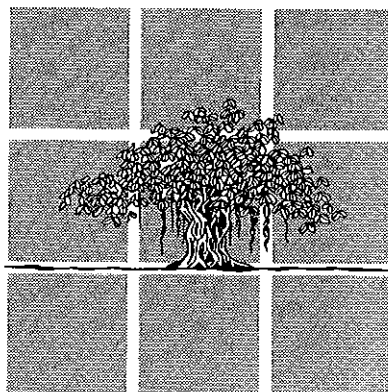


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JUVENILE JUSTICE IN THE NORTHERN TERRITORY: An overview of the 1990s

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JUVENILE JUSTICE IN
THE NORTHERN TERRITORY:
AN OVERVIEW OF THE 1990s

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INTRODUCTION:

A Juvenile Justice Amendment Bill 1995 has been proposed by the Minister of Corrective Services, Eric Poole, which: "seeks to have a detainee automatically transferred to prison on reaching the age of 17 years; allow a detainee to be discharged up to 5 days before the sentence formally ends; remove requirement for the Minister to be involved in disciplinary measures; enable the appointment of official visitors; and ensure that the sentence of a juvenile detainee does not continue to run while the detainee is at large".¹

The following is an overview of juvenile justice legislation and debate in The Northern Territory during the 1990s.

Attached is a list of existing Australian legislation in regard to juvenile justice.

Included in this research paper are some key articles to help you investigate the relevant issues associated with juvenile crime and legislation.

¹ "A Guide to New Legislation: Inside your Parliament", *Sunday Territorian*. 2.4.94.

**JUVENILE JUSTICE IN THE NORTHERN TERRITORY:
AN OVERVIEW OF THE 1990s**

In 1986 the Northern Territory Government separated the juvenile justice functions from the welfare sector and has since taken many initiatives to help reduce the incidence of juvenile offenders.

In April 1990 the Labor Leader Terry Smith brought attention to the inconsistencies of the Juvenile Justice Act, in that it covers children of ten years and over "But it appears there is no process to cover younger children".¹

The Juvenile Justice Amendment Bill and the Law Reform (Miscellaneous Provisions) Amendment Bill were passed on the 20th of August 1991 to come into effect on the 1st of January 1992. This Bill replaced the originally proposed Parental Liability Scheme introduced in February 1990. Daryl Manzie, the Attorney General, stated the new system would:

- * Allow the right of civil action and allow people to sue the parents of children who intentionally cause damage to their property, up to a maximum of \$5000.

- * Raise the maximum for restitution orders in the Juvenile Court from \$2000 to \$5000.

- * Make parents liable where their children (defined as a person under 17 years old) are not employed full-time and normally live at home.²

Some criticisms at the time of the debate over the bill included:

- * If parents are separated and a child destroys some of their own property, the courts may have to deal with one parent suing another.

¹ Smith, Terry (Labor Leader). "Media Release, 2.4.90.

² Manzie, Daryl (Attorney General). "Media Release", 1.7.91. Ref: D-0351-91.

* People (parents) become responsible for crimes they have not committed

* It will create more work for the already overcrowded courts as victims take civil action proceedings against parents.

* Parents must also pay \$100 per week if their child (16 years or less) is put into detention. Failure to do so, even in the case of financial hardship, could result in the parent being given the sentence of community service or a jail term.³

Since the introduction of the Bills the Jabiru Area School has successfully taken action for compensation against the parents of juveniles who sprayed graffiti on the school.⁴ On the 11th of November 1992, the Minister for Education and Training, Shane Stone stated that the legislation had not been used in significant claims, to date, but that his Department would be advertising the rights of schools to claim compensation from parents of vandals and that they would be given "the Government's full and unequivocal support".⁵

In October 1991 Attorney General Daryl Manzie and Correctional Services Minister Mike Reed requested details of sentencing patterns over the previous two years to "properly consider whether a review of sentencing under the Act was necessary"⁶

³ Lang, Steve. "Juvenile Crime Bills Stir Objection", *Sunday Territorian*. 18.8.91.

⁴ Reed, Mike (Correctional Services Minister). "Media Release", 12.10.92. Ref: R-0821-92

⁵ Stone, Shane (Minister for Education and Training, Public Employment and Arts). "Media Release", 11.11.91. Ref: S-0893-92

⁶ Manzie, Daryl (Attorney General) & Reed, Mike (Correctional Services Minister). "Media Release", 16.10.91. Ref: B-0585-91.

