their care	Complete	Addressed through a protocol developed to meet the recommendation. Reportable incident forms identify whether police were involved in an incident regarding a child placed with an out-of-home care provider.

#	Recommendation	Status	Comment
35.04	<p>The Northern Territory Government in conjunction with Menzies School of Health investigate the development of a tool appropriate for usage in the Northern Territory, the purpose of which is to identify young people for whom intensive support and intervention would be successful in avoiding involvement in the criminal justice system. Criminogenic risk assessments, if used in the child protection system in the Northern Territory, are to take into account:</p> <ul style="list-style-type: none"> i. the need for assessments to be properly validated in the different populations in which they are intended to be used, and ii. cultural, gender and ethnic differences, especially given the over-representation of Aboriginal children in both systems. 	Complete	The Menzies School of Health Research has been engaged through the Child Youth Development Research Partnership to conduct the research as specified.
35.05	<p>Territory Families:</p> <ul style="list-style-type: none"> a. create a Crossover Unit to oversee and manage children in care who fall within the crossover group b. engage specialised caseworkers with training in both child protection and youth detention in the Crossover Unit to work with children who have been, or are, in care and detention, to deliver and coordinate services targeting the needs of the child, to minimise the risk of offending or re-offending and work in co-ordination with any legal service representing the child, and c. develop flexible, dynamic services specific to the needs of crossover youth including: <ul style="list-style-type: none"> i. targeted services of high intensity, designed specifically for children in the crossover group ii. therapeutic models that focus on meeting the needs and changing the behaviour of the child while simultaneously addressing social and environmental risk factors, and iii. a mentoring and/or visitor program, to provide the prospect of additional adult connections for children in the crossover group. 	Complete	The Crossover Unit has been established to work with families who have concerns regarding Child Protection issues and Youth Justice involvement.
35.06	<p>Child protection caseworkers:</p> <ul style="list-style-type: none"> a. have regular face-to-face contact with any child in detention who is also under care and protection orders b. monitor the wellbeing of children in detention and ensure that their needs are being met, and c. be involved in transition planning for a child in detention from the time of their entry into detention, in consultation with detention staff, key stakeholders and the child. 	Complete	Addressed through policy and processes updates
35.07	A detailed plan for information-sharing and collaboration between workers in the child protection and youth justice sectors of Territory Families, and other relevant agencies, be developed.	Complete	The Information Sharing website, guidelines, flowchart and poster are readily available on the intranet. An updated fact sheet on information sharing responsibilities for Youth Justice Outreach workers was approved in June 2020.

#	Recommendation	Status	Comment
36.01	<p>The Northern Territory Government consult with Aboriginal communities and the non-government sector with a view to establishing a body, such as a task force, to work with the Northern Territory Government to:</p> <p>a. review the numbers of notifications based on sexual harm or exploitation of children, and the numbers of investigations and their outcomes</p> <p>b. gather further information and ensure ongoing data gathering on relevant sexual issues relating to children and young people, including but not limited to the rates and incidences of contraceptive use, teenage pregnancy and incidences of STIs</p> <p>c. review current policies and procedures relating to sexual matters that involve children and young people, including any pregnancy or STI-related child protection reporting obligations</p> <p>d. engage with communities, government bodies and relevant organisations about how to address sexual issues relating to children and young people, including:</p> <p>i. the incidence and reporting of child sexual abuse</p> <p>ii. child sexual abuse in care and in detention</p> <p>iii. counselling and support services available to abuse victims in care or detention</p> <p>iv. child and adolescent sexual health, including the rate of STIs, contraception use, pregnancy and fatherhood</p> <p>v. sexual behaviour or abuse by children and young people, and education programs for offenders, and</p> <p>vi. the need for and implementation of a comprehensive community education strategy.</p> <p>e. The body or task force to include representatives of Aboriginal communities and service providers in remote areas, including health professionals, Territory Families and police.