https://www.crimejusticejournal.com/ *International Journal for Crime, Justice and Social Democracy*
Volume **15** (2) 2026 https://doi.org/10.5204/ijcjsd.3709

Some Reflections on the Northern Territory's Aboriginal Justice Agreement

Stephen W. Enciso
Charles Darwin University, Australia

Abstract

The Northern Territory Government's flagship Indigenous justice policy is the *Aboriginal Justice Agreement 2021-2027* (NTAJA). Such agreements have been found to make a positive difference in reducing Indigenous incarceration rates in other jurisdictions. Since the NTAJA was introduced, the Indigenous incarceration rate in the Northern Territory has increased. Even allowing for the fact that many variables affect the incarceration rate, I suggest some features of the NTAJA make it unsuitable for achieving a genuine reduction in the Indigenous incarceration rate. I reflect on the circumstances preceding, and immediately following, the introduction of the NTAJA. I examine the public preoccupation with youth crime in the Northern Territory and argue that the NTAJA's lack of focus on youth, particularly on reducing youth detention rates, makes it unlikely to resolve the social tensions that stoke destructive "tough on crime" approaches to community safety.

Keywords: Incarceration; justice; youth crime; Indigenous.

Introduction

"We are not an innately criminal people," declared the *Uluru Statement from the Heart* (the Uluru Statement; Referendum Council, 2017). Why its drafters should have felt forced to so remark is evident from the statistics relating to Indigenous incarceration. From 2000–2019, the national Indigenous incarceration rate increased by 72% (Steering Committee for the Review of Government Service Provision, 2020, p. 18). In the Northern Territory (NT) alone, Indigenous people comprise 88% of the adult prison population and Indigenous children are close to 100% of the youth detention population (Australian Bureau of Statistics, 2024b; Department of Territory Families, Housing and Communities, n.d.). Indigenous women are the fastest-growing prison population, imprisoned at a rate 20 times higher than non-Indigenous women (Howard-Wagner & Brown, 2021; Law Council of Australia, 2018, p. 5). Since 2017, Indigenous people have been incarcerated at a rate higher than African Americans in the United States of America (Leigh, 2020, p. 12).

Indigenous mass incarceration and related issues have been on the national radar since at least the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC). At the National Ministerial Summit on Indigenous Deaths in Custody in 1997, Indigenous Justice Agreements were proposed to address the high Indigenous incarceration rates (Allison & Cunneen, 2010, p. 649). Queensland, Victoria, New South Wales and Western Australia introduced such agreements from 2000–2003. The NT Labor government began work on its own Aboriginal Justice Agreement in 2017 by establishing the Aboriginal Justice Unit, which undertook 120 "consultations" over the course of three years (Aboriginal Justice Unit, 2019, p. 5). The *Northern Territory Aboriginal Justice Agreement 2021-2027* (NTAJA) was finally released in August 2021. Then-Attorney General and Minister for Justice, Selena Uibo, described it as "a momentous step towards improving the lives of Aboriginal Territorians" (Aboriginal Justice Unit, 2021a, p. 5).

Except where otherwise noted, content in this journal is licensed under a Creative Commons Attribution 4.0 International Licence. As an open access journal, articles are free to use with proper attribution. ISSN: 2202-8005 (Online)

© The Author/s 2026

There is no doubt that reducing Indigenous incarceration rates is an urgent priority in the NT. In 2022, even the Country Liberal Party (CLP) appeared to agree with this general aim by signing up to give the NTAJA bipartisan support (James, 2022). Any enthusiasm there might have been for the NTAJA, however, was decisively crushed following the 2024 NT election. The CLP came to power in a landslide victory and wasted no time making good on its campaign promise to get "tough on crime". In the very first sittings of the newly constituted Legislative Assembly, the CLP introduced a suite of punitive reforms. These included lowering the age of criminal responsibility from 12 to 10,[1] introducing a mandatory minimum of three months' imprisonment for spitting on or assaulting frontline workers,[2] and reinstating the offence of breach of bail for youth, no matter how minor or trivial the breach.[3] As a consequence of the CLP's reforms, the NT prison population has reached a record high (Dick, 2025).

The CLP's "tough on crime" agenda deserves sustained analysis in its own right. My focus here is on something else: the circumstances preceding, and immediately following, the development of the NTAJA, when NT Labor was still in government. The NTAJA emerged in the context of a scandal about the mistreatment of Indigenous children in the NT's youth detention system. I examine the significance of the public preoccupation with youth crime in the NT, and the overriding importance of reducing the rate at which Indigenous children, in particular, come into contact with the criminal justice system. Given the NTAJA is hovering over its halfway mark, it is a good moment to reflect on its stated aims and commitments. As will become clear, I believe the NTAJA is inadequate on its own terms. It is unlikely to produce the conditions that will secure a long-term reduction in the Indigenous incarceration rate, which is concerning given it is (or, at least, was at one point) the NT's flagship Indigenous justice policy.

The Circumstances Preceding the NTAJA

"Our youth languish in detention in obscene numbers," the Uluru Statement said: "They should be our hope for the future" (Referendum Council, 2017). Prior to the NT government committing to developing an Aboriginal Justice Agreement, the NT had been in the national spotlight over the mistreatment of Indigenous children in its youth detention centres. An ABC Four Corners programme from July 2016 entitled "Australia's Shame" broadcast leaked footage from within the NT's youth detention system (Fallon, 2016). Indigenous adolescents as young as 13 had been spit hooded and tear gassed; some of them were held in solitary confinement for up to 23 hours a day for 15–17 days (Meldrum-Hanna & Worthington, 2016). The revelations sparked the Royal Commission into the Protection and Detention of Children in the Northern Territory (RCPDCNT), which heard evidence from a range of witnesses over 2016–2017 and delivered its final report in November 2017.

The RCPDCNT heard evidence that guards had incited incarcerated children to perform degrading acts, such as eating bird faeces or cockroaches, or engaging in violent conduct with other incarcerated children, in exchange for rewards like chocolate or Coca-Cola (White & Gooda, 2017c, pp. 165–167). Vulnerable children were humiliated, used as objects of entertainment by guards employed by the NT government. The RCPDCNT found that "detainees were frequently subjected to verbal abuse and racist remarks," and that "youth justice officers deliberately withheld … access to basic human needs such as water, food and the use of toilets" (White & Gooda, 2017a, p. 3). The RCPDCNT also found that various forms of force and restraint were used on incarcerated children in contravention of the guidelines for youth justice officers, such as placing children in chokeholds or throwing them onto the ground (White & Gooda, 2017a, pp. 4–5). Children were placed in isolation in "physically and mentally unhealthy conditions." Girls were "inappropriately physically handled, restrained and stripped of their clothing by male youth justice officers," as well as being "subject to inappropriate sexualised attention including touching, flirting and sexualised comments by some male youth justice officers" (White & Gooda, 2017a, pp. 7, 12).

