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Introduction

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PART B

A snapshot of issues

A range of issues arose throughout this Review that were beyond the scope of the terms of reference. However, a snapshot of some of these issues is provided in this part of this chapter. It is important to note that this merely represents a snapshot of issues and not a detailed analysis. Issues include the causes of youth crime, regional and remote issues, challenges facing the non government sector, gender and cultural issues, mental health and alcohol and other drug concerns, and an introduction to the various cultural issues impacting on young people.

Causes of youth crime

Young people engage in criminal activity and antisocial behaviour for many reasons, including family issues, boredom, substance abuse and mental health issues. The underlying motivators for youth crime are however complex, linked to the young person's development, and vary between males and females.

Young offenders typically commit minor breaches of the law that may be described as 'nuisance' crimes, such as vandalism, shoplifting and graffiti.³⁹ It is less common to see young offenders charged with serious offences such as murder, sexual assault, fraud, drug offences and acts intended to cause injury.

Young offenders are more likely to commit offences that are opportunistic, attention seeking and risky,⁴⁰ are often apprehended in groups and often commit offences that occur in public places. By comparison, adult offending is often planned, hidden from public view and is driven by a particular intent.⁴¹

Causes of youth crime are difficult to define; however, there is general agreement regarding the factors that increase susceptibility to criminal or antisocial behaviour in youth:

- disconnection from education
- poor parenting environment (such as family violence or substance misuse)
- abuse or neglect (this is particularly the case for young women)
- negative peer influence

39 Kelly Richards, *What Makes Juvenile Offenders Different from Adult Offenders?* Trends & Issues in Crime and Criminal Justice No 409 (2011) Australian Institute of Criminology 3.

40 Christopher Cunneen and Rob White, *Juvenile Justice: Youth and Crime in Australia* (3rd ed, 2007).

41 Ibid.

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- economic and social disadvantage (such as family or community experiencing long term unemployment and a lack of social supports)
- gender (young men are far more likely to commit offences than young women).⁴²

Most young offenders differ from adult offenders psychologically, sociologically and biologically.⁴³ Many young people engage in antisocial, experimental or risk taking behaviour at a time when they have not yet learned to control their responses, regulate their emotions or calibrate risk in the same way as adults. This period of development has been likened to 'starting an engine without yet having a skilled driver behind the wheel'.⁴⁴

The proportion of adolescents who make contact with the criminal justice system is low. Of the estimated 53 100 young people residing in the Territory⁴⁵ during 2010–11:

- 639 were apprehended by police
- 1192 youth matters were lodged in the courts
- 39 were in juvenile detention on any given day.

However, as outlined earlier in this chapter, there are some increasing trends.

Regional and remote issues

Geography and population in remote and regional areas

The Territory covers a large area, comprising around 18% of Australia's land mass and encompassing a spectrum of wet–dry tropics, savannas and desert environments. It is characterised by large geographic distances between sparsely populated regional and remote communities. Darwin and Alice Springs are where the bulk of the population resides, and are where the most youth crime is recorded.

While numbers are relatively small, Indigenous people constitute about 30% of the total population. According to the 2006 Census almost 32% of Indigenous people resided in major cities; 21% lived in inner regional areas; 22% in outer regional areas; 10% in remote areas and 16% in very remote areas.⁴⁶ By contrast, non Indigenous Territorians resided mainly in major cities (69%) with less than 2% living in remote and very remote areas.⁴⁷

42 See Don Weatherburn and Bronwyn Lind, *Poverty, Parenting, Peers and Crime Prone Neighbourhoods*, Trends & Issues in Crime and Criminal Justice No 85 (1998) Australian Institute of Criminology; Cindy C Cottle, Ria J Lee and Kirk Heilburn, 'The Prediction of Criminal Recidivism in Juveniles' (2001) 28 *Criminal Justice and Behaviour* 367; Mark Lynch, Julianne Buckman and Leigh Krenske, *Youth Justice: Criminal Trajectories*, Trends & Issues in Crime and Criminal Justice No 265 (2003) Australian Institute of Criminology and Don Weatherburn, Rachel Cush and Paula Saunders, *Screening Juvenile Offenders for Further Assessment and Intervention*, Crime and Justice Bulletin No 109 (2007) NSW Bureau of Crime, Statistics and Research.