</p>	Complete	<p>The Sexual Assault Referral Centre (SARC) oversees data for elements (a) to (d); which is monitored through NT Health's Child and Families Safety Committee (CFSC). CFSC has recently updated the Child Harm and Exploitation Mandatory Reporting Top End Region Health Service procedure and is working with data collection portal to ensure this reporting is captured, and SARC are attending regular meetings with TFHC and NT Police for better oversight of TFHC investigations into child sexual harm. Additionally, the recent implementation of NT Health Child and Adolescent Systems Reform Team will support obtaining the data from (a) to (e); and utilise this data to better inform care systems for children and adolescents who are experiencing harms. This work will support the increase in local skill base, and a smooth referral pathway of local ACCHOs and NGOs to respond locally to all areas of concern regarding child sexual exploitation and harm.</p> <p>The local Multi Agency Community and Child Safety Teams (MACCST) support any children and young people experiencing safety needs above others in their community, this includes child and adolescent sexual health, however the local MACCST do not have access to statistical data for (a) to (e) as this is not within their role remit. The MACCST Management Group and Working group do have oversight of a variety of statistical data which is utilised to assist in the development of Community Safety Profiles. To date, profiles have been published for Gunbalanya, Maningrida, Naiyu, Wadeye and Yuendumu/Wilowra/Nyirripi, and are currently in development for Tennant Creek, and do include STI-related information and AOD related admissions.</p>
36.02	<p>Territory Families implement:</p> <p>a. sexual health education programs for children and young people, directed at responding to sexualised behaviours</p> <p>b. counselling programs and other forms of therapeutic services for victims following an incident of sexual abuse or assault, and</p> <p>c. specialised expert programs for children and young people who perpetrate sexual abuse or assault on other children or young people</p>	Complete	Implemented.
36.03	<p>Territory Families review departmental policies and processes, identifying improvements to ensure that:</p> <p>a. any history of allegations involving sexualised behaviour or sexually abusive behaviour by children and young people is taken into account in the level of supervision and support afforded to the child or young person, and</p> <p>b. any history of allegations involving sexual assault or indecent assault is taken into account when placing detainees in shared facilities.</p>	Complete	Implemented.
36.04	<p>The proposed task force or body review current policies, processes or protocols regarding the health management of girls in care and who are under 16 with respect to:</p> <p>a. contraception, including contraceptive implants</p> <p>b. pregnancy, and</p> <p>c. termination for issues including informed consent, capacity, and age.</p>	Complete	Service provision within the NT Watch Houses are being managed through the transition of health services to the Aboriginal Community Controlled Sector. See also Rec 36.5

#	Recommendation	Status	Comment
36.05	The proposed task force or body develop policies and protocols regarding data collection, reporting and the introduction and use of audit processes for health professional decision making. Such policy and protocol development include the undertaking or commissioning of studies as appropriate.	Complete	<p>Measures underway and/or in place include:</p> <ul style="list-style-type: none"> * The NT's first ever Sexual Violence Prevention and Response Framework * NT Health's Sexual Violence Policy * The establishment of the Multi Agency Community and Child Safety Teams (MACCST) to identify those children and families who are at the greatest risk of harm. * NT Health's Domestic Family and Sexual Violence Reduction Strategic Plan (and accompanying Action Plan) * NT Health's Domestic and Family Violence Clinical Guidelines * Grant funding for specialist services to enhance counselling and outreach * The Sexual Assault Referral Centres (SARC) * The development of training for front line responders to respond to disclosures to sexual violence from children, young people and adults * The review of the guidelines on the management of sexual health issues in children and young people * A review of the Sexually Transmitted Infections in Children reporting guidelines and toolkit. * The development of the Toolkit for Managing Child Sexual Abuse * The measures in place provide for appropriate policy implementation and development. <p>The NT Framework includes actions over eight years. It includes implementing education programs for children and young people and a priority to review responses for children and young people engaged in harmful sexual behaviours. NT Health's strategic plan, action plan and clinical guidelines are directly aligned to the NT Framework.</p>