Ultimately, the RCPDCNT's conclusion about the NT's youth detention system was that:

> Senior executives and the management and staff at the detention centres implemented and/or maintained and/or tolerated a detention system seemingly intent on 'breaking' rather than 'rehabilitating' the children and young people in their care, particularly those with difficult and complex behaviours … . In doing so they caused suffering to many children and young people and, very likely, in some cases, lasting psychological damage to those who not only needed their help but whom the state had committed to help. (White & Gooda, 2017a, p. 8)

The RCPDCNT found that "children and young people, many of whom came from trauma and disadvantage backgrounds and needed help, were put at risk by the environments in which they were held under the government's care" (White & Gooda, 2017c, p. 101). The RCPDCNT referred to research indicating that more than 75% of children in detention in Australia had a diagnosable psychiatric disorder (White & Gooda, 2017c, p. 361). In other words, children who were already traumatised were further traumatised, and mentally ill children were criminalised instead of being referred to the specialist medical support they clearly needed.

Almost 100% of children incarcerated in the NT's youth detention centres are Indigenous, and the majority are on remand (Department of Territory Families, Housing and Communities, n.d.). In other words, most incarcerated children in the NT's youth detention centres at any given time are technically innocent because they have not yet been brought before a court and found guilty of an offence. Prior to the NT Labor government raising the age of criminal responsibility in August 2023, Indigenous children as young as 10 could be, and were, incarcerated in NT youth detention centres (Breen & Gibson, 2021b, p. 10). Ten-year-old children may soon find themselves once again locked up on remand, given the newly elected CLP government has lowered the age of criminal responsibility back to 10.

Youth crime is one of the topics that generates heated community appeals to elected representatives in the NT. A 2014 report by the Australian Institute of Criminology referred to evidence suggesting that "people living in the Northern Territory feel less safe than in other states and territories" (Morgan et al., 2014, p. viii). Such a perception allows crime to be one of the central axes of public political concern, with the CLP consistently casting itself as the only party that is truly "tough on crime". In 2017, then-CLP town councillor Jacinta Nampijinpa Price criticised the NT Labor government for being "reluctant to do anything heavy-handed when it comes to youth committing crime on the streets" (Everingham, 2017). In 2022, now federal senator for the Northern Territory, Jacinta Nampijinpa Price, called on the Prime Minister to visit Alice Springs to address what she referred to as a crime crisis (Griffiths, 2022).

The heightened fear amongst NT residents concerning youth crime, in particular, has led to community town hall events, at which there have been calls to "name and shame" or otherwise publicly humiliate youth offenders (Judd, 2018; La Canna, 2017). The general perception being canvassed is that there is a crime crisis in the NT's urban centres. For example, in December 2020, the ABC published an article stating that "simmering concern about property crime and anti-social behaviour in Alice Springs has been approaching boiling point" (Roussos & McKay, 2020). In March–April 2024, this "simmering concern" finally boiled over, prompting the NT government's imposition of a three-week youth curfew in the Alice Springs Central Business District (Allison, 2024).

Lost in the media reporting and public commentary regarding youth crime are the facts as established, for example, by the RCPDCNT and the Australian Institute of Criminology. The RCPDCNT found that "Northern Territory Police overcharge children and young people with offences" (White & Gooda, 2017a, p. 20). The aforementioned Australian Institute of Criminology report identified certain factors which could exacerbate the feeling of insecurity, including "perceptions that crime is more frequent and serious than it actually is … and the impact of sensationalist media coverage" (Morgan et al., 2014, p. viii). Data published by the Australian Bureau of Statistics reveal nationwide downward trends in both the number of youth offenders and the rate of youth offending from 2008–2009 to 2020–2021 (Australian Bureau of Statistics, 2022b). When the data are analysed to consider the NT exclusively, the results also reveal a decrease (albeit a less marked one) in the number of youth offenders as well as in the rate of youth offending. In 2008–2009, out of 9,757 total offenders in the NT, 1,435 (14.7%) of those were youth; by comparison, in 2020–2021, out of 9,181 total offenders, only 663 (7.22%) of those were youth (Australian Bureau of Statistics, 2022b).[4] The data align with research suggesting crime rates have in general decreased across time: "While rates for most crimes have fallen, governments have deliberately chosen policies that have toughened bail laws and increased the amount of time that the typical prisoner serves" (Leigh, 2020, p. 23). Such bigger-picture analyses of the crime rate are lost amidst the opportunistic media reporting on momentary spikes in crime revealed by police statistics published on their website. For example, in May 2022, it was reported in the *NT News* that break-ins had increased by over 50% in the past year—an increase for which CLP Member of the Legislative Assembly, Bill Yan, blamed "failures under Labor" (Chambers & Ewen, 2022).

Invariably, it is Indigenous children who bear the brunt of the political preoccupation with youth crime in the NT, as the May 2021 bail reforms demonstrate. In 2019, the NT Labor government passed a reform bill that included a presumption in favour of bail for juveniles and the removal of the offence of breach of bail (Gregoire, 2022).[5] The CLP waged a concerted campaign to repeal those laws, with then-opposition leader (and current Chief Minister), Lia Finocchiaro, saying, "This weak approach to repeat offending has got to stop" (Fitzgerald, 2021). The NT Labor government, pushed to reconsider the issue of youth bail by an unrelenting CLP opposition that attempted to introduce its own bail reforms, caved to the fear of appearing too "soft" on crime. The NT Labor government thus passed its own version of the CLP's proposed bail reforms. These included removing the presumption of bail for first-time offenders, automatically revoking bail for serious breaches of bail, and extending the range of offences to which bail did not apply (Gregoire, 2022).[6] These reforms made it more difficult for children to be granted bail and resulted in a marked increase in the number of incarcerated Indigenous children (Parkinson, 2022).

One of the recommendations of the RCPDCNT was that the Don Dale Youth Detention Centre (DDYDC) in Darwin be closed. The Commissioners described it as "not fit for accommodating, let alone rehabilitating, children and young people" due to its "severe, prison-like and unhygienic conditions" (White & Gooda, 2017a, p. 1). Against this recommendation, the NT Labor

government announced that $2.5 million would be invested into the expansion of DDYDC (Thompson, 2021). Thus, the NT Labor government, through the May 2021 bail reforms and this investment in expanding the facility, undid its work towards implementing some of the RCPDCNT recommendations.

