

Terms of Reference

Youth Justice Review

Background

The purpose of the NT youth justice system is to provide targeted and specialist interventions to young people who are in the youth justice system and those who are at risk of entering it. By extension, the NT youth justice system can promote community safety by addressing and preventing offending behaviour in young people. The youth justice system is designed to rehabilitate and reintegrate young people who have offended.

The NT's youth justice system has undergone significant reform since 2016 to prevent and address youth offending behaviour, and to support families to prevent young people from offending. Much of this reform work has related to the implementation of the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission). This has included raising the minimum age of criminal responsibility from 10 to 12.

The NT Government invests \$82.8 million per annum in the youth justice system. This Review has been commissioned to make sure young people, the community and government are getting the most out of that investment.

This Review will examine whether our youth justice system fits today's settings, meets the needs and expectations of young people and victims of crime, and keeps communities safe. It is also an opportunity to consider the impact of the implementation of the Royal Commission recommendations, and how the current system is enabling the Northern Territory to meet its commitments under the National Agreement on Closing the Gap to reduce the representation of Aboriginal young people in youth detention.

Scope

Youth Justice System

Youth justice systems are generally categorised into the following four elements:

1. Prevention: Support for families to prevent young people from offending
2. Early intervention: Support for young people at risk of offending and their families.
3. Targeted responses: Initiatives for young people charged with an offence.
4. Detention: to keep everyone safe.

The Review will be focused on early intervention, targeted responses and detention. This includes the continuum of services and the legislative framework for managing children and young people between 12 and 17 who are at risk of offending or who have committed, or allegedly committed, an offence. It will encompass the roles and responsibilities of police, prosecutions, defence lawyers and courts, community youth justice and youth detention operations, and services delivered by government and non-government sector to young people as part of diversion, bail, detention and sentencing, including health and education.

Focus Areas

The Review will consider and make practical recommendations around the following focus areas:

1. System design
 - *Assess the current system, including pathways into and out of the system.*
 - *Assess the role and involvement of victims of crime in the system and identify potential improvements.*
 - *Assess whether the youth justice outcomes as set out in Northern Territory and national policies, including the National Agreement on Closing the Gap and 10-year Generational Strategy, are being achieved.*
 - *Identify emerging issues and trends in youth justice and offending since the Carney Review 2011 and Royal Commission 2017.*
2. Service delivery
 - *Assess the current service offering, including any gaps across the continuum of services, including family responsibility arrangements, bail support, rehabilitation and community reintegration services).*
 - *Assess the services and responses available to victims of crime.*
 - *Review the quality and effectiveness of the current service offering, and opportunities to transfer delivery of services to Aboriginal community control.*
3. Legislative framework
 - *Assess whether the existing legislative framework (including Youth Justice Act, Bail Act, Police Administration Act, Court Practice Directions), including recent legislative reform, supports a contemporary system design and service delivery continuum, and delivery of desired outcomes.*
 - *Make recommendation regarding any legislative change required to reduce youth offending and create safer communities.*
4. Workforce capacity and capability
 - *Identify the current workforce capability and capacity required across the system*
 - *Identify any opportunities or barriers to delivering the staffing required to support the system*
5. Funding
 - *Review current investment in the youth justice system*
 - *Identify any funding gaps or opportunities to leverage or reallocate existing investment.*
6. Governance and oversight
 - *Assess the adequacy of current governance mechanisms, including ministerial and agency roles and responsibilities and means of engaging community and key cohorts.*
 - *Assess the adequacy of current oversight and accountability mechanisms, including over the provision of services by external providers.*
 - *Determine the measures by which system performance should be determined.*

Membership

An Independent Review Panel will be engaged to lead the Review. The members of the Independent Review Panel will have the following skills, knowledge and experience:

- expertise in and advocacy for Aboriginal and Torres Strait Islander children's rights
- expertise in supporting victims of crime
- expertise in the legal profession

A Chair will be appointed from among the three members of the Independent Review Panel.

Independent Review Panel Members are appointed until 30 November 2024, when they will provide their final report to Government.

The Independent Review Panel will be supported by a Youth Justice Review team comprising a combination of senior government officials from the following agencies:

- Department of Territory Families, Housing and Communities;
- Department of the Attorney-General and Justice;
- Department of Health;
- Department of the Chief Minister and Cabinet;
- Department of Education; and
- Northern Territory Police.

The Review may engage with independent expert advisors with specialist expertise in areas covered by the Terms of Reference and/or seek additional support by an external consultant to ensure a comprehensive and well-informed assessment.

The Review will report to the Chief Executive Officer, Department of the Chief Minister and Cabinet (CM&C) and the Review team will be located in CM&C.

Methodology

The Review will be conducted through a combined methodology, including stakeholder meetings and interviews, document analysis, comparative analysis with other jurisdictions, data analysis, and a public call for submissions. Given the number of reviews and inquiries into the youth justice system that were explored and analysed through the Royal Commission, the Review will use the Royal Commission recommendations as a key reference point.

A range of stakeholders and existing bodies and cohorts will be consulted, including:

- young people, including those with lived experience of the youth justice system;
- broader community including victims of crime (through mechanisms such as Have Your Say);
- existing partnership and advisory groups and committees, including the Children and Families Tripartite Forum; Youth Justice Advisory Committee; Clinical and Professional Practice Governance Committee; and Northern Territory Justice Policy Partnership;
- service providers;
- academic institutions;
- business owners;
- Chamber of Commerce NT; and
- Northern Territory Police Association.

- Judiciary; and
- The Northern Territory Children's Commissioner.

Conflicts of interest

Members must act with honesty and integrity, be open and transparent in dealings, and avoid a position possessing a conflict of interest. Any actual or potential conflicts of interest must be reported to the Chair and to other members if it is likely to have an impact on a discussion or decision being made by the Independent Review Panel.

Members must avoid conflicts of interest, whether real, potential or perceived, between their duties to the Independent Review Panel and their personal interests, or to their duties to others. Those members who have, or acquire, a direct or indirect personal or pecuniary interest in a matter under consideration by the panel must disclose full details of the interest, to the panel as soon as reasonably practical.

If there is any doubt as to whether a conflict of interest exists, the member should err on the side of caution and declare the interest.

The Chair decides if it is necessary for the member to excuse themselves from the meeting when any discussion is taking place. The Independent Review Panel makes a decision on how to manage the conflict of interest, and records the reasons for that decision.

Ways to manage conflicts of interest include:

- agreeing that the member will:
 - not take part in any discussion of the panel relating to the interest;
 - not receive any relevant papers; and/or
 - be absent from the meeting room when discussion is taking place.
- divestment of the interest creating the conflict - for example, the sale of shares;
- severing the connection - for example, resigning from a position in another organisation giving rise to a conflict; and
- resigning from the Independent Review Panel.

Conflict of interest declarations must be communicated to the Chair in writing.

Deliverables and timeframe

The Review will commence on 30 March 2024, with a final report to be provided to the Northern Territory Government by 30 November 2024.

Regular progress reports will be made to the CEO of the Department of the Chief Minister and Cabinet.