37.01	The internal oversight processes in Territory Families be responsive, transparent and timely and be staffed with highly skilled people who have the capacity to undertake investigative work of a high quality.	Complete	<p>TFHC Practice Complaints and Investigations Unit includes staff trained in Certificate IV in Government Investigations and with professional experience conducting investigations. The Unit liaises with external statutory bodies regarding complaint management and coordination including the Children's Commissioner, Health and Community Services Complaints Commission and the Northern Territory Information Commissioner.</p>
37.02	The Chief Executive Officer of Territory Families give effect to the provisions of sections 294-298 of the Care and Protection of Children Act (NT) by establishing a review team or teams to oversee the departmental operations of Chapter 2 and monitor the quality of the services.	Complete	<p>The Clinical Governance and Professional Practice Committee were formed to provide external oversight and assurance of service quality, and quality improvement in relation to care and protection and youth justice services. The Committee is comprised of five external members who are eminent professions in the fields of mental health, education, public health, justice and trauma informed.</p>

#	Recommendation	Status	Comment
37.03	<p>Territory Families:</p> <p>a. makes the complaints process more prominent on its website, providing a link on its home page to the complaints policy and a child-friendly version of this policy</p> <p>b. include in its Complaints Management Policy, practical guidance for its staff to inform clients about their rights to raise concerns and complaints</p> <p>c. record information in its complaints database about complaints made by children, with Territory Families reporting on these complaints in its Annual Report</p> <p>d. includes detailed information in its Annual Report about complaints it has received, including the types of issues, classes of complainant, outcomes and complainants' level of satisfaction with the process, and</p> <p>e. regularly survey complainants about their satisfaction with the complaints process and reports on the results of its surveys in its Annual Reports.</p>	Complete	Implemented.
37.04	<p>1. The Commission for Children and Young People monitor and report on how the Charter of Rights for children and young people is being implemented in the Northern Territory, pursuant to section 68A of the Care and Protection of Children Act (NT).</p> <p>2. Territory Families work with the Commission for Children and Young People to provide child-friendly complaints processes, including:</p> <p>a. reviewing the level of knowledge and understanding of the complaints process and the Charter of Rights among children in out of home care and ensuring that information is provided in easy-to-understand language, including for children whose first language is not English, and</p> <p>b. providing the Charter of Rights as an audio and video resource, in different languages, to cater for Aboriginal language speakers and those from culturally and linguistically diverse backgrounds.</p>	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
37.05	The Northern Territory Government consult with foster and kinship carers and the Foster Carers Association NT to develop complaints mechanisms for foster and kinship carers, as well as individuals who have applied for these roles.	Complete	Implemented.
37.06	Territory Families standardise complaints handling processes, including training for carers and residential workers about how to respond to complaints made by children.	Complete	Implemented.
37.07	The Commissioner for Children and Young People publish in its Annual Report the number of compulsory notices it issued under section 35 of the Children's Commissioner Act (NT) in that year and whether they were complied with, including any delays in compliance.	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
37.08	Amend Part 3.3 of the Care and Protection of Children Act (NT) to require the Commission for Children and Young People in conjunction with the Child Death Review and Prevention Committee to monitor Territory Families' implementation of coronial recommendations relating to children who died while in out of home care.	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
37.09	The functions of the Child Death Review and Prevention Committee be expanded to include the power to conduct case-specific reviews of serious cases of child abuse in out of home care where the child has survived.	Complete	Being considered through the establishment of the Commission for Children and Young People. The NT is consulting with stakeholders on the design of the new commission. Territory Families has improved its complain management processes and commenced distribution of complaints marketing materials for children and young people.
37.10	In light of recommendations the Commission has made in relation to the Office of the Children's Commissioner, the Children's Commissioner Act (NT) be amended to provide that the Children's Commissioner is the Convenor of the Child Death Review and Prevention Committee with statutory responsibility for its operations, with the Child Death Review and Prevention Committee adopting a more comprehensive and regular process for reporting on its monitoring of the implementation of recommendations.	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.