The NT Labor government persisted with the bail reforms, despite opposition from rank-and-file Indigenous members of the NT Labor Party. These members told then-Chief Minister, Michael Gunner, that the proposed bail reforms were fuelling racism by legitimising the "tough on crime" rhetoric historically associated with the CLP (Breen & Gibson, 2021a; Smith, 2011). The NT government also ignored a direct appeal from several health and Indigenous organisations in an open letter which read:

> Even short periods of detention can have a severe and long-lasting impact on the developmental trajectory of a young person. ... It is well established that the majority of young people in detention have backgrounds of neglect and trauma, and the experience of detention may result in re-traumatisation. ... It is time the NT government responded humanely and responsibly by addressing the real causes of youth offending and investing in [the] evidence-based approaches. (Australian Medical Association et al., 2021, p. 2)

Solitary confinement, in particular, tends to induce violent behaviours, as well as a host of negative physiological and psychological reactions (Smith, 2006). In the NT, Indigenous children are cast as the perpetrators of crime and rarely as the victim-survivors of such, despite the documented systematic neglect and dehumanisation to which many have been subjected (Marks, 2022, ch. 11). The RCPDCNT found that over 50% of Indigenous children had been the subject of a child protection notification by the age of 10 (White & Gooda, 2017b, p. 30). The RCPDCNT also found that 75% of children who were found guilty of an offence had already been through the child protection system (White & Gooda, 2017d, p. 10). Despite these facts, successive NT governments have, through their actions, reinforced the perspective that Indigenous children should not be considered the victims of crime. A cynical example of this perspective is the NT Labor government's introduction of legislation in 2022 to put a AU$15,300 cap on the compensation payable if a child successfully complained about being mistreated in youth detention centres (Gibson, 2022).[7]

The Northern Territory Aboriginal Justice Agreement

It is against this backdrop of the political preoccupation with youth crime in the NT that I consider the NT government's flagship Indigenous justice policy—the NTAJA. The NTAJA's primary stated aim is to "reduce offending and imprisonment of Aboriginal Territorians" (Aboriginal Justice Unit, 2019, 2021a, 2021b, 2021c). Given it was (and apparently remains) the NT government's central policy for addressing incarceration, and consequently crime, and that it received bipartisan support from the CLP for its commitments over seven years (James, 2022), I will examine the NTAJA in some detail.

The NTAJA is a signed agreement between the members of the NTAJA Reference Committee. This committee comprises representatives from the four Land Councils (Northern, Tiwi, Central and Andilyakwa), Danila Dilba Health Service, the legal aid agencies (North Australian Aboriginal Justice Agency and Northern Territory Legal Aid Commission), social service organisations (Northern Territory Council of Social Services and CatholicCare NT), Menzies School of Health Research and the (family violence prevention) NO MORE campaign.

The NTAJA specifies three aims: (1) reduce offending and imprisonment of Aboriginal Territorians, (2) engage and support Aboriginal leadership, and (3) improve justice responses and services for Aboriginal Territorians (Aboriginal Justice Unit, 2021a, p. 8).

To the end of reducing offending and imprisonment rates of Indigenous people, the NTAJA includes some commitments based on evidence of historical successes. For example, the NTAJA commits itself to establishing community courts and alternative to custody facilities. It specifies that, over the seven years of the NTAJA, one alternative to custody facility and 20 community courts will be established (Aboriginal Justice Unit, 2021c, pp. 11, 13). It also specifies, to the second aim of engaging and supporting Indigenous leadership, that it will establish 20 Law and Justice Groups (Aboriginal Justice Unit, 2021c, p. 27). However, these are perhaps the only concrete initiatives included in the NTAJA, and it should be remembered that such initiatives have previously been implemented.

Take, for example, community courts, which had already operated in the NT between 2003 and 2012 at various places, such as the Tiwi Islands, Nhulunbuy, Daly River, Maningrida, Galiwinku and Yuendumu (Anthony & Crawford, 2013, pp. 81–83). Community courts, as they then existed, were modified courts of summary jurisdiction that enabled Elders and other respected persons to assist magistrates in sentencing proceedings by advising on effective and culturally appropriate sentences. Previous "consultations" and reports have stressed the importance of community courts. Recommendation 74 of the 2007 *Little Children*

Are Sacred report was “That having regard to the success of Aboriginal courts in other jurisdictions in Australia, the government commence dialogue with Aboriginal communities aimed at developing language group-specific Aboriginal courts in the Northern Territory” (Anderson & Wild, 2007). In a similar vein, Recommendation 7 of a 2003 report by the Northern Territory Law Reform Committee was “The Committee recommends a model allowing for community input into the sentencing of offenders, for adoption by Aboriginal communities and the courts” (Northern Territory Law Reform Committee, 2003). Community courts were made impossible following the NT Intervention (Watson, 2011), which introduced “an officially sanctioned intolerance to Aboriginal customary law” (Williams, 2013, p. 8). The NTAJA’s commitment to establish 20 community courts should therefore be understood as the delayed restitution of an initiative that was considered effective at reducing offending and incarceration rates, rather than a bold new approach to justice.

As another example, Law and Justice Groups allow Indigenous leaders to tailor initiatives in communities to reduce the incidence of crime and the likelihood of Indigenous defendants being imprisoned (Anthony & Crawford, 2013, p. 83). Law and Justice Groups were identified in the NTAJA consultations as “important means of reasserting cultural authority and promoting community-driven responses” (Aboriginal Justice Unit, 2019, p. 73). In Lajamanu, the Kurdiji Law and Justice Group has been operating since 1996. A 2013 study showed that, since 1996, there had been a 50% reduction in criminal cases in the community (Anthony & Crawford, 2013, p. 89).

The establishment of Law and Justice Groups is an initiative that multiple reports over the years have recommended. In 2007, the *Little Children Are Sacred* report recommended the establishment of “Community Justice Groups” (Anderson & Wild, 2007, p. 30). In 2003, the Northern Territory Law Reform Committee recommended that:

> Aboriginal communities should be assisted by government to develop law and justice plans which appropriately incorporate or recognise Aboriginal customary law as a method in dealing with issues of concern to the community or to assist or enhance the application of Australian law within the community. (Northern Territory Law Reform Committee, 2003, p. 22)

In 1991, the RCIADIC recommended that organisations involved in “community justice” programs “be provided with adequate and ongoing funding by governments to ensure the success of such programs” (Johnston, 1991, rec. 220). The RCIADIC also recommended that existing programs:

> should be examined with a view to introducing similar schemes into Aboriginal communities that are willing to operate them because they have the potential to improve policing and to improve relations between police and Aboriginal people rapidly and to substantially lower crime rates. (Johnston, 1991, rec. 220)

Therefore, the NTAJA’s commitment to establish more Law and Justice Groups should also be understood as the delayed restitution of an initiative that has been previously recommended and shown to be effective in reducing incarceration rates.