43 Richards, above n 39.

44 Laurence Steinberg, 'Cognitive and Affective Development in Adolescence' (2005) 9 *Trends in Cognitive Sciences* 69, 67.

45 ABS, *Population by Age and Sex, Regions of Australia, 3235.0* (2010) Canberra. Note this data refers to the most recently available population projections for young persons aged under 15 in the NT, as at 30 June 2010

46 ABS, *Population Characteristics, Aboriginal and Torres Strait Islander Australians, 4713.0* (2006) Canberra, cited in Australian Human Rights Commission, *A Statistical Overview of Aboriginal and Torres Strait Islander Peoples in Australia* (2008) 16.

47 Ibid.

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Geographic and population issues make delivery of services and responses to young people who are in, or at risk of entering, the youth justice system very difficult. However, the *Working Future* framework seeks to improve the lives of Territorians living in remote areas by working together to make towns and communities better places to live.⁴⁸

While there is no part of the framework that is specifically designed for young people, the issues for young people intersect all areas.

Non government organisations

The non government sector is a critical network in the delivery of services in the Territory's youth justice system. Non government organisations (NGOs) are funded by the Australian, Territory and local governments and deliver specialised services on behalf of government including early intervention, prevention and therapeutic programs.

NGOs have the capacity to respond quickly to their clients, identify and address issues and deliver tailored programs. They are flexible and accessible to young people.

Across the Territory NGOs provide critical services to young people in a variety of areas, such as:

- accommodation assistance (e.g. finding accommodation options and supported accommodation)
- employment
- education and training
- legal advice
- life skills
- parenting education and assistance
- physical and mental health assessment
- alcohol and other drug education
- police diversion.

The following summarises the major issues that impact on the youth service delivery sector in regional and remote areas.

⁴⁸ Northern Territory Government, *Working Future: Overview* <<http://www.workingfuture.nt.gov.au/Overview/overview.html>> at 5 August 2011.

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Workforce issues

NGOs struggle to compete with the government sector in attracting, retaining and remunerating youth sector workers.

There is an imbalance in terms of salary and work conditions for those in the NGO sector compared to the government sector. Northern Territory Government employees are employed under the *Public Sector Employment and Management Act* and other conditions as determined by the Commissioner for Public Employment. The majority of NGO sector employees are engaged according to the conditions administered by the Social, Community, Home Care and Disability Services Industry Award, which is a federal award.

Work in the youth sector is highly specialised and undertaken by a passionate and committed workforce that is vulnerable to issues such as maintaining physical and mental capacity for extended periods in high pressure environments.

Issues that were frequently raised throughout the Review by the NGO sector focused on the capacity to attract and retain skilled youth workers who can commit to an organisation for the medium to long term. The transient nature of the workforce makes establishing and maintaining meaningful long term relationships with young people more difficult. This is a significant challenge; however, work underway by the Department of the Chief Minister's Social Policy Unit seeks to address workforce attraction and retention issues in the NGO sector and create a level playing field between the conditions for government and non government social service workers.

Management and frontline youth sector workers identified a lack of qualified Indigenous liaison officers and youth workers with the capacity to specifically connect with young Indigenous people and their families. The involvement of more Indigenous employees with an understanding of culture and family structures would significantly contribute to the development and strengthening of support networks and workforce capability in the NGO sector.

Information sharing and collaboration

The sharing of information between government agencies was an issue that arose during consultations as well as in several submissions. The challenges are discussed throughout this report.

During the consultations, many youth sector workers also expressed concern at the lack of communication between government and NGOs. It is difficult for an appropriate combination of programs to provide a 'wrap around service', or intensive, individualised care for youth with serious and complex needs, if there are barriers to the sharing of information. The need for government agencies and NGOs to work together is paramount, and the slow or uncoordinated sharing of information between the sectors is a concern noted by the Review.

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Program funding

NGOs are restricted by program funding cycles and often short term timeframes for long term issues.

Program funding was a consistent concern raised during the consultations. Areas of concern included:

- applying for grant funding
- amount of money available
- timeframes
- program funding criteria.

NGOs commented that the time consuming process of developing a funding application and other administrative procedures, such as funding acquittals, were a barrier to service delivery and achieving outcomes for young people. Program evaluation was also limited due to the administrative burdens experienced.