This press release was responded to by Neil Bell, Shadow Spokesperson for Employment, Education and Training, Arts and Attorney General. Bell stated that the issues involved in sentencing patterns could not be investigated without considering rehabilitation, as "concentration on punishment will have the effect of hardening young offenders and thereby exacerbate existing problems." Bell concluded that the Juvenile Justice Act must be examined twofold, "on the one hand, the need for punishment and, on the other, the need to rehabilitate offenders to take positive measures to prevent re-offence. It is only in this way that there will be less juvenile crime." ⁷

Daryl Manzie responded to Bell's media release saying that the Northern Territory Government's rehabilitation centre at Wildman River is recognised as one of of Australia's best. ⁸

The King Valley Station is a privately owned juvenile rehabilitation operation aided by Government funding since 1990. The station deals specifically with juveniles who have committed crimes because of alcohol. ⁹

The Don Dale Detention Centre was opened in November 1991 to house about 30 juveniles, replacing Malak and Giles Houses.¹⁰

At the beginning of 1992 a special squad was established in Katherine to specifically target juvenile crime after a rise in the number offences committed. The squad comprised of two police officers being dedicated to foot patrol 24 hours per day. ¹¹ A similar squad of plain clothed police was set up in Alice Springs. ¹²

⁷ Bell, Neil (Shadow Spokesperson for Employment, Education and Training, Arts, Attorney General). "Media Release", 17.10.91.

⁸ Manzie, Daryl (Attorney General). "Media Release", 18.10.91. Ref: J--0593-91.

⁹ Manzie, Daryl (Attorney General). "Media Release", 18.10.91. Ref: J--0593-91.

¹⁰ Manicaros, Ashley. "Facility Opens", *NT News*. 28.11.91.

¹¹ Beach, Cherie. "Squad Combats Juvenile Crime", *NT News*. 17.1.92.

¹² "Youth Crime in Focus", *NT News*. 31.5.92.

February 1992, saw Correctional Services Minister Mike Reed convene the inaugural annual workshop on juvenile crime issues with Government and non-government agencies examining what action could be taken to curb juvenile offenders. ¹³ The workshop exposed the statistics that Aboriginals represented 90% of juveniles sentenced and 80% of the remand population in the Territory. ¹⁴

The Crime Victims Advisory Committee, headed by a Northern Territory University psychology lecturer, Professor Ron Penney, instigated a scheme whereby juvenile lawbreakers were put face to face with the victims of their crimes, such as vandals in Katherine publicly apologising for damage they had caused.¹⁵ Another example involves detainees, not those directly responsible, being called upon as a 'rapid response team' to clean up vandalised schools or to be assigned to Community Service Orders. One further course of action is being implemented in Katherine where a Community Aid Panel system that assesses juvenile offenders has been established. ¹⁶

In November 1992, the Minister for Education and Training, Mr Stone announced that "In all future cases of vandalism to schools by children, the Department will assist victimised school(s) to seek restitution from the parents of these students" ¹⁷

¹³ Reed, Mike (Correctional Services Minister). "Media Release", 26.2.92. Ref: R-0166-92.

¹⁴ Thonemann, Abi. "Shock Data on Juvenile Crime", *NT News*. 29.2.92.

¹⁵ "Crime Scheme Faces Test", *NT News*. 26.5.92.

¹⁶ Reed, Mike (Correctional Services Minister). "Media Release", 27.10.92. Ref: R-0855-92

¹⁷ Stone, Shane (Minister for Education and Training, Public Employment and Arts). "Media Release", 11.11.91. Ref: S-0893-92

Legislation proposed in Western Australia in 1992 in response to a spate of fatal crashes involving juvenile offenders and innocent bystanders caused debate across Australia. The Federal Aboriginal Affairs Minister, Robert Tickner, claimed that the proposed laws could breach the United Nations treaties.¹⁸ The proposed legislation included jail sentences at the "governor's pleasure" for serious repeat offenders and a maximum 20 years jail for juvenile car thieves who cause death or injury.

Attorney General Daryl Manzie stated in a media release that he felt the Western Australian stance reflected a growing concern from the Australian community about increasing juvenile crime and the "perception in the community that the legal system is too soft on juvenile offenders." Manzie proposed that if the Northern Territory was able to implement stronger penalties it would place the court "in a stronger position to deter would-be offenders from ever starting a life of crime".¹⁹

The Western Australian Criminal Law Amendment Bill 1992 and the Juvenile Crime (serious and repeat offenders) Sentencing Bill 1992 was passed. A sunset clause allowed for the laws to lapse after 2 years and was perceived as a compromise made by the Government in light of the various opponents.

In the Northern Territory a report titled "Juvenile Crime Prevention" was presented by the Youth Policy Strategy Working Group, established in 1992. The report found:

- * Since 1984 there has not been an increase in juvenile crime statistics in the Northern Territory.
- * Between 1991-92 there has been a 24% decrease.
- * Juvenile crime is generally "minor or petty" and rarely of a violent nature.
- * A small number of young people (40 in Darwin & 19 in Alice Springs) appeared to be responsible for the majority of crimes (60-70%).