#	Recommendation	Status	Comment
39.01	The Northern Territory Government: 1. commit to a public health approach to child protection and the prevention of harm to children 2. establish consultation procedures with the sector, organisations and communities 3. carry out prevalence, needs, service mapping and service referral studies (the studies) to gather information about the needs of children, families and subpopulations, and what services are currently available to meet those needs 4. create and maintain a Services Register containing information about the services available in communities 5. establish an early support research unit, which would implement a research agenda relating to risk factors, service needs and evaluated outcomes, and 6. develop and implement an outcomes and evaluation framework.	Underway	The implementation of the <i>Safe, Thriving and Connected</i> Generational Change agenda has represented a public health approach to child protection and building healthy, resilient families. The outcomes of other recommendations also help address this recommendation. For example, the formation and function of the Tripartite Forum, the Generational Strategy Working Group, and the development and implementation of an evaluation project across the agenda.
39.02	Develop a 10-year Generational Strategy for Children and Families, to be led by the Chief Minister. This Strategy be based on the information gathered in the proposed studies and be overseen by the proposed Tripartite Forum and endorsed by the Children's Sub-Committee of Cabinet. The Generational Strategy for Children and Families include a strategic framework to govern services for families and children based on local service delivery, covering service location, design, selection, development, delivery, funding and evaluation and: i. plans for the delivery through the Family Support Centres of core services available to all families and services targeting high risk cohorts and prevalent risk factors for involvement in the child protection system, and ii. targets, benchmarks and outcome measures.	Complete	The strategy has been developed and is being considered by the Northern Territory and Australian Governments
39.03	Establish a network of no fewer than 20 Family Support Centres, their location to be based on information gathered in the studies and specified in the Generational Strategy for Children and Families, to: a. provide services to and support families and children b. help families understand the child protection system c. act as Recognised Entities, and d. act as an entry point in a dual pathway model.	Underway	The work to established Child and Family Centres (CFCs) across the Northern Territory is ongoing
39.04	The engagement of operators of the Family Support Centres not be by tender, but by a panel made up from the Northern Territory and Commonwealth Governments, including representatives of the Aboriginal community. The minimum criteria for selection to provide a Family Support Centre include: i. experience in service delivery in-depth knowledge and understanding of the Northern Territory Child protection system ii. extensive experience of working effectively with Aboriginal children, families and communities iii. the trust of the Aboriginal community as a culturally safe and competent service iv. the capability to be declared as a Recognised entity, and v. the highest standards of corporate and administrative governance.	Complete	Aboriginal Community Controlled Organisations are the preferred operators of CFCs and selection processes and policies are in place to ensure due and proper consideration is given to the skills and experience for each operator. Selection of the operator of each centre is done through a Local Decision Making approach that works with each community to agree on an approach to selection and the preferred provider. As well, individual communities participate in the process through Local Advisory Boards (consisting of community representatives).
39.05	Establish a joint Commonwealth-Territory Co-ordinated Funding Framework, setting policies for an agreed approach to the planning, funding and delivery of services for families and children in the Northern Territory.	Complete	The new Coordinated Investment Framework, along with the 10 Year Generational Strategy, has been developed and is being considered by the NT and Australian Governments
39.06	The Commonwealth Government participate in the funding of the Family Support Centres.	Complete	The Commonwealth Government notes that the Northern Territory Government is funding Family Support Centres without dependence on the Commonwealth Government
39.07	The Chief Minister of the Northern Territory to deliver an annual address to the Northern Territory Parliament on progress under the Generational Strategy for Children and Families.	Complete	Progress of the Strategy will be built into the implementation plan.
40.01	The Children's Commissioner Act (NT) be repealed and legislation passed establishing a Commission for Children and Young People, with jurisdiction for all children and young people in the Northern Territory.	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.