Another concern raised by NGOs was program continuity. NGOs commented that often a specific youth focused program would be funded, successfully run for a limited period of time and then not re-funded or subject to an evaluation process. This means that, at times, beneficial programs generating positive outcomes would not receive ongoing funding.

This is an issue about which the former Territory Coordinator General for Remote Services Delivery wrote: 'if all of that money and expertise was pooled and managed more strategically toward implementing a coherent and effective plan, then some decent outcomes may emerge'.⁴⁹

It should be noted, however, that there are instances where government is unable to release funds for longer periods of time. An example of this is the Community Benefit Fund which is funding from gambling revenue. The total amount of available funds varies from year to year.

Program replication and service delivery gaps

The Review was advised that many separately funded organisations compete with each other to deliver similar youth services within the same market space and in the context of a limited funding pool. For example, both the Northern Territory and the Federal governments fund Tangentyere Council and Congress to deliver a youth night patrol in the central business district in Alice Springs alongside the DCF Youth Outreach Service. The Review was advised that this type of replication of services is not isolated to one area.

⁴⁹ Department of Housing, Local Government and Regional Services, *Northern Territory Coordinator General for Remote Services: Report 4 December 2010 to May 2011* (2011) Northern Territory Government, Darwin, 103.

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At the same time, some NGOs noted that there is no mechanism to replicate successful programs from one community or region to another.

The Territory has a range of services directed specifically at the youth sector. While the Review was advised that many services are replicated within a region by several providers, there are obvious gaps in the provision of other services. *The Youth Justice Act* (YJA) refers to a number of potential youth services, not all of which are currently in use in the Territory. Pre sentence conferencing is one example, along with bail programs and established community services programs.⁵⁰ The need for expanded youth programs is discussed throughout this report.

A coordinated approach to service delivery, more targeted allocation of funding and program evaluation are essential if better results are to be achieved.

While the Review acknowledges the important role *Working Future* will play in bringing together a coordinated approach to service delivery in identified Growth Towns, there is also a broader issue of strategically aligning NGO services and funding with the government priorities.

The cycle of applying for funding, the need to retain a skilled workforce and strong competition within a small, geographically isolated and dispersed market make the delivery of youth services, particularly in regional and remote areas, difficult.

Many NGOs consulted advised of what they believed is a fragmented approach in the provision of funding and delivery of services.

Gender and cultural issues

Gender issues

While young men comprise most of the offenders in the system, over the past five years the number of young women entering the Territory's youth justice system has generally trended upward.⁵¹

This increase is not unique to the Territory; nationally incarceration rates for young women have increased more rapidly than for young men. The increase in imprisonment of Indigenous women has been much greater over the period compared with non Indigenous women.⁵² The national Indigenous female imprisonment rate has increased by 34% between 2002 and 2006 while the imprisonment rate for Indigenous men has increased by 22%.⁵³

50 NTCOSS, *submission 19*, 7.

51 AIC, above n 1.

52 Margaret Cameron, *Women Prisoners and Correctional Programs*, Trends & Issues in Crime and Criminal Justice No 197 (2001) Australian Institute of Criminology, cited in Australian Human Rights Commission, above n 46.

53 Steering Committee for the Review of Government Service Provision, Productivity Commission, *Overcoming Indigenous Disadvantage: Key Indicators 2007* (2007) Canberra 128, cited in Australian Human Rights Commission, above n 46.

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Indigenous women are also 23 times more likely to be imprisoned than non Indigenous women, while Indigenous men are 16 times more likely to be imprisoned than non Indigenous men.⁵⁴

One of the drivers for an increasing number of young females in the youth justice system is related to their victimisation. Citing the Australian Human Rights Commission, the Office of Women's Policy (OWP) advises that 'Aboriginal girls are six times more likely than non Aboriginal girls to be the victim of substantial abuse or neglect and more likely to be a victim of violence'.⁵⁵

In the same submission, OWP notes that young women are more likely to experience gender based violence, experience harassment and be the victims of sexual violence, and:

There is now significant research establishing links between female adult offenders having experienced sexual violence and abuse while young, leading to untreated post traumatic stress, substance misuse, homelessness, poverty and their eventual pathway into the justice system[s].⁵⁶

A number of people in remote communities advised the Review of an increase in the level of violence in which adolescent girls participate. Online social networking mediums, such as Divas Chat (also known as 'Diva Chat'), were suggested as a driver of this increasing violence.

Divas Chat is a popular social networking medium used by young girls in remote communities to communicate, gossip and share interesting news. It is often used in negative ways causing jealousy and, on occasion, form the basis for bullying and ongoing hostilities. Divas Chat operates in real time. Idle gossip often escalates, resulting in violence and involving other family members and the wider community. This was a significant issue during the consultations in remote Indigenous communities.

Young women also face unique needs as young mothers. Teenage births are more common among Indigenous women than among other women. For example, in 2006, the teenage birth rate among Indigenous women rose to be more than five times the overall Australian teenage birth rate.⁵⁷

Girls and young women should be recognised as a vulnerable target group when considering youth justice issues and policy formulation, to ensure their numbers in the criminal justice system do not reach parity with those of young males.

It is also important to recognise and address particular issues relating to male offenders, given the overwhelming predominance of this group in the youth justice system. The Review acknowledges that further exploration of gender based drivers for both male and female youth offenders is warranted.

⁵⁴ Ibid, 129.

⁵⁵ DCF, *submission 5(b)*, 4.

⁵⁶ Ibid.

⁵⁷ ABS, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 4704.4 (2008) Canberra, cited in Australian Human Rights Commission, above n 46.

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Cultural issues

Language and cross cultural barriers are experienced by many young people, particularly young Indigenous Territorians negotiating the criminal justice system. Of the total number of 3386 young people apprehended between 2006–07 and 2010–11, 76%, or 2582 of the youth were Indigenous.⁵⁸

National and international research shows that there will be better outcomes for Indigenous people when their communities and leaders have succeeded in taking steps to ‘preserve their heritage culture, and ... control their own destinies’.⁵⁹ Many submissions to the Review supported this. For example, the NAAJA and AMSANT submissions identified cultural reconnection and healing programs as an important way of assisting Indigenous youth. They also suggested that mental health and healing programs will be most effective when they work to reconnect young Indigenous people with their cultural identity.⁶⁰

Cultural issues for all young people are an important factor in understanding and addressing youth crime in the Territory. Culturally appropriate systems and processes embedded in the youth justice system will ultimately lead to better outcomes for young people.

Mental health and alcohol and other drugs

Nationally, suicide is the leading cause of death of young people (aged 15 to 24 years)⁶¹ and young people are the least likely demographic to seek professional help for a mental health problem.⁶²

There is prevalence of alcohol and other drug issues affecting young people; however, exact numbers, with the exception of referrals to the VSA program delivered by the Department of Health could not be obtained.

Evidence from other jurisdictions and anecdotal evidence presented to the Review suggests there are many young people in the criminal justice system with substance abuse issues, such as alcohol, illegal drugs and volatile substances, and these problems are increasing. The Review was advised that many of these young people have never received any form of structured treatment or rehabilitation for substance misuse.⁶³

The connections between substance abuse and mental health issues are well known. Concerns were raised during the consultations about a lack of services and supports available, and these are discussed further in chapter 8.

58 AIC, above n 1.

59 Michael Chandler and Christopher Lalonde, ‘Cultural Continuity as a Protective Factor Against Suicide in First Nations Youth (2008) 10 Horizon: *Hope or Heartbreak: Aboriginal Youth and Canada’s Future* 68, cited in AMSANT, submission 22.

60 NAAJA, *submission 2*, 77.

61 CAYJ, *submission 20*, 24.

62 Ibid.

63 Ibid, 23.

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Public perceptions

Despite the relatively low numbers of young offenders and the relatively low level nature of their offending, public perceptions are somewhat different.

The types of offences that young people commit are often highly visible, in and around regional and remote communities, as well as in the suburbs of Darwin and Alice Springs. The public nature of offences such as graffiti, vandalism and property offences tend to instill a sense of unrest in the public, and victims become understandably angry and frustrated.

Often, young people's behaviour can be antisocial (ranging 'from minor offensive or harmful acts to more serious criminal activity').⁶⁴ which can 'have a negative impact on public perceptions of safety and people's quality of life'.⁶⁵ Young people's behaviours can also be very frightening.