¹⁸ "Premier Expects Legislation Fight", *NT News*, 27.1.92.

¹⁹ Manzie, Daryl (Attorney General). "Media Release", 30.1.92. Ref: M-0056-92.

* 84% of young offenders were only charged once.

* 70% of repeat offenders do not enter the adult justice system. ²⁰

In March 1993 the Juvenile Crime Workshop was held in Berrimah Police Complex where Eric Poole, the Correctional Services Minister, stated that "the total number of probation commencements during the year dropped from 274 to 126, with the percentage of Aboriginal juveniles in this area dropping from 76 per cent to 67 per cent...Remand commencements dropped from 176 in 1991 to 112 in 1992, with the percentage of Aboriginal juvenile dropping from 80 per cent to 67 per cent". In regards to detention, in 1991, 95 juveniles were sentenced, with nearly 90% being Aboriginal. In 1992 the number of detainees was 64 with 68% of them Aboriginal. Mr Poole admitted although there had been improvements made in the area of juvenile justice through programs, there were still areas on which the Government would concentrate. The workshop listed 19 recommendations, including:

1. Community Justice Panels (such as the one operating in Katherine)
2. NT Youth Policy Review
3. Formulation of research projects related to juvenile offending
4. Solutions for young Aboriginal people in contact with the law. ²¹

Darwin hosted the first Australian Institute of Criminology National Conference on Juvenile Detention in August 1993. Eric Poole, the Correctional Services Minister, saw the conference as an opportunity to exchange ideas and network on an international basis. Mr Poole stated that in 1992 there were 3 juveniles being held in prison and in two in 1993. Mr Poole stated: "We are all aware of the potentially damaging and contaminating effects that the adult prison system can have on juveniles, even when they are segregated from the adult prison population". ²²

²⁰ Poole, Eric (Correctional Services Minister), "Media Release", 22.1.93. Ref: E-0016-92

²¹ Poole, Eric (Correctional Services Minister), "Media Release", 18.3.93. Ref: E-0205-93.

²² Poole, Eric (Correctional Services Minister), "Media Release", 10.8.93. Ref: E-0668-93.

In April 1994 the Juvenile Crime Workshop was held in Alice Springs with the theme "Crime Prevention - Whose responsibility is it".²³ The workshop aimed to formulate policies and ideas to help alleviate juvenile crime in the Northern Territory.²⁴ Twenty three recommendations were tabled, to be examined by an inter-Departmental working group within the Alice Springs region.²⁵ Recommendations were made on the following issues: substance and alcohol abuse, alienation of youth, juveniles as victim and traditional ways of dealing with law.²⁶

²³ Poole, Eric (Correctional Services Minister), "Media Release", 6.4.94. Ref: E-0297-94.

²⁴ Poole, Eric (Correctional Services Minister), "Media Release", 5.4.94. Ref: E-0295-94.

²⁵ Poole, Eric (Correctional Services Minister), "Media Release", 1.9.94. Ref: E-0826-94.

²⁶ Poole, Eric (Correctional Services Minister), "Media Release", 8.4. 94. Ref: E-0312-94.

LEGISLATION RELATING TO JUVENILE CRIME IN AUSTRALIA:**Northern Territory:**

Juvenile Justice Act 1987

Juvenile Justice Adendment Bill 1995 (proposed)

Australian Capital Territory:

Children's Services Act 1986

Queensland:

Children's Services Act 1965

Young Offenders (Interstate Transfer) Act 1987

Juvenile Justice Bill (proposed 1992)

Children's Court Bill (proposed 1992)

New South Wales:

Child Welfare Act 1939

Community Welfare Act 1987

Children's (Criminal Proceedings) Act 1987

Children's Court Act 1987

Children (Interstate Transfer of Offences) Act 1988

Children (Detention Centres) Act 1987

Children (Care and Protection) Act 1987

Children (Community Services Order) Act 1987

Crimes (Children Prostitution) Amendment Act 1988

Sentencing Act 1989

Summary Offences Act 1988

South Australia:

Children's Protection and Young Offender Act 1979

Tasmania:

Justice Act 1959

Child Welfare Act 1960

Probation of Offenders Act 1973

Victoria:

Children and Young Persons Act 1989

Community Services Act 1987

Western Australia:

Community Services Act 1972

Legal Representation of Infants Act 1977

Child Welfare Act 1984

Children's Court Act of Western Australia Act 1988

Child Welfare Amendment Act No.2 1990

Criminal Law Amendment Act 1992

Crime (Serious and Repeat Offenders) Sentencing Act 1992

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