Apart from those concrete commitments in relation to community courts, Law and Justice Groups, and alternative to custody facilities, the NTAJA is vague in a way that diminishes its impact. The importance of rehabilitation and diversion programs has been noted officially for decades, since at least the 1991 RCIADIC, which recommended that, “more immediate attention must be given to programs diverting people from custody” (Johnston, 1991, rec. 148) and that, “particular attention should be given to drug and alcohol treatment, rehabilitative and preventative education and counselling programs for Aboriginal prisoners” (Johnston, 1991, rec. 152(b)). However, the NTAJA does not include any actions over the seven years that would require it to actually establish new programs or reinstate previously defunded programs. This is despite the historical archive of reports on the importance of rehabilitation and diversion programs, and despite committing to “increase opportunities for prisoners to participate in high quality programs to reduce reoffending” (Aboriginal Justice Unit, 2021c, p. 21). Rather, the NTAJA’s measure of success for this commitment reads, “All prison programs are reviewed” (Aboriginal Justice Unit, 2021c, p. 21). In other words, over seven years, the NTAJA will merely undertake a review of prison programs—a review which will generate a report but which does not guarantee the implementation of a change.

“Review” is a frequently used verb in the NTAJA. A case in point is the NTAJA commitment: “Review and reform legislative provisions within the justice system that are unfair, discriminatory or detrimental to Aboriginal people” (Aboriginal Justice Unit, 2021c, p. 17). The commitment is fleshed out with four actions to be undertaken over seven years:

- Revisit and review relevant reports, inquiries and recommendations from Royal Commissions.
- Examine the *Bail Act 1982*, the *Parole Act 1971*, the *Sentencing Act 1995*, the *Juries Act 1962*, *Liquor Act 2019*, *Police Administration Act 1978* and the *Criminal Code* to identify any discriminatory impacts on Aboriginal people and identify how these can be addressed.

- Consider the recommendations within the NT Law Reform Committee's reports on *Recognition of Local Aboriginal Laws in Sentencing and Bail* and *Mandatory Sentencing and Community-Based Sentencing Options*.
- Outline and prioritise the legislative reforms required to achieve this commitment in a report and deliver this to the government. (Aboriginal Justice Unit, 2021c, p. 17)

In effect, these verbs— "Revisit," "Examine," "Consider," "Outline"—convey the impression that the NTAJA is committed to no tangible outcomes in relation to this aim. Even though there are outstanding recommendations from the 1991 RCIADIC and the 2017 RCPDCNT, the NTAJA does not commit to their full implementation. Rather, the NTAJA indicates its intention to "revisit and review" such recommendations. The effect of the NTAJA's tentativeness is to cast doubts on the credibility of previous inquiries. Reports on necessary law reform have been written for decades, outlining detailed recommendations to be adopted by governments (Anderson & Wild, 2007; Australian Law Reform Commission, 1986; Johnston, 1991; Northern Territory Law Reform Committee, 2003; White & Gooda, 2017a). The NTAJA treats all previous reports with a sceptical attitude, propagating the idea that a new period of bureaucratic consideration must be inaugurated before any recommendation can be actioned. The outcome of the proposed "revisit and review" process is yet another report that will be delivered to the NT government and likely ignored.

The principal thrust of the NTAJA is superficial. Despite the wealth of previous reports and inquiries and the outstanding recommendations from such, the NTAJA adopts a tentative approach to specifying the actions that will be taken over seven years. The NTAJA states, "specific targets aligned with the aims will not be set in stage 1," reasoning that, were specific targets to be set, they would be "at risk of being overambitious" (Aboriginal Justice Unit, 2019, p. 109). The NTAJA indicates that it wants to avoid a situation which could "undermine commitment and trust in the Agreement, and pose an avoidable obstacle to establishing and maintaining constructive partnerships" (Aboriginal Justice Unit, 2019, p. 109). In other words, the NTAJA was designed so that it would maximise the potential of receiving bipartisan support, which necessarily meant weakening or delaying certain important, but more politically unpalatable, commitments. In this respect, the NTAJA was successful, for it achieved bipartisan support from the CLP in March 2022.

The aim of receiving bipartisan support explains why the NTAJA includes no concrete commitments specifically addressing youth incarceration. One might have expected a primary focus of the NTAJA to be reducing youth incarceration, given the well-established nexus between youth detention and adult incarceration (Marks, 2022, ch. 11). As an example, the NTAJA does not include a commitment to close DDYDC, even though closing that facility was a key recommendation of the RCPDCNT.[8] Nor does it include a commitment to raising the age of criminal responsibility, something that the NT Labor government undertook independently of the NTAJA in August 2023, and that the CLP government subsequently reversed in October 2024. The NTAJA is primarily focussed on initiatives that can be undertaken in remote communities, away from the non-Indigenous public glare that would fall upon any attempts to be "soft" on crime within the NT's urban centres. The phenomenon of urban bias is well documented in the NT, where a significant proportion of the population is "impoverished and excluded, and receiving under-funded basic services" (Gerritsen, 2010, p. 28). Federal government funds destined for Indigenous communities are spent instead by the NT government in the urban electorates of Darwin and Alice Springs, where elections are won or lost (Gerritsen, 2010).

The NTAJA commits itself to examining the *Bail Act 1982* (NT) to identify any discriminatory impacts on Indigenous people and propose how these might be addressed. However, the NTAJA does not explicitly address the fact that in May 2021—three months before the release of the NTAJA—the NT government introduced amendments to the *Bail Act 1982* (NT). Against the stated aim of the NTAJA to reduce Indigenous imprisonment rates, these amendments led to a marked increase in the number of Indigenous children incarcerated in youth detention centres in the NT.

The NTAJA does not commit to unwinding such reforms, even though it bills itself as a new model of respectful partnership and collaboration between the NT government and Indigenous communities. Citing the identified demoralisation of Indigenous people by government decision-making that historically has not "consulted" or "collaborated" with Indigenous people, the NTAJA emphasises the need to work "in partnership with Aboriginal Elders, leaders and communities to implement this Agreement" (Aboriginal Justice Unit, 2021a, p. 17). The NTAJA includes the commitment to "establish and maintain respectful place-based engagement with Aboriginal Territorians in decision-making" (Aboriginal Justice Unit, 2021c, p. 25). In line with this commitment, the NTAJA specifies the actions that it will undertake over seven years. These include to "maintain equitable, robust and respectful engagement with Aboriginal people" and to "listen to and hear the aspirations and needs of all Aboriginal people when making decisions" (Aboriginal Justice Unit, 2021c, p. 25).

