

Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory Report

Mr GUNNER (Chief Minister): Mr Deputy Speaker, I table the report from the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory.

On Friday 17 November I received the Royal Commission's report into the detention and protection of children in the NT. I took that opportunity to apologise, to say I am sorry that the Northern Territory failed to care for and protect our children. The period of the Commission's report was the last 10 years. I said that I take responsibility for fixing the system so no future Chief Minister will have to address these same problems.

The failures of youth justice and child protection systems as outlined in the Royal Commission report are shocking. These services have not in the main helped children and families and nor have they helped keep community safe. The youth justice system was like a maze; there were lots of ways into it and very few pathways out.

The Royal Commission report made 142 findings and 226 recommendations. The key recommendation to youth justice were raising the criminal age responsibility to 12 years; replacing Don Dale with new, securer accommodation; establishing remote youth diversion programs with communities; establishing bail support services in all regional centres; establishing youth and children's court with a court president and reviewing and establishing more suitable youth diversion programs.

The key recommendation of child protection was reconsidering the outsourcing of out of home care; establishing a new housing service for children needing care up to age 25; requiring courts to consider if government has taken all reasonable steps to provide services to address risks of harm before removal is considered; mandating family group conferencing; establishing a dedicated crossover team for young people in care and detention, establishing no fewer than 20 family support centres.

There were also a number of governance changes recommended by the Royal Commission, including establishing a commission for children and young people; adopting a public health approach to child protection, developing a 10 year generation strategy for children and families; consider a single act for child protection and youth justice; establishing a tripartite forum with the Northern Territory government, the Commonwealth and community sector.

We will have to do a lot of work to define community. We spoke in detail with the Commissioners about what community was and they deliberately chose not to be prescriptive in how they defined community in their report. My government made some initial statements on Friday while we go through the process of considering the detail of the vulnerable youths report.

By and large, the Royal Commission has confirmed the policy direction of the Northern Territory government and our recent changes to the youth justice and child protection systems. In February we announced some historic changes that I think are worth mentioning in the House because they are starkly different to how things have previously been done and they are the start of a long journey of improvement.

An \$18m investment in youth justice has established teams of youth outreach workers in regional centres across the Northern Territory, and we have funded 52 positions across our regional centres. We will provide an additional \$6m per year for NGOs to deliver diversion programs. This includes

bail support and diversion DEBATES – Tuesday 21 November 2017 61 pathways, five new trained youth justice officers commenced work at Don Dale and Alice Springs youth detention centres.

We have amended legislation to ban the use of restraint chairs in detention centres.

We have made safe the existing detention centres including better education facilities in Alice Springs. We have introduced health and care services by Danila Dilba and Congress into our detention centres. An additional \$1.75m has been provided for after-hours youth services in Alice Springs and Tennant Creek and \$250 000 into Palmerston. Outside plans are entrained for government and non-government services to work together on a program of events for youth engagement and to keep our children off our streets.

For the first time, bail support accommodation has started in Alice Springs with full operations for both Alice Springs and Darwin starting before the summer holiday period.

Jesuit Social Services are now providing court-referred victim youth conferencing operating in Darwin, Palmerston and Katherine. This complements existing pre-court police conferencing in all regional centres.

In child protection, a draft early childhood plan has been developed and is out for consultation. Evidence shows that investing in our most vulnerable children in their early years can change children's pathways in life. We have co-designed, with the NGO sector in a staged dual pathways program an ultimate referral gateway that works with vulnerable families and children at the local community level and away from child protection.

In consultation with the NGO sector and the Australia government, we undertook a major review to improve family support services. Additional funding has been set aside for NGOs to deliver an expanded scope and range of family and parenting services.

We have developed pilot programs in Nhulunbuy and Alice Springs town camps to increase the number of kinship carers and making out-of-home care more culturally responsive and sustainable. We have developed, through funding to Foster Care NT, a charter of rights for kinship and foster carers. We have funded additional positions to support young people to make the difficult transition at 18 years of age from being in out-of-home care to living independently, a very difficult period in these children's lives.

We undertook a major overhaul of the case management system, reviewing policies and systems to focus on what is important to the child.

We support the Royal Commission's approach, and our reform program of the last 12 months aligns with that approach. We are looking at rehabilitation and building our kids up, not breaking them down, and doing everything we can to make sure Territorians are safe, our children are safe and that we are not engaged in a system that turns young children into adult criminal. That makes all people in the Territory safer.

