

MEDIA RELEASE

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“Communities deserve to be safe – let’s work together to get there”

The Office of the Children’s Commissioner (OCC) acknowledges reports of the serious incident that occurred at Darwin Show on Saturday evening. The OCC does not condone violence in any form. Everyone in our community has the right to feel safe and attend community activities without fear for their safety.

The OCC supports evidence-based approaches to legislative reform and the development of crime prevention initiatives that address community safety. The re-write of the Youth Justice Act 2005 (NT) is a crucial opportunity to contemporise legislative approaches that guide the rehabilitation of children in contact with the youth justice system whilst balancing community safety objectives.

The OCC is concerned the re-write of the Act will miss this critical opportunity and have serious unintended consequences for a system already under significant strain and the children within its care.

Despite active attempts made by Children’s Commissioner Shahleena Musk to meet with and provide advice to the Minister and Department of Corrections on the re-write of the Youth Justice Act, the Commissioner has not been consulted on any aspect of the re-write.

“The Government promised to be transparent and accountable to the community. Despite this, they have failed to consult with important stakeholders with significant expertise to inform the development of effective laws and policy. We want Government to work with us on crime prevention initiatives that tackle the root causes of crime. The Government’s failure to listen is failing our children and our communities” said Commissioner Musk.

“On multiple occasions, I have written to the Minister, Commissioner and CEO seeking information on the scope and areas of reform and requesting to be involved in the process. To date, I have received limited high-level information on aspects of the re-write, but have not been consulted on any proposed changes.”

Any potential amendments that erode important safeguards on the use of force including use of restraints, separation and isolation practices will seriously compromise the safety of children and staff in youth detention centres.

These safeguards exist to limit and strictly confine the circumstances for permissible use of restrictive practices that can cause harm to children, building off recommendations from the Royal Commission and other Inquiries.



Protecting the best interests of Territory children

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“The way children are treated in detention is vital to their rehabilitation and achieving the community safety outcomes we all want to see. Any increased use of harmful practices like restraints, separation and use of force that is not regulated undermines a child’s ability to meaningfully reintegrate to the community.”

The OCC does not support the use of spit-hoods or spit-guards on children and reiterates the serious risks associated with the use of these sorts of restraints. No other Australian jurisdiction uses these restraints on children, when there are proven safer alternatives.

The OCC accepts there are occasions where the use of other restraints, separation or force may be required to ensure the safety of children and youth detention staff. Their use must always be as a measure of last resort, after exhaustion of alternatives and utilised in a way that is safe, for the shortest possible time and subject to strict recording and independent oversight.

Independent oversight of the youth justice system, and the practices that occur within it, are essential to good government and public accountability. Compliance with data recording and reporting requirements and review by the OCC are an essential check on whether actions by those in positions of authority are in accordance with law, relevant policies and procedures and maintain children's dignity and human rights.

“Independent oversight is essential to ensure the youth justice system is effective and responsive to the needs of children and prevents mistreatment and conduct that could amount to cruel, inhuman and degrading treatment. Independent oversight is vital to ensure the services Government provide in closed environments comply with the law and uphold community expectations of good governance”.

The priority of an effective youth justice system that enables community safety must be on rehabilitation and approaches that address the root causes of crime – trauma including experiences of family and domestic violence, poverty and disadvantage.

“Any proposed changes to the youth justice system, including laws and policies must prioritise early access to appropriate services and support for children at risk and their families. This includes adequate diversionary options that enable tailored responses to children and families who are struggling, wrap around supports to reengage with education, specialised disability and mental health services, cultural mentoring and drug or alcohol rehabilitation” said Commissioner Musk.

ENDS

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