Yet, the NT government evidently did not hear the "aspirations and needs" of Indigenous people when it rushed through the reforms to the *Bail Act 1982* (NT) in May 2021. This reveals the nature of the asymmetrical power relations between the NT

government and Indigenous representative organisations. The NT government acted against the opposition of one of its own signatories to the NTAJA, Danila Dilba Health Service, an organisation that signed the aforementioned open letter to the NT government. As mentioned, the NT Labor government persisted with the bail reforms, despite the protests from Indigenous rank-and-file members of the NT Labor Party. A few months later, in August 2021, the NT government launched the NTAJA, in which it proclaimed, "Effective partnerships require mutual respect, shared responsibility and a commitment to ongoing dialogue and cooperation" (Aboriginal Justice Unit, 2019, p. 72).

Indigenous activist and academic Gary Foley's (2012) instruction manual on stealing the human rights of Indigenous people is apposite here:

> Consult the Aboriginal people, but do not act on the basis of what you hear. Tell the blackfellas they have a voice and go through the motions of listening. Then interpret what you have heard to suit your own needs.

The NT government was finalising a framework oriented towards the reduction of imprisonment rates for Indigenous people, while simultaneously instituting a policy that would likely increase the number of incarcerated Indigenous children.

Another interesting aspect of the NTAJA is its treatment of the concept of systemic racism. The NTAJA defines "systemic or structural racism" as "the systems, laws, institutional policies, practices, and social forces that generate and reinforce inequalities amongst racial and ethnic groups" (Aboriginal Justice Unit, 2021c, p. 33). In its consultations, the NTAJA noted the prevalence of discriminatory treatment experienced by Indigenous people in interactions with the police, government and the court system. The NTAJA recognises that "the experience of discrimination and racial abuse can alienate individuals from society and feed a sense of disillusion and disempowerment" (Aboriginal Justice Unit, 2019, p. 71). The NTAJA therefore includes the commitment to "eliminate systemic racism" by taking action over seven years to "review 10 NT Government agencies to identify systemic racism and options for reform" (Aboriginal Justice Unit, 2021c, p. 33). A measure of success is that, after seven years, there is "reduced structural racism and discrimination in government agencies" (Aboriginal Justice Unit, 2021c, p. 33).

The NTAJA conceptualises structural racism as a phenomenon occurring *within* government agencies and other institutions which cannot be a structuring principle of those agencies and institutions *per se*. In other words, the NTAJA cannot accommodate the more radical perspective that "all contexts are racialised, just as they are gendered" (Moreton-Robinson, 2015, pp. 97–98). From the starting point of unceded and enduring Indigenous sovereignties, decolonial criminologists have argued that the high incarceration rate of Indigenous people is precisely "the logical extension of several centuries of policies, laws and practices designed to complete the dispossession of Indigenous people as bearers of Indigenous sovereignty" (Blagg & Anthony, 2019, p. 15). The NTAJA consultations did reveal that "Aboriginal people identified that racism and discriminatory treatment was not limited to justice agencies and was experienced throughout life" (Aboriginal Justice Unit, 2019, p. 93). However, despite testimonies along these lines, the NTAJA limited its conceptualisation of structural racism to mean biased or discriminatory treatment in institutional procedures, legitimating the "façade of neutrality" attached to the settler-colonial criminal legal system (Blagg & Anthony, 2019, p. 81). By defining structural racism in terms that do not invoke the concept of Indigenous sovereignty, the NTAJA effectively equates Indigenous people with migrant ethnic groups who face barriers accessing government services in Australia.

Taking Stock of the NTAJA

In a 2010 review of Indigenous Justice Agreements, Allison and Cunneen questioned whether such agreements were working effectively: "If we consider current imprisonment rates for Indigenous people nationally and the levels of Indigenous over-representation in the criminal justice system, then there is perhaps little cause for optimism" (2010, p. 667). In the December quarter 2023, the Indigenous incarceration rate for the NT was 3,541 per 100,000, compared to 2,914 per 100,000 for the December quarter 2021, representing a 22% increase from 2021 to 2023 (Australian Bureau of Statistics, 2022a, 2024a). That is to say, the first two years of the NTAJA did not see a reduction in the Indigenous incarceration rate. It would be unfair to blame the NTAJA for a failure to reduce Indigenous incarceration rates, given there are many interwoven variables that contribute to rates of offending and imprisonment. However, there are two reasons why perhaps it is not a surprise that Indigenous incarceration rates in the NT have continued to increase.

Firstly, the NTAJA is insufficiently concerned with reducing the rate at which children and young people are placed into out-of-home care and incarcerated. This goal was declared a matter of urgency in 1991 by the RCIADIC:

> the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities, whether by being declared to be in need of care, detained, imprisoned or otherwise. (Johnston, 1991, rec. 62)

Thirty years ago, the need for urgency was stressed. However, as mentioned above, the NT government unwound bail reforms recommended by the RCPDCNT and chose to expand DDYDC rather than accelerating its closure. Until that youth detention centre finally closed in 2024, the result was the continuation of Indigenous juvenile suffering in the supposed "care" of the state.

In 2021, the Office of the Children's Commissioner Northern Territory published a statement relating to DDYDC. It reported that some children had been left in their cells for up to 23 hours and 45 minutes per day while awaiting medical attention after being designated at risk of self-harm (Office of the Children's Commissioner Northern Territory, 2021). That statement also revealed that detention centre staff lacked training in trauma-informed care (Office of the Children's Commissioner Northern Territory, 2021). DDYDC was a facility that the NT's Children's Commissioner had consistently described as lacking in "a therapeutic framework" (Office of the Children's Commissioner Northern Territory, 2021). It is no surprise that there were significant mental health concerns inside the facility. It was reported in 2022 that there had been a 400% increase in self-harm and suicide attempts inside DDYDC across the previous year (Parkinson & Averill, 2022). As reported in the *NT News*, there were eight episodes of self-harm or attempted suicide inside DDYDC in the period July 2020–December 2020, 54 episodes in the period July 2021–December 2021, and 93 episodes in the period January 2022–July 2022 (Averill & Parkinson, 2022; Parkinson & Averill, 2022). Children were sometimes heard shouting "Black lives matter" from inside the facility (Enciso, 2022) and, on more than one occasion, detained youth climbed onto the roof of the facility and started a fire to attract attention (Vivian, 2024). The psychological distress of Indigenous children inside NT youth detention facilities, if it can be inferred from the reported figures, evidently worsened since the RCPDCNT. Given the nexus between youth detention and adult incarceration, the NTAJA's failure to recommend urgent reforms to reduce the criminalisation of children amounts to a failure of the NTAJA on its own terms, as measured by its long-term goal of reducing the Indigenous incarceration rate.