In the short term, we will close the high security unit at Don Dale and planning for this is well advanced. Within three months we will complete planning for detention facilities to replace Don Dale in Darwin and Alice Springs, essentially the works program that the Royal Commission has asked for—and for us to present to the children's commissioner.

Last Friday I announced that my government will commit \$50m to build these new facilities across the Territory and we are looking for the Commonwealth to match that investment. They went halves

in the Royal Commission and we think it is reasonable that they are at the table for part of the solution.

They started the Royal Commission, they received the report from the Royal Commission and now we want to make sure they are part of delivering the response to the Royal Commission.

My government is fully supportive of core recommendations in the commission's report, including implementing a public health approach for child protection with greater involvement in the Aboriginal community controlled sector in family support and early intervention.

We are putting a greater emphasis on diversion at the point of police contact and alternatives to detention, providing bail accommodation to keep kids out of detention off the streets. We are expanding the role of the Office of the Children's Commissioner to exercise greater oversight and introducing a single act for child protection and youth justice.

My government is aiming for an initial, considered response by February and a final response by late March. The massive amount of work ahead will be led and coordinated by the reform management office based in Territory Families.

We have, based on lessons from previous inquiries, established a small dedicated team, funded for four years, to develop our response and then be responsible for implementation of our response. This makes sure we do not take existing people working in this area and stretch them. They already have full-time jobs.

For the successful implementation, we had to have an implementation team. This includes the vital roles of Education, Police, Housing and Health in delivering the changes recommended.

We do not want this report to be forgotten. There are many conversations to be had to develop our road map to deliver the significant changes the Royal Commission has recommended. Most of the problems addressed by the report affect Aboriginal people, so Aboriginal people must be involved in making decisions about youth justice and child protection. The Aboriginal voice must be strong and clear in both the planning and implementation of a new way forward.

The commissioners themselves—I had a conversation with Commissioner Gooda in particular, where he made it very clear that all children in the system need to be treated differently, whether that is on poverty or location. Differently, but not separately and I think that is an important distinction to make as we work our way through the Royal Commission because it involves all kids.

We have to make sure we are looking after all kids, but without doubt Aboriginal children are overrepresented when it comes to being in the youth justice system. That is something we have to work on and make sure their voices are heard loudly and there is genuine involvement.

That is more than non-government organisations; that is community. We have to make sure the community is empowered. Through the local decision-making framework being rolled out by the Northern Territory Government we are seeking to partner with Aboriginal communities to support them in shaping and controlling their own healthcare, justice systems, local governments and housing.

The fundamental to change is giving local families the ability to make decisions because they are the best decisions. Across government we have already made sweeping social reform that will help families and communities stay strong. We developed the 10-year early childhood development plan

to give kids the best start in life. We have introduced alcohol reform and are soon to introduce a domestic violence strategy.

We are spending \$1.1bn to give families in remote areas better houses with Room to Breathe and space for kids to enjoy peace and quiet. This is a big reform process being implemented over the next 10 years. Leadership will be required at all levels—families, communities, non-government sectors and government. I thank the Leader of the Opposition. We spoke on the day the Royal Commission report was handed down. He indicated his support for the direction of the Royal Commission and us working with the Commonwealth, and I appreciate that.

This will take a lot of support by many governments over many years, as well as those in our community, not just us alone. It includes the Australian Government. I will continue to work with the Australian Government. We do not want them to walk away now that we have a pathway through this. I thank them for being involved in the Royal Commission process to date. But the Royal Commission does not end with the handing down of the report. In many ways that is the beginning of the work of the Royal Commission. It is also where the leadership of the Australian Government is most needed.

Leadership through change is everyone's responsibility. It starts with the Territory, myself as Chief Minister, and extends through the public service. I thank everyone involved in the public service and the nongovernment sector for their generous cooperation, support and response to the Royal Commission. There was an incredible amount of work involved in getting us to where we are now.

I know the stats in the public service and I am sure from the private sector there are similar stats. There were 200 notices to produce, 70 witness statement requests and witness responses, and over 850 000 pages of documents. I have seen statistics on the viewing hours of CCTV footage, which was extraordinary. There was a significant workload for this. The public service worked nights and weekends above existing work hours to ensure they could deliver this. They were often working on other projects as well, especially the policy unit within the public justice, for example, was doing an extraordinary amount of work on the Royal Commission and policy.