This may explain why, over the years, there have been calls from some sections of the community and politicians for the imposition of curfews. Apart from the courts already having the power to impose curfews,⁶⁶ the Review finds no evidence that curfews are effective in reducing crime.

For many years, Australian and international research has consistently shown that there is a difference, and often a significant difference, between an actual crime rate in a town or community and the perceived crime rate.⁶⁷

Media coverage plays a key role in defining how the public perceives the seriousness of youth crime: a perceived or actual 'youth crime spree' attracts varying degrees of print and television media attention, and is often reported as 'youth gangs on the loose', or claims that youth crime is 'spiralling out of control'. To compound the problem, rates of crime can be exaggerated by sections of the public, the media and politicians for a variety of reasons.

A representative from the Youth Minister's Round Table of Young Territorians gave evidence to the House of Representatives Standing Committee on Family, Community, Housing and Youth in 2010, and said:

Good news stories involving young people are underrepresented or not reported and negative stories are often sensationalised. The youth round table also felt that the media neglects the underlying causes of violence in its reporting and that such coverage provides notoriety for violent youth, who welcome the situation.⁶⁸

64 Amanda McAtamney and Anthony Morgan, *Key Issues in Antisocial Behaviour*, Research in Practice No 5 (2009) Australian Institute of Criminology, 1.

65 Ibid.

66 *Bail Act*, sections 27 and 28; see also *Youth Justice Act*, section 83

67 See, for example: Brent Davies and Kym Dossetor, *(Mis)perceptions of Crime in Australia* (2010) Trends & Issues in Crime and Criminal Justice No 396, Australian Institute of Criminology.

68 Standing Committee on Family, Community, Housing and Youth, House of Representatives, The Parliament of the Commonwealth of Australia, *Avoid the Harm—Stay Calm: Report on the Inquiry into the Impact of Violence on Young Australians* (2010) Canberra, 32.

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There is little this Review or others can do to influence media coverage of young people or crime. However, increasingly sensationalist media coverage and headlines are unlikely to assist in finding solutions or supporting those who work with young people.

While academics and researchers urge policy makers to exercise additional care when ‘framing important law enforcement decisions taken against the background of the public’s potential misperceptions of crime’,⁶⁹ the dilemmas political leaders face when making these decisions cannot be underestimated. Being seen not to respond in appropriate ways to public concerns can be a dangerous political path to tread, particularly in the Territory.

The *2011 Report on Government Services* found that Territorians feel less safe in their homes during the day, less safe at home alone at night and less safe walking or jogging locally than other Australians. They also consider physical assault in a public place to be a ‘major problem’ or ‘somewhat of a problem’, which are significantly higher concerns than felt by other Australians.⁷⁰

It is unknown to what extent these concerns and perceptions of safety are directed at young people; however, it illustrates how keenly Territorians perceive a lack of public safety in their local area.

This Review does not seek to downplay youth crime in the Territory. The facts are that it is increasing and there are some worrying trends, and decision makers and the wider public ought to be concerned.

Offences committed by young males outweigh those committed by females and are steadily increasing, although offences by young females are also increasing in numbers. Crime is being committed by increasingly younger children—offences committed by the youngest age group (10 to 14 years) have increased over the past five years. A greater number of offenders live in the suburbs than in remote areas. The types of offending, although they generally can be described as ‘low level’ in nature, are tending to become more serious as a young offender moves through the justice system.

Political leaders need to address youth crime strategically and comprehensively in order to directly reduce levels of offending and re-offending, and deal with young offenders effectively. Innovative solutions are required, the effects of which are unlikely to be capable of evaluation in the short to medium term. This requires a level of political courage because it involves challenging public perceptions about the nature and extent of youth crime, and why some approaches and interventions are better than others.

The Chair believes that, if Territorians are provided with reasonable, evidence-based crime prevention measures that *specifically* target youth offending and re-offending, they are likely to be supportive of them—it is in their interests to do so.

⁶⁹ Davies and Dossetor, above n 67, 6 and 48.

⁷⁰ Steering Committee for the Review of Government Service Provision, Productivity Commission, *Report on Government Services 2011* (2011) Canberra, 6.27-6.31.