Secondly, the NT government has a poor track record of genuine collaboration with Indigenous communities, which poses a major problem for the success of NTAJA initiatives. As Allison and Cunneen also remarked in 2010, the lowest Indigenous incarceration rate was found in Victoria, where their Indigenous Justice Agreement "meets the highest standards in terms of Indigenous participation, implementation, monitoring and independent evaluation" (Allison & Cunneen, 2010, p. 668). The NT government demonstrated through the May 2021 bail reforms that it has no qualms about ignoring direct appeals by Indigenous representative organisations, even those that are signatories to its own NTAJA, billing itself as a model of respectful partnership. The absence of proper, meaningful and respectful consultation with Indigenous people is routine in the NT. This will likely be even more pronounced under the new CLP government, given the CLP's historical opposition to Indigenous aspirations for empowerment and self-determination (Smith, 2011).

It might be objected that to criticise the NTAJA on these two grounds, and in general for its tentativeness, is to miss the point. Indeed, the NTAJA is a policy document addressing the specific context of the NT justice system, rather than a manifesto for overhauling the entirety of the structural conditions resulting in Indigenous mass incarceration. Arguably, one must have realistic expectations of what is achievable through public policy, and a kind of "incrementalism" involving bargaining, delay and compromise with political opponents is the only truly sustainable method of securing long-term policy outcomes (Hayes, 2001). Inspired by this view, one might think that the NTAJA's proposal of a broad framework for rethinking the NT government's approach to Indigenous justice issues, focussing on partnership and alternatives to custody, should be welcomed in principle. While more ambitious reforms can always be recommended, only reforms with bipartisan support will have any chance of being implemented and succeeding in the long-term. Consequently, it is justified to dilute the commitments included in the NTAJA to ensure palatability to the opposition.

There is a problem with this hypothetical objection. It is certainly the case that a small improvement is preferable to no improvement. However, it is not clear that anything short of transformative, non-incremental approaches to the issue of Indigenous incarceration can break decisively with the vicious circle of trauma, poverty and criminalisation that imperils community safety. As one criminal defence lawyer expressed, reflecting on his own practice in the NT justice system, "Australia's prisons have become twenty-first century warehouses for First Nations poverty and disempowerment" (Marks, 2022, p. 182). The interconnectedness of various social issues facing Indigenous people in the NT was discussed in the *Pathways* document at length (Aboriginal Justice Unit, 2019). However, very little of that extensive research was incorporated in the NTAJA as bold commitments to do justice differently in the NT's urban centres, where youth crime and "anti-social

behaviour" (read: "Indigenous behaviour") is a persistent focus of public political commentary and outrage. The goal of achieving bipartisan support can be a poisoned chalice when such support depends on latent "tough on crime" agendas that the (then-CLP) opposition has no reservations about unleashing when it wins the election and forms government.

Conclusion

In August 2021, the NT government released a strategy to reduce the imprisonment and offending rates of Indigenous people, in which it outlined only a few concrete measures to this end, all of which had previously been implemented in the NT. Widespread reforms, or systematic overhauls, were eschewed out of fear that bipartisan support would not otherwise be achieved. Meanwhile, the "tough on crime" rhetoric continues to inflame public discussions about youth offending and unfailingly casts aspersions on Indigenous children who bear the brunt of subsequent punitive measures. Since 2021, the Indigenous incarceration rate has continued to increase. This increase will be more marked under the newly elected CLP government which has lowered the age of criminal responsibility back to 10 and introduced bail and sentencing reforms. These virtually guarantee an increased exposure of Indigenous children to cycles of criminalisation and incarceration. The tensions discussed regarding the nexus between crime, trauma and incarceration were captured sombrely by the Uluru Statement when it said, "These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*" (Referendum Council, 2017).

Acknowledgements
I would like to acknowledge the unceded sovereignty of the Larrakia people on whose lands I live and work. I acknowledge the leadership of Larrakia leaders such as June Mills, Sharna Alley and Mililma May in the fight against the "tough on crime" bail reforms introduced by the previous Labor government. I also acknowledge the staunch Indigenous grandmothers of the Close Don Dale NOW! campaign, Josie Crawshaw, Natalie Hunter and Donna Hunter, whose activism meant that the continued mistreatment of children inside the Don Dale Youth Detention Centre could not simply be ignored by government.

This article is a modified version of Chapter 4 of my Masters thesis. I thank my thesis supervisors, Drs. Kellie Pollard and Nicolas J. Bullot, for their unfailing support and for helpful comments on a much earlier version of this article. I thank thesis examiner Professor Thalia Anthony for encouraging me to turn my thesis chapters into publications. I thank two anonymous reviewers for their constructive feedback on this manuscript. Finally, I thank John B. Lawrence SC for his mentoring in relation to the criminal justice system during the time I worked as his personal assistant over the period 2021-2023. This research was supported by an Australian Government Research Training Program (RTP) scholarship.

Correspondence: Stephen W. Enciso, Research and Teaching Associate, Northern Institute, Charles Darwin University, Australia. Stephen.enciso@cdu.edu.au

---

[1] *Criminal Code Amendment Act 2024* (NT). The previous NT Labor government had raised the age from 10 to 12 in 2022. See *Criminal Code Amendment (Age of Criminal Responsibility) Act 2022* (NT). Raising the age to 12 was recommendation 27.1 of the Royal Commission into the Protection and Detention of Children in the Northern Territory (White & Gooda, 2017a).
[2] *Sentencing Amendment Act 2024* (NT).
[3] *Bail Legislation Amendment Act 2024* (NT). Recommendation 25.19(4) of the Royal Commission into the Protection and Detention of Children in the Northern Territory was that breach of bail be scrapped as an offence applying to children (White & Gooda, 2017a). The NT Labor government scrapped the offence for youth in 2019: *Youth Justice and Related Legislation Amendment Act 2019* (NT). In 2024, the CLP imposed a single bail regime for both adults and children.
[4] Refer to data included in Table 20 entitled "Youth offenders, Principal offence, States and territories, 2008–09 to 2020–21."
[5] *Youth Justice and Related Legislation Amendment Act 2019* (NT).
[6] *Youth Justice Legislation Amendment Act 2021* (NT).
[7] *Personal Injuries (Liabilities and Damages) Amendment Act 2022* (NT).
[8] What was the Don Dale Youth Detention Centre has now, under the CLP government, been transformed again into an adult prison. Incarcerated children are now held at the new Holtze Youth Detention Centre, a facility built next to an adult prison.