#	Recommendation	Status	Comment
40.02	The Commission for Children and Young People be provided with the resources and staff to ensure it can conduct its expanded functions, with two Commissioners, one of whom will be an Aboriginal person, and a minimum staffing level of 20 full-time equivalent employees.	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
40.03	The Commission for Children and Young People be provided with the following functions, in addition to those already contained within section 10 of the Children's Commission Act (NT): a. to consult with various stakeholders, including Ministers, Territory authorities, other bodies, including nongovernment bodies, all children, young people, their families and carers b. to promote and advocate for the rights and interests of all children and young people in the Northern Territory c. to advise, and make recommendations to Ministers, Territory authorities and other bodies (including nongovernment bodies) on matters related to the rights, development and wellbeing of children and young people d. to deal with complaints about: i. a service provider's failure to provide services to a vulnerable child that they were reasonably expected to provide ii. required services provided to a vulnerable child that failed to meet the standard that was reasonably expected, and iii. any complaints made by children or young people in relation to police e. to undertake inquiries in relation to: i. any systemic issue concerning children or young people, and ii. the treatment of a vulnerable child or young person in care or detention or at risk of entering detention or care f. to monitor Territory Families' internal complaint handling in relation to: i. children and young people in care ii. children and young people in detention, and iii. any complaints about harm in care g. to inspect: i. detention centres, residential facilities and any places that are required to be OPCAT compliant, and ii. any other place where a child who is in the child protection system resides, if a complaint of serious harm is raised h. to monitor the implementation of any recommendations made by a relevant inquiry i. to establish and monitor the Official Visitors Program j. to monitor the administration of the Youth Justice Act (NT) and the Care and Protection of Children Act (NT) and conduct a review of the operation and effectiveness of the Acts at least once every three years k. to undertake and commission research in relation to issues relevant to children and young people and provide a data collection function l. to report to the Minister/Parliament, and m. to provide community education to children and young people generally, with a particular focus on children and young people in care and education.	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
40.04	The Commission for Children and Young People be provided with functions that are compatible with the requirements of a National Preventative Mechanism as set out in OPCAT.	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
40.05	The Commission for Children and Young People should, in addition to the current powers of the Children's Commissioner contained within section 10(2) of the Children's Commissioner Act (NT), be provided with the following powers: a. to inspect a place where children are involuntarily held or routinely accommodated in an institutional setting, without prior notice b. a broader power to undertake inquiries at their own initiative c. to inspect any place where a child or young person who is involved with the child protection system resides if a complaint raising a serious risk of harm to the child is received d. when undertaking an investigation to be able to access information on: i. children and young people in the child protection and/or the youth justice systems, and ii. facilities where children and young people are held e. to be able to access documents while undertaking an investigation or inquiry, which otherwise may be subject to a legal professional privilege claim, and d. to require relevant departments or Territory authorities to provide reports in relation to compliance with recommendations, and the ability to have the response tabled in Parliament if the Commission for Children and Young People is dissatisfied with the response.	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
40.06	Upon completion of the inquiry or investigation, the Commission for Children and Young People can: a. recommend actions to service providers b. make recommendations to Territory authorities across portfolios c. provide a report to Parliament which must be tabled within six sitting days after being received, and d. publish the report and recommendations, if considered appropriate	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.

#	Recommendation	Status	Comment
40.07	<p>1. New legislation include a section analogous to section 43 of the Children's Commissioner Act (NT), requiring the Commission for Children and Young People to produce an annual report, and specify the matters that the report must address.</p> <p>2. There be an external review of the operation of the Commission for Children and Young People five years after the establishment of the Commission, examining whether the Commission is fulfilling its functions has sufficient resources is making appropriate use of its resources, and has an organisational structure that is appropriate.</p>	Underway	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
41.01	The Northern Territory Government develop a plan, in consultation with the Australian Institute of Health and Welfare, to work progressively towards complying with the Juvenile Justice National Minimum Data Set requirements within a reasonable time but not more than two years from the date of this report	Underway	The Northern Territory provided data compliant with the Juvenile Justice National Minimum Data Set in 2018.
41.02	The Northern Territory Government establish systems necessary to enable it to produce youth recidivism statistics for all its major programs and publish that data on an annual basis.	Underway	The NT Government allocated \$2.5 million to commission a Data Warehouse and Brokerage Service to address this recommendation. The project will, amongst other things, establish manual or automatic data linkages with other agencies which hold children's data. The work is ongoing.