The non-government sectors provided great clarity with their submissions and advise to government about what changes were needed to improve the system. I thank them for not just working with the Royal Commission through this process but for recognising that, as a government, we wanted to make change while the Royal Commission was going on, and they participated in that as well. We know they were stretched during this time. I thank everyone for their contributions.

We will have better youth justice and child protection services because of the work you have done. We have a clearer vision and pathway about how our community can raise our children. I believe this report and, most importantly, the actions generated in response to it will see us having better and safer children and families in the Territory.

We know we have to get it right in the first 1000 days of a child's life to make that massive change generationally in the Territory. But there is a lot of work for us to do at the pointy end as well of youth justice. The system goes all the way through the Territory and our community.

Once again, I thank everyone for all the work they have done. I thank the commissioners. I do not want to forget them. I thank both of them for this and for being in Darwin on Friday to hand it over to myself and Senator Scullion.

Ms WAKEFIELD (Territory Families): Last Friday on behalf of the Northern Territory Government and community the Chief Minister and I took possession of what is possibly the most important document that our government has received. We committed early in this term to act quickly and decisively to effect genuine reform in the child protection and youth justice system and now with the Royal Commission into the protection and detention of children in the Northern Territory tabling of this final report we can progress those efforts even further.

Over the duration of the Royal Commission the government worked alongside the commissioners in terms of both submissions of material and sharing our reform agenda. I want to echo the Chief Minister's sentiments about the amount of work that was done by the public service and our NGO partners during this period.

It is a testament to our commitment towards transparency and accountability and the hard working staff in our agencies that this cooperation was achieved. To every staff member who contributed to this important process I thank you for your efforts. I would also like to take the opportunity to acknowledge that despite the difficult reading that is the Royal Commission we have many good people within Territory Families doing great work every day, and this is very much about systemic reform rather than not acknowledging the individual work that many people do on a day-to-day basis within the organisation.

The report being tabled today has six volumes, 2000 pages and as our Chief Minister noted 142 findings and 226 recommendations. Of the recommendations it can be noted that 85 relate to the child protection system, 112 to the youth justice system and 29 to what can be described as implementation and governance.

Yet, if our approach to implementation of recommendations stopped within these three areas we would not be effecting meaningful change. I quote from the executive summary of the report which says:

Focussing solely on the youth justice and child protection systems fails to recognise the profound social, cultural and economic problems which confront many people in the Northern Territory today and in particular Aboriginal people.

Importantly we have established a reform management office whose mission is to ensure that this quote is not lost. The task before that office is to oversee and coordinate a whole-of-government approach to our reform agenda and our response to the recommendations of the commission.

Healthcare, justice systems, housing, family support, education all are critical in our efforts to empower families and communities for a safe and better future. A future where the Northern Territory thrives with connected and strengthened communities, resilient and healthy families and thriving children. A future in which all governments agencies have a role to play. This must be a system that supports all Territory children and families.

However, as also acknowledged by the Chief Minister Aboriginal children are over represented in the child protection and youth justice systems. Therefore Aboriginal communities and Aboriginal peak bodies will continue to lead and shape this reform agenda. Fundamental to meaningful change is giving the ability to make decisions that impact on Aboriginal people to Aboriginal people. This must be at the core of our shared future.

Territory Families has undertaken a range of consultations over the past year to engage with both the mainstream non-government sector and Aboriginal peak bodies and organisations. This has

included APONT, SNAICC, CREATE, Foster Carers Association NT, NTCOSS and NAPCAN to name but a few.

Secondments have been arranged between Territory Families and a number of NGOs, including APONT and Danila Dilba, where our agency staff have been placed within the non-government sector. Alternatively, we are welcoming a seconded person into the agency. This is about learning and growing together in true partnership, acknowledging each other's strengths and weaknesses.

These are early efforts, but the efforts demonstrate a genuine desire to collaborate and do things differently. To achieve real and lasting change in the areas of youth justice and child protection, it is not a question of who leads this change, but of everyone stepping up together, honest partnerships to enable earlier intervention for families and children that support rather than intervene, and avoid ever having to reach that crisis-driven response.

I am proud to say that the contents of this report provide a third party endorsement of our reform actions to date, with a number of its recommendations acted upon in our first 14 months of government. This government has got on with the job of delivering early reforms and improvements so desperately needed.

So much work has been progressed in a short period of time and I acknowledge what the Chief Minister said regarding our progress. A couple of other things that were not mentioned by him were that:

- We have introduced a restorative practice approach to trauma and full care training for those working in the youth justice system. We see this as a critical step and know that ongoing training and skill development of our workforce is the key to any reform.
- Co-design of soon-to-be-launched improvements to family support services targeted at achieving better connected support service focused on early intervention.
- The introduction of five-year funding arrangements to give security to NGO partners and their clients by ensuring that service providers are best able to budget, recruit and strategically plan for the future.
- The establishment of youth coordinator roles in Alice Springs and Darwin.
- Palmerston to act as a central point of contact for youth service coordination and support our non-government partners.
- Recruitment of transition from care officers to support children in care at that critical stage of life where they exit the system.

So much work has progressed in such a short period of time, but this work must, and will, continue in earnest. In responding to the Royal Commission recommendations, the changes will come to see legislative and financial implications. However, the biggest change required is a cultural one where our community as a whole recognise that the poor decisions of the past have led us to where we are today and nothing short of a fresh start will suffice.

There is, undoubtedly, a long road ahead to enact much-needed cultural change and early intervention and prevention to support people at the top of the cliff instead of at the bottom.

Mr Deputy Speaker, today's tabling of this document, along with our reform agenda and achievements to date, mark a moment in history as we diligently work towards supporting those who need it the most, working together to build a safer, fairer, stronger Northern Territory.

Ms FYLES (Attorney-General and Justice): Mr Deputy Speaker, no pressure. I acknowledge those members of the public in the gallery. I will keep my remarks short. I know that the Leader of the Opposition is keen to deliver a speech. It would be remiss of me not to acknowledge the Leader of the Opposition's wife. Apparently, the chutney is delicious. Not only do you need to send cakes - taking a moment away from the very serious matter that is before us on the agenda this evening.

I support the Chief Minister and Minister for Territory Families' comments in relation to the Royal Commission into the Protection and Detention of Children in the Northern Territory. I note that they have taken some time this evening while we are taking note of this report and tabling within our Assembly to reflect and talk about the plans that this government has.

It was last year, not long before the Northern Territory election that we saw those images on Four Corners and those young people had clearly done the wrong thing and had been placed in that detention facility by our court and justice system but those images we saw were disappointing and, as a mother, they moved me.

Yesterday morning, I note former ABC journalist that used to be based here, Kate Wilde, was on ABC radio talking about that it was some months before, as a community here in the Territory, we had become aware. As the Shadow Minister at the time, I had spoken to local media and we had had a number of reports by the Children's Commissioner, begun under the previous Children's Commissioner.

It was the images we saw of Four Corners that marked the beginning of what was the Royal Commission into Protection and Detention of Children in the Northern Territory. From that time, we have seen a significant body of work. I would like to commend all those involved on the completion of that huge amount of work that has taken place right across the Northern Territory and thank the Commissioners for their time, and everyone involved.

As the Attorney-General, I know that it has been a huge amount of work for staff in my agency. Across government, it has been a huge amount of work: Going back through old records, finding documents, providing those to the Commission, making sure that people have been afforded fairness and procedure. It has been a big body of work.

The Royal Commission into the Protection and Detention of Children in the Northern Territory, as we have heard this evening, makes over 220 recommendations regarding the reform of the Youth Justice Child Protection policy systems and legislation. As noted by the Chief Minister and Minister for Territory Families, following the publication the report on Friday, this government has already commenced reforms across youth justice, child protection, local decision-making, community safety and Aboriginal affairs just to name a few.

We began that body of work when the Chief Minister, then the Leader of the Opposition, acknowledged that those images were unacceptable and took responsibility for when Labor had been in government and going forward from when we elected to the privileged position of being the government and ministers in the Northern Territory, and taking on that responsibility. I know that the Minister for Territory Families has been working intensively alongside the Royal Commission, and we have been putting in place implementation for reform.

The recommendations in the Report cement the need for the Territory Government to work across portfolios, to improve government policies in order to achieve better outcomes for youth and children into the future. While youth justice and youth detention may fall within the Department of

Territory Families, my agency the Department of Attorney General and Justice, has a number of key responsibilities arising within the report.