References

Aboriginal Justice Unit. (2019). *Pathways to the Northern Territory Aboriginal Justice Agreement*. Department of the Attorney-General and Justice, Northern Territory Government. https://justice.nt.gov.au/__data/assets/pdf_file/0009/728163/Pathways-to-the-northern-territory-aboriginal-justice-agreement.pdf

Aboriginal Justice Unit. (2021a). *Northern Territory Aboriginal Justice Agreement 2021-2027*. Department of the Attorney-General and Justice, Northern Territory Government. https://justice.nt.gov.au/__data/assets/pdf_file/0005/1034546/nt-aboriginal-justice-agreement-2021-2027.pdf

Aboriginal Justice Unit. (2021b). *Northern Territory Aboriginal Justice Agreement Action Plan 2021-2022*. Department of the Attorney-General and Justice, Northern Territory Government. https://justice.nt.gov.au/__data/assets/pdf_file/0004/1034545/northern-territory-aboriginal-justice-agreement-action-plan-2021-2022.pdf

Aboriginal Justice Unit. (2021c). *Northern Territory Justice Agreement Implementation Plan 2021-2027*. Department of the Attorney-General and Justice, Northern Territory Government. https://justice.nt.gov.au/__data/assets/pdf_file/0005/1034627/northern-territory-aboriginal-justice-agreement-implementation-strategy-2021-2027.pdf

Allison, C. (2024, April 16). The youth curfew in Alice Spring has ended. What did we learn? Will it happen again? *ABC News*. https://www.abc.net.au/news/2024-04-16/alice-springs-youth-curfew-ends/103708024

Allison, F., & Cunneen, C. (2010). The role of Indigenous justice agreements in improving legal and social outcomes for Indigenous people. *Sydney Law Review*, *32*(4), 645–669.

Anderson, P., & Wild, R. (2007). *Ampe Akelyernemane Meke Mekarle "Little children are sacred."* Northern Territory Government Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse.

Anthony, T., & Crawford, W. (2013). Northern Territory Indigenous community sentencing mechanisms: An order for substantive equality. *Australian Indigenous Law Review*, *17*(2), 79–99.

Australian Bureau of Statistics. (2022a, March 10). *Corrective Services, Australia*. https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/dec-quarter-2021

Australian Bureau of Statistics. (2022b, February 10). *Recorded crime – Offenders* [Data set]. https://www.abs.gov.au/statistics/people/crime-and-justice/recorded-crime-offenders/2020-21

Australian Bureau of Statistics. (2024a, March 3). *Corrective Services, Australia*. https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/dec-quarter-2023

Australian Bureau of Statistics. (2024b, December 19). *Prisoners in Australia*. https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#cite-window1

Australian Law Reform Commission. (1986). *Recognition of Aboriginal customary laws* (ALRC Report 31). https://www.alrc.gov.au/wp-content/uploads/2019/08/ALRC31.pdf

Australian Medical Association, Aboriginal Medical Services Alliance NT, Royal Australian and New Zealand College of Psychiatrists, Central Australian Aboriginal Congress Aboriginal Corporation (Congress), Danila Dilba Health Service, Australian Medical Association Northern Territory, Academy of Child and Adolescent Health, Justice Health Unit, University of Melbourne, & Justice Health Group, Murdoch Children's Research Institute. (2021). *Open letter to Hon Natasha Fyles (NT Minister for Health) and Ms Selena Uibo (NT Attorney General).* https://drive.google.com/file/d/11WlbPRgXertvIzGk0UP-_wtu0Q-j_vxb/view

Averill, Z., & Parkinson, A. (2022, March 7). Experts say self-harm and suicide attempts in Don Dale call for urgent action. *NT News*. https://www.ntnews.com.au/subscribe/news/1/?sourceCode=NTWEB_WRE170_a_GGL&dest=https%3A%2F%2Fwww.ntnews.com.au%2Fnews%2Findigenous-affairs%2Fexclusive-data-reveals-selfharm-rates-skyrocket-inside-don-dale%2Fnews-story%2Fedb368d6f890c828d6ed9188b3bf4629&memtype=anonymous&mode=premium

Bail Act 1982 (NT)

Bail Legislation Amendment Act 2024 (NT)

Blagg, H., & Anthony, T. (2019). *Decolonising criminology: Imagining justice in a postcolonial world*. Palgrave Macmillan UK. https://doi.org/10.1057/978-1-137-53247-3

Breen, J., & Gibson, J. (2021a, May 4). Indigenous Labor Party members push back against Northern Territory youth bail crackdown. *ABC News*. https://www.abc.net.au/news/2021-05-04/indigenous-labor-push-back-against-nt-youth-bail-crackdown/100097698

Breen, J., & Gibson, J. (2021b, November 30). Boy, 10, held on remand in Don Dale as detainee numbers almost double following tougher bail laws in NT. *ABC News*. https://www.abc.net.au/news/2021-11-30/nt-don-dale-youth-detention-detainees-surge-10-year-old/100659292