41.03	<p>The Commonwealth Government commission the Australian Institute of Health and Welfare to:</p> <p>a. develop a nationally agreed definition or definitions for the collection of youth recidivism statistics</p> <p>b. collect and publish statistics on youth recidivism from around Australia, and</p> <p>c. provide technical support to states and territories to assist their collection of data under the agreed definition.</p>	Underway	The NT Government is working with the AIHW to consider and design a standard definition for youth recidivism.
41.04	The Northern Territory Government develop a plan to collect readily accessible data and produce comprehensive statistics on the number of young people referred to diversion programs and the outcomes of those referrals.	Underway	The work on data collection and linkages is ongoing.
41.05	The Northern Territory Government develop compatibility between the child protection and youth justice data systems for the efficient exchange of information.	Underway	Compatibility between the child protection and youth justice data systems has been scoped in the planning for the Client Management System Alignment (CMSA) project.
42.01	<p>The Northern Territory Government, as part of its review of the Care and Protection of Children Act (NT) and the Youth Justice Act (NT):</p> <p>a. consider whether optimal outcomes for children can best be achieved by a single Act, and</p> <p>b. establish a consultative working group, with input from children and young people who have direct experience of the child protection and youth justice systems, to guide this legislative review.</p>	Complete	The development of a Single Act for Children has been discontinued after significant consideration determined it no longer necessary, beneficial, cost effective or efficient.
43.01	Specific evaluation plans be established as a mandatory component of policy and program development, and as a means of assessing effective implementation of the Commission's recommendations.	Complete	Evaluation is now a mandatory component for funded programs following the implementation of the Budget Repair measures. Menzies School of Health Research has been contracted to undertake Stage One of the evaluation of the Safe, Thriving and Connected Generational Change Reform Agenda.
43.02	Outcomes from evaluation be used to establish a local evidence base to support the existence and funding of policies and programs.	Complete	A register of evaluations and reviews is maintained and used to inform policy and program development.

#	Recommendation	Status	Comment
43.03	The proposed Commission for Children and Young People: a. monitor and report on the Northern Territory Government's implementation of the Commission's recommendation for at least five years b. prepare a report annually for tabling in Parliament, and c. establish and chair an Implementation Monitoring Committee, with representatives from the Northern Territory and Commonwealth Governments, non-government and Aboriginal organisations, research bodies and other suitable persons, to assist in preparing the annual report on implementation	Complete	Intent addressed through draft amendments regarding unfettered access, scope of the Commission and change of name.
43.04	COAG agree to extend the mandate of the Steering Committee for the Review of Government Service Provision to report on state and territory progress against further specific youth justice and child protection indicators, as agreed by COAG, as part of its regular Overcoming Indigenous Disadvantage report.	Complete	This recommendation is now superseded with the dissolution of COAG and new indicators introduced under the New National Agreement on Closing the Gap.
43.05	The Children and Families Standing Committee and Children's Sub-Committee of Cabinet remain permanent bodies with a dual mandate of implementing reform, and guiding policy and operational strategy.	Complete	The Children and Families Standing Committee and Children's Sub-Committee of Cabinet have been established as permanent bodies.
43.06	The Children and Families Standing Committee and the Reform Management Office be run out of the Department of the Chief Minister.	Complete	The Reform Management Office is a whole of Government office accountable to the Children and Families Standing Committee.
43.07	A tripartite forum be established with representatives from the Northern Territory Government, Commonwealth Government and community sector, to coordinate and oversee policy and programs for children and young people in the youth justice and child protection systems. In doing so, the tripartite forum is to: 1. meet at least quarterly, and 2. deliver an annual report to the relevant Northern Territory and Commonwealth government ministers and boards of the member community organisations.	Complete	The Tripartite Forum was convened in June 2018. The Forum is comprised of representatives from the Commonwealth and Northern Territory Governments and the community sector represented by APONT, NAAJA and NTCOSS. The Forum meets quarterly and provides feedback to both governments as well as monitors the implementation of the Safe, Thriving and Connected reform agenda.
25.10.	The Youth Justice Act (NT) be amended to remove the restriction on police consideration of diversion in section 39(3)(c).	Complete	Addressed through the Youth Justice and Related Legislation Amendment Bill 2019.