These include court structures and consideration of criminal procedures such as bail and the age of criminal responsibility. The government has already committed to expanding the Office of the Children's Commissioner in line with the recommendations in the report, so it becomes a commission with powers that monitoring of the implementation of the Royal Commission and the inclusion of an Aboriginal Co-commissioner. The Government has also committed a significant allocation towards youth justice infrastructure, \$50 million.

I call on the federal government to come to table and to participate; and to make sure that we have the infrastructure. We are working on the programs, giving our children the best start in life but we need the federal government to be working with us.

This report provides further opportunity for the Northern Territory to consider ways to make lasting and substantial changes to these systems; to reduce the rates of reoffending, a key focus of the justice reform lead by the Department of Attorney General and Justice.

The department is already undertaking a body of work in the criminal justice space, including developing a whole-of-government justice framework, criminal justice reforms and an Aboriginal Justice Agreement. I announced the development of the whole-of-government justice reform framework in October last year. It was always intended that this framework would take the report's recommendations into its consideration before being finalised. When I announced the development of the framework, I noted that it would provide a way for agencies to work together to achieve a broad reform.

In developing the whole-of-government justice reform framework, the Department of Attorney-General and Justice has considered how a system-wide approach to justice may be achieved. The challenge for this framework is noted in the Royal Commission Report which emphasises that any reform must be considered in the context and complexities we have in the Northern Territory. This includes the challenges of delivering services across huge geographically dispersed and sparsely populated areas, challenges in the area of education, health, housing, homelessness and with the over-representation of Aboriginal adults and youth in our justice system.

The government has also committed to examining broader criminal justice reforms and has provided support to Territory families in the domestic violence reforms. The work in the criminal justice reform space will support the government in responding to the Royal Commission's recommendations and the report also places a significant focus on the importance of community and Aboriginal engagement to bring around long term, sustainable change. To this end, the Northern Territory government has committed to and is already developing an Aboriginal justice agreement to deliver better justice outcomes for Aboriginal Territorians. Consultation has been held across the Northern Territory and has been occurring since mid-year when we announced that body within the department of attorney-generals. It has been working with communities and Aboriginal peak bodies and that consultation will continue into 2018. It is meaningful conversation and consultation.

Communities are being visited multiple times and we are working with them around what they would like to see in an Aboriginal justice agreement. It will provide key support in responding to the Royal Commission's recommendations as it is specifically aimed to

- partner with Aboriginal Territorians
- reduce the high levels of disadvantage of Aboriginal people who reside in the Northern Territory

- develop strategies to address the high levels of incarceration of Aboriginal Territorians and assist with the reduction of re-offending
- reduce the high levels of over-representation of Aboriginal people more broadly in the Northern Territory criminal justice system
- provide Aboriginal people with services that support human rights, individual and community resilience
- provide a framework for agencies and the Aboriginal community to work in partnership to address the complex issues that result in the current levels of disadvantage for Aboriginal Territorians
- ensure that agencies do not work in isolation in the delivery of projects and programs
- deliver on the Northern Territory Government election commitments to engage with Aboriginal people in law and justice matters
- establish a model to provide options for the role out of traditional leadership in the local court system in the decision making process
- develop a management process for implementing, monitoring and evaluating the implementation of this agreement.

The government is committed to the long term reforms and we are committed to the long term reforms of the youth justice system and my agency will play its part in assisting the Minister for Territory Families to implement these important reforms. Reform is never easy. We have spent much of today debating the ICAC bill and the transformation reform that will come with the Northern Territory having its first ICAC. This is a huge challenge for the Royal Commission to implement the recommendations but we need to do it; we need to implement it for Territorians, those who are young, so we can give them the best start in life and the best opportunities, the opportunities we all want for our children. Our government is up to the task and will do the hard work across our portfolios to make the Territory a better place for all our families.

I join with my colleagues in calling on the commonwealth government to do its part, to step up and to invest in the Territory and these reforms. We have a clear road map before us and if we do this right we will start to drive the long term generational change we need in the Northern Territory.

I acknowledge the commissioners and thank them for their work and I thank all agency staff across the Northern Territory government and the NGO's who participated in this. I acknowledge the Department of Attorney-General and Justice and the enormous amount of work on that particular agency this year. I reiterate – we heard it from the Chief Minister and the Minister for Territory Families – the responsibility lays with all of us and I hope the assembly takes note of the report.

Motion agreed to; report noted.