Chambers, N., & Ewen, T. (2022, May 20). Break-ins up by over 50 per cent across the Territory in the last year, police stats reveal. *NT News*. https://www.ntnews.com.au/truecrimeaustralia/police-courts-nt/breakins-up-by-over-50-per-cent-across-the-territory-in-the-last-year-police-stats-reveal/news-story/cc95a28009bd32b1a5c69220980c42f1
Criminal Code Act 1983 (NT).
Criminal Code Amendment Act 2024 (NT).
Criminal Code Amendment (Age of Criminal Responsibility) Act 2022 (NT).
Department of Territory Families, Housing and Communities. (n.d.). *Youth detention census*. Northern Territory Government. Retrieved March 12, 2025, from https://tfhc.nt.gov.au/youth-justice/youth-detention-census
Dick, S. (2025, March 4). Private security firm G4S hired to help manage record high NT prisoner numbers. *ABC News*. https://www.abc.net.au/news/2025-03-04/nt-government-signs-private-security-contract-with-g4s/105006956
Enciso, S. W. (2022, February 7). "Black lives matter" say detained youth from inside Don Dale isolation block. *Green Left*. https://www.greenleft.org.au/content/black-lives-matter-say-detained-youth-inside-don-dale-isolation-block
Everingham, S. (2017, December 19). NT Labor Government under pressure in Alice Springs over perceived spike in youth crime. *ABC News*. https://www.abc.net.au/news/2017-12-19/nt-labor-government-under-pressure-alice-springs-youth-crime/9268622
Fallon, M. (Producer). (2016, July 25). Australia's Shame [Broadcast]. *Four Corners*. ABC. https://www.abc.net.au/4corners/australias-shame-promo/7649462
Fitzgerald, R. (2021, March 16). NT Opposition Leader Lia Finocchiaro to propose laws to tackle youth crime. *ABC News*. https://www.abc.net.au/news/2021-03-16/opposition-announces-plans-to-legislate-tougher-youth-crime-laws/13253598
Foley, G. (2012, May 25). How to steal the human rights of Aboriginal people. *Tracker*. http://www.kooriweb.org/foley/essays/tracker/tracker13.html
Gerritsen, R. (2010). A post-colonial model for north Australian political economy: The case of the Northern Territory. In R. Gerritsen (Ed.), *North Australian political economy: Issues and agendas* (pp. 18–40). Charles Darwin University Press.
Gibson, J. (2022, May 7). Legal groups condemn NT government over plan to cap compensation for mistreatment in prisons. *ABC News*. https://www.abc.net.au/news/2022-05-07/nt-government-legislation-prison-mistreatment-compensation-limit/101044834#:~:text=%22The%20aim%20of%20the%20'offender,bill%20to%20parliament%20in%20March
Gregoire, P. (2022, June 17). NT government continues youth detention torture regime at Don Dale. *Sydney Criminal Lawyers*. https://www.sydneycriminallawyers.com.au/blog/nt-government-continues-youth-detention-torture-regime-at-don-dale/
Griffiths, B. (2022, August 9). Albo to send Labor representatives to tackle Alice Springs crime. *NT News*.
Hayes, M. T. (2001). *The limits of policy change: Incrementalism, worldview, and the rule of law*. Georgetown University Press.
Howard-Wagner, D., & Brown, C. (2021, August 6). Increased incarceration of First Nations women is interwoven with the experience of violence and trauma. *The Conversation*. https://theconversation.com/increased-incarceration-of-first-nations-women-is-interwoven-with-the-experience-of-violence-and-trauma-164773
James, F. (2022, March 31). Northern Territory Aboriginal Justice Agreement receives bipartisan support, seven months after launch. *ABC News*. https://www.abc.net.au/news/2022-03-31/nt-aboriginal-justice-unit-agreement/100956856
Johnston, E. (1991). *Royal Commission into Aboriginal Deaths in Custody: National Report Volume 5*. Australian Government Publishing Service. http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol5 /
Judd, B. (2018, March 6). Palmerston residents call for youth offenders to be "named and shamed" as crime tension boils. *ABC News*. https://www.abc.net.au/news/2018-03-06/nt-government-grilled-over-palmerston-youth-crime/9511004
Juries Act 1962 (NT).
La Canna, X. (2017, March 4). Youth crime rate in the NT under the spotlight as authorities search for answers. *ABC News*. https://www.abc.net.au/news/2017-03-04/youth-crime-rate-in-the-nt-under-the-spotlight/8315634
Law Council of Australia. (2018). *Aboriginal and Torres Strait Islander people: The Justice Project: final report—Part 1*. https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Aboriginal%20and%20Torres%20Strait%20Islander%20People%20%28Part%201%29.pdf
Leigh, A. (2020). *The second convict age: Explaining the return of mass imprisonment in Australia* (Discussion Paper 13025). IZA Institute of Labor Economics. https://docs.iza.org/dp13025.pdf
Liquor Act 2019 (NT).
Marks, R. (2022). *Black lives, white law: Locked up and locked out in Australia*. La Trobe University Press.
Meldrum-Hanna, C., & Worthington, E. (2016, July 26). Evidence of "torture" of children held in Don Dale detention centre uncovered by Four Corners. *ABC News*. https://www.abc.net.au/news/2016-07-25/four-corners-evidence-of-kids-tear-gas-in-don-dale-prison/7656128
Moreton-Robinson, A. (2015). *The white possessive: Property, power, and indigenous sovereignty*. University of Minnesota Press.

Morgan, A., Williams, E., Renshaw, L., & Funk, J. (2014). *Northern Territory Safe Streets Audit*. Australian Institute of Criminology. https://www.cdu.edu.au/sites/default/files/the-northern-institute/nt-safe-streets-audit.pdf

Northern Territory Law Reform Committee. (2003). *Report of the Committee of Inquiry into Aboriginal Customary Law*. https://justice.nt.gov.au/__data/assets/pdf_file/0011/238619/ntlrc_final_report.pdf

Office of the Children's Commissioner Northern Territory. (2021, December 1). *Media statement: Office of the Children's Commissioner Monitoring Reports: Youth detention* [Press release]. https://occ.nt.gov.au/__data/assets/pdf_file/0016/1230172/occ-media-statement-detention-monitoring-report.pdf

Parkinson, A. (2022, June 5). New data shows 100 children in youth detention, up more than 200 per cent in two years. *NT News*. https://www.ntnews.com.au/news/indigenous-affairs/new-data-shows-100-children-in-nt-youth-detention-during-may/news-story/321cb78458dc89cd5c6b3f7e199f33b7

Parkinson, A., & Averill, Z. (2022, July 6). Self-harm and suicide rates double across Northern Territory detention centres. *NT News*. https://www.ntnews.com.au/news/indigenous-affairs/selfharm-and-suicide-rates-up-by-200-per-cent-across-nt-detention-centres/news-story/d4ac3aba3b799155d666c5fc5ce123fd

Parole Act 1971 (NT).

Personal Injuries (Liabilities and Damages) Amendment Act 2022 (NT).

Police Administration Act 1978 (NT).

Referendum Council. (2017, May). *Uluru Statement from the Heart*. https://ulurustatement.org/wp-content/uploads/2022/01/UluruStatementfromtheHeartPLAINTEXT.pdf

Roussos, E., & McKay, M. (2020, December 8). Alice Springs despairs over cycle of youth crime and disadvantage, as break-ins and domestic violence spike. *ABC News*. https://www.abc.net.au/news/2020-12-08/alice-springs-despairs-youth-crime-domestic-violence/12956218

Sentencing Act 1995 (NT).

Sentencing Amendment Act 2024 (NT).

Smith, P. S. (2006). The effects of solitary confinement on prison inmates: A brief history and review of the literature. *Crime and Justice*, *34*(1), 441–528. https://doi.org/10.1086/500626

Smith, R. (2011). *Arcadian populism: The Country Liberal Party and self-government in the Northern Territory* [Doctoral dissertation, Charles Darwin University]. Student theses. https://researchers.cdu.edu.au/en/studentTheses/arcadian-populism

Steering Committee for the Review of Government Service Provision. (2020). *Overcoming Indigenous disadvantage: Key indicators 2020: Overview*. Productivity Commission.

Thompson, J. (2021, June 9). Don Dale to expand, years after its closure was recommended, as NT youth detainee numbers rise. *ABC News*. https://www.abc.net.au/news/2021-06-09/nt-don-dale-detention-youth-detention-centre-to-expand/100199848

Youth Justice and Related Legislation Amendment Act 2019 (NT).

Youth Justice Legislation Amendment Act 2021 (NT).

Vivian, S. (2024, April 4). Don Dale riot sees kids on roof, officer injured by projectile. *ABC News*. https://www.abc.net.au/news/2024-04-04/don-dale-youth-detention-centre-riot-police-officer-injured/103667030

Watson, N. (2011). The Northern Territory emergency response: Has it really improved the lives of Aboriginