

Media release

Keep Aboriginal children out of jail

The North Australian Aboriginal Justice Agency (NAAJA) has called on the Northern Territory Government to do more to keep Aboriginal children out of jails and watchhouses. The government this week in Parliament rushed through legislation lowering the age of criminal responsibility to 10 years of age and changing bail laws that will see more Aboriginal children in jail.

Ten year old children do not belong in jail.

NAAJA is a community controlled Aboriginal organisation that for 52 years has provided legal advice, representation and justice related services to Aboriginal people throughout the Northern Territory.

Just seven years ago next month the Don Dale Royal Commission reported that the NT's 'youth detention centres were not fit for accommodating, let alone rehabilitating, children and young people' and the 'poor condition of youth detention centres created the potential for harm to be caused to children and young people'. The youth justice and corrections system in the Northern Territory is already at breaking point and the legislative changes passed this week will only put more pressure on the system and see children put at risk.

Aboriginal young people account for around 95% of the youth detention population, although they make up just 43% of the total Northern Territory youth population¹ and the majority are in detention not because of a sentence by the courts 'but because they have been remanded in custody awaiting a hearing or outcome in their case.'² NAAJA's young clients who are never released on bail while awaiting an outcome of their matter are being kept on remand for an average of 137 days (197 days for children under 14) and only 23% of these young people are ultimately sentenced to a term of detention. Since 2021, four NAAJA clients under the age of 14 spent more than 250 days on remand before having the charges against them withdrawn or dismissed.

¹ Australian Institute of Health and Welfare. (2023). *Youth justice in Australia 2021-22*. Canberra: AIHW. Retrieved from <<https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2021-22/contents/state-and-territory-factsheets/northern-territory>>

² Commonwealth, *Royal Commission into The Protection and Detention of Children in the Northern Territory, Final Report*, Volume 2B (2017) 278.

1800 898 251

reception@naaja.org.au

www.naaja.org.au

ABN: 63 118 017 842

Darwin

61 Smith Street

Darwin NT 0801

Tel: 08 8982 5100

Free: 1800 898 251

Katherine

10 Third Street

Katherine NT 0851

Tel: 08 8972 5000

Free: 1800 897 728

Alice Springs

Level 2, 16 Hartley Street

Alice Springs NT 0870

Tel: 08 8950 9300

Free: 1800 636 097

Tennant Creek

61 Paterson Street

Tennant Creek NT 0860

Tel: 08 8962 1332

Free: 1800 636 097

Youth detention centres are not the place to protect and rehabilitate children, particularly while multiple reports about the state of youth detention in the Northern Territory have not been addressed.

At the core of the problem is continuing poverty, disadvantage, trauma and homelessness in Aboriginal communities as well as embedded institutional racism and a 'tough on crime' response by authorities. The new legislation passed this week in the NT does nothing to address these underlying issues and are targeted to Aboriginal people.

Natalie Hunter, one of the founders of NAAJA and a senior Nygina and Jabba Jabba women whose family have resided in Darwin for over 80 years said, *'kids don't belong in jail, they belong on country with their family. Some of our kids are being moved away from family, community and culture and dropped into the horror of Don Dale'*. Ms Hunter called on the government to take a different approach, *'Stop taking our kids away. Our children need health and support, tender loving care and not treated with torture and abuse.'*

The text of the draft legislation was only released on Tuesday and rushed through Parliament on Thursday. There was no public consultation or committee consideration. There should have been a joint approach between the government and Aboriginal organisations before the legislation was introduced to improve outcomes around youth incarceration. The lack of information about the legislation and the speed of its passage has caused confusion about the law and is likely to lead to unwarranted and unnecessary interactions with the police and the justice system. NAAJA is calling for a package of funding and policy changes to address the underlying causes of youth crime and greater support for the justice system as underpinned by the Aboriginal justice and closing the gap agreements, including:

- funding for NT Legal Aid and NAAJA to undertake community education and public awareness regarding the new legislation. This should not be led by the police or government agencies
- increased funding for NT Legal Aid, NAAJA, the Aboriginal Interpreter Service and the courts to address the expected increase of matters before the courts as a direct result of the new legislation
- a greater investment into diversionary programs led by Aboriginal organisations for Aboriginal youth at risk
- implementation of all recommendations from the Don Dale Royal Commission.

The government has rushed through this legislation without consultation and there is an urgent need for it to meet with the community justice sector and discuss the next steps in a considered and measured way.

Media contact

Comments in this media release other than direct quotes can be attributed to a NAAJA spokesperson.

Anthony Beven, 0419 218 518, anthony.beven@naaja.org.au

NAAJA MR2024-01

16 October 2024