

Completed Recommendations of the Royal Commission

November 2018

Recommendation		Action
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.	In November 2017 Territory Families closed B Block and commenced another round of renovations, including removal of bars and concrete window shields in the education room and replacement with Perspex, removal of grill mesh from windows in the dining room area and replacement with Perspex, and removal of bars which previously controlled access into A Wing and the education room. These works were completed in March 2018 and the centre was re-opened.
11.03	Restrictions on contact with family associated with security classification and behaviour management systems be removed.	Security classifications restricting family contact have been removed
11.05	Face-to-face visits with the families of detainees be facilitated through increased weekend visiting hours to strengthen and preserve family relationships.	Weekend visiting hours have been extended at Don Dale and Alice Springs Youth Detention Centres
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.	The NT repealed section 154 of the Youth Justice Act in 2017
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.	
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.	Legislation to ban the use of restraints was passed in March 2018 as part of the Northern Territory Government's youth justice system overhaul
13.02	The restraint chair should continue to be prohibited.	
13.03	The use of CS gas in youth detention centres should be prohibited.	The operational use of CS gas in youth detention centres was ceased in 2016.

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		This restriction does not apply to NT Police who may use CS gas when responding to dynamic situations in youth detention.
13.04	<p>The Youth Justice Act (NT) and the Youth Justice Regulations (NT) be amended to the following effect:</p> <ol style="list-style-type: none"> 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). 	Legislation to ban the use of restraints and limit the use of force and isolation was passed in March 2018 as part of the Northern Territory Government's youth justice system overhaul.
13.05	<p>Youth Justice Act (NT) and the Youth Justice Regulations (NT) be amended to have the following effect in relation to the use of force:</p> <ol style="list-style-type: none"> 1. use of force be permitted only in circumstances where all other measures have failed 2. the use of force be permitted only to protect a detainee, another detainee, or another person from physical injury 3. the use of force be only applied by persons trained and holding a current qualification in physical intervention techniques on children and young people 4. the use of force be proportionate in the circumstances, and take into account the detainee's background, age, physical and mental circumstances 5. 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 6. the superintendent ensure any detainee injured by use of force is examined by a treating doctor or nurse and clinical notes be recorded. 	
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.	
13.07	<p>The Youth Justice Act (NT) and Youth Justice Regulations (NT) be amended to regulate the use of strip searches to the following effect:</p> <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 	

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<p>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'.</p>	
<p>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:</p> <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 	<p>Legislation to ban the use of restraints and limit the use of force and isolation was passed in March 2018 as part of the Northern Territory Government's youth justice system overhaul</p>

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	<p>d. must have access to appropriate recreation material such as reading material.</p> <p>9. Isolation for the purposes of behaviour management or punishment is prohibited.</p> <p>10. Extendable periods in isolation beyond 24 hours are prohibited.</p>	
15.03	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	A revised training program for youth justice officers has been introduced. The program include suicide prevention training.
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.	The selection criteria for Youth Justice Officers were amended in 2018.
20.02	Youth justice officers be required to obtain a Certificate IV in Youth Justice in the first 12 months of their employment.	In April 2017, Territory Families introduced Certificate IV for Youth Justice Officers, however prior to this, staff were required to complete a Certificate III qualification. From July 2018, it is a pre-requisite that staff upgrade to the higher qualification.
20.03	<p>Youth justice officers participate in induction training before commencing work in youth detention centres which includes at least the following:</p> <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 5. de-escalation and mediation 6. use of reasonable force 7. use of restraint devices 8. trauma informed practice 9. cultural awareness 10. drug and alcohol awareness 11. mental health issues, and 12. staff well-being. 	Youth Justice Officer induction training has been refreshed in line with the recommendation during 2018.
21.03	A document retention policy, having regard to all relevant legal obligations, be developed and implemented	A document retention policy has been developed as part of the Records Management Toolkit

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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.	A document retention policy has been developed as part of the Records Management Toolkit. The superintendent's work place performance assessment includes adherence to this policy.
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.	A document retention policy has been developed as part of the Records Management Toolkit. The DCEO's work place performance assessment includes adherence to this policy.
22.05	Territory Families introduce a Detainee Representative Group program to enable detainees to meet formally each fortnight with the superintendent of youth detention.	A Youth Advisory Committee has been established and is co-chaired by a young person in detention
25.16	Territory Families investigate the development of electronic means of explaining bail and reminding young people of their bail obligations.	A suit of bail reforms announced on 8 February 2018 includes a Bail support line – 1800 BAILED is the new bail support line that will receive referrals from the Northern Territory Courts, Northern Territory Police, legal service providers and/or young people when conditional bail is being considered. Saltbush Social Enterprises operates the line 24/7, year round (including public holidays).
25.17	Electronic monitoring conditions should only be considered when there is no other alternative to remanding the child or young person in detention.	Electronic monitoring is applied in circumstances when there is no other alternative to remanding a young person in detention.
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.	A police directive has been issued requiring police to take all reasonable steps to contact a responsible adult as soon as possible and notify the young person's legal representative.
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.	The NT has committed 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 while the alternative facilities are planned and built.

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	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	Territory Families has updated the selection requirements for Youth Justice Officers and introduce an updated induction program that focusses on therapeutic approaches in youth detention.
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.	Territory Families audited the outcomes of notifications to Central Intake through the implementation of the Children's Commissioner's recommendations in response to Tennant Creek in 2018.
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.	Territory Families introduce one-child-one-case approaches in 2018 which requires that subsequent notifications are recorded against a child's record.
32.06	Territory Families: adopt a consistent definition of cumulative harm, and develop internal guidance for practitioners regarding the assessment of cumulative harm.	Territory Families developed and implemented guidance and training for practitioners on cumulative harm through the implementation of the Children's Commission's recommendations in response to Tennant Creek in 2018.
32.09	Territory Families develop a strategy to address the current backlog of overdue investigations.	Territory Families introduced one-child-one-case approaches in 2018 which will reduce the backlog of overdue investigations by investigating the circumstances of children holistically.
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	The NT is now compliant with the Juvenile Justice National Minimum Data Set
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.	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.	The Reform Management Office is a whole of Government office accountable to the Children and Families Standing Committee

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<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>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. It has held two quarterly meetings so far.</p>