

Submission
No 53

**INQUIRY INTO COMMUNITY BASED SENTENCING
OPTIONS FOR RURAL AND REMOTE AREAS AND
DISADVANTAGED POPULATIONS**

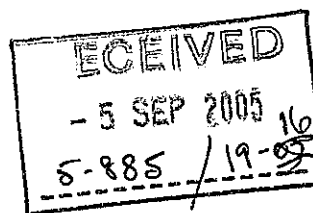
Organisation: Northern Territory Government
Name: The Hon Dr Peter Toyne MLA
Position: Minister for Justice and Attorney General
Telephone:
Date Received: 5/09/2005

**MINISTER FOR JUSTICE AND ATTORNEY-GENERAL**

PARLIAMENT HOUSE
DARWIN NT 0800
TELEPHONE: (08) 8901 4118

GPO BOX 3146
DARWIN NT 0801
FACSIMILE: (08) 8901 4119
minister.toyne@nt.gov.au

The Hon Christine Robertson MLC
Committee Chair
Standing Committee on Law and Justice
Parliament House
Macquarie Street
SYDNEY NSW 2000



Dear Ms Robertson

Thank you for your letter dated 25 July 2005 regarding the Inquiry into community based sentencing options for rural and remote areas and disadvantaged populations.

Background

Of the Indigenous population in the Northern Territory 75% reside outside major regional centres. A substantial increase in Indigenous population in the Northern Territory is anticipated and by 2011 it is predicted that 66% of the Indigenous population will be of working age.

The primary focus of Government support for the disadvantaged sectors of society in the Northern Territory in remote and rural areas is directed towards the Indigenous population.

Isolation, scale, a small and widely dispersed population are factors which affect capacity of the Northern Territory to provide services comparable to other larger and more populous jurisdictions particularly in remote and rural areas.

Moreover the number of offenders subject to community based sentencing orders in remote areas is often small and subject to significant shifts in size and demographic both in the short and medium term.

Sentencing options for disadvantaged sections of the population in those areas therefore, as for all Territorians, can only be provided within the context of the mainstream systems.

Recognising however, that the majority of the population living in remote and rural areas are Indigenous who are over-represented both as victims and perpetrators of crime, the Territory Government's policy "Building Safer Communities" emphasises the need to engage Aboriginal culture and communities in court and sentencing processes.



Implementation

Community based sentencing options available in regional areas of the Northern Territory are:

- Fines;
- Good Behaviour Bond;
- Community Work Orders;
- Suspended Imprisonment – fully or partially suspended; supervised or unsupervised; and
- Home Detention – The Department of Justice has previously provided information to your Inquiry (copy letter dated 10 March 2005 is enclosed (*)) in respect of Home Detention.

The means by which these options are implemented are:

Decentralisation of Resources

The objectives of the Community Corrections division of the Northern Territory Correctional Services are:

- supervise and monitor orders of the courts and Parole Board. By effective supervision and encouraging clients to address issues which lead to offending, Community Corrections aim to minimise re-offending and maximise community protection;
- initiate, develop and support community and justice initiatives to promote programs and services, which will assist offenders and the general community to establish and maintain a law-abiding lifestyle.

Community Corrections Offices are located in all the larger population centres, Darwin, Palmerston, Katherine, Tennant Creek, Alice Springs, Nhulunbuy and Groote Eylandt, as well as several Aboriginal communities, Nguju (Bathurst Island) Wadeye, and Angurugu (Groote Eylandt).

Community Corrections staff regularly visit all offenders who are subject to court orders wherever they reside.

Employment of Indigenous Staff

Corrections policy is to involve Indigenous staff wherever based in the supervision and management of Indigenous offenders.

Where possible in remote communities local Indigenous people are employed as permanent and temporary staff. For example, local Indigenous surveillance officers are temporarily employed as needed to supervise Home Detention orders in remote communities.

Under this Government's Indigenous Employment and Career Development Strategy the Department of Justice is currently developing a plan to address the low levels of Indigenous people employed within the Department by focusing on recruitment,

career development and retention of Indigenous people. Issues presently under consideration include:

- job types i.e. Administrative, Operational;
- full time/part time employment;
- employing of Indigenous staff who may not meet normal education requirements; and
- identifying Indigenous specific positions.

Partnerships with local organisations

Local Government Councils

Community Work Orders in remote areas are, by agreement, usually supervised by Local Government Councils. The advantages of community organisations staffed by local community members who arrange and supervise work for the local community are obvious.

Community Organisations

In some remote areas partnerships with local organisations are utilised. For example, the Borroloola Home Detention Program resulted in a partnership between the Tennant Creek Community Corrections Office and the Mabunji Night Patrol for the benefit of the offender and mutual advantage to both organisations.

The Tennant Creek Community Corrections Office has responsibility for the administration of the Home Detention Program and undertook to pay a fee for service to the Mabunji Night Patrol for the provision of the surveillance of offenders on Home Detention in Borroloola and adjacent communities. Through this kind of partnership it is hoped that each service will be able to better achieve their mission, philosophy, key outcomes, objectives and goals.

A similar agreement has been entered into with the Barkly Region Alcohol and Drug Abuse Advisory Group ("BRADAAG") based in Tennant Creek. Offenders from the Barkly Region of the Northern Territory undertake Home Detention and/or residential or sessional drug and/or alcohol counselling at the BRADAAG facility.

Community Engagement

Initiatives include facilitating community input into court and sentencing processes by the establishment of Community Court where Indigenous people sit in court with the presiding magistrate to determine sentence (similar to Circle Sentencing process established in New South Wales); supporting communities in the development of law and justice strategies, planning for the return home of offenders and providing community based treatment programs such as Indigenous Family Violence Program that are delivered by Indigenous people living in the community.

Integrated Offender Management Strategy

To support a modern case management focused correctional service an Integrated Offender Management Strategy will be introduced by the Northern Territory Correctional Services later this year.

An offender on community based sentence - community work orders, community custody and supervision, will now be managed through one file in the system across both Community and Custodial Corrections. Correctional Services will have the capability to record assessed criminogenic needs, match these to interventions and support effective targeting of the intervention.

Aboriginal Interpreter Service

An Aboriginal Interpreter Service was established to alleviate language barriers faced by Aboriginal people in the Northern Territory. The Service primarily provides interpreting services to assist Government and non-Government agencies in medical and legal situations.

Youth

The provisions of sections 120F to 120P of the *Police Administration Act* provide a means of diverting a youth who is believed on reasonable grounds to have committed an offence. Police may instead of charging the juvenile with the offence do one or more of the following:

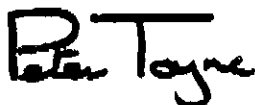
- give the juvenile a verbal warning;
- give the juvenile a written warning;
- give the juvenile a formal caution; or
- refer the juvenile to a diversionary program.

A diversionary program may involve a conference with the victim or victims of the offence the youth is believed to have committed and with the youth's family.

Parliament is presently considering the Youth Justice Bill, which incorporates and enhances the current juvenile diversionary scheme administered under the *Police Administration Act*. The Bill contains a statutory presumption in favour of diversion save for some specified serious offences. A new Youth Justice Court to be established will have the power to refer a youth to a diversion program, regardless of the offence, at any stage of the proceedings prior to a finding of guilt.

I trust the above information is of assistance to your Committee.

Yours sincerely



PETER TOYNE

Encl. (*)

26 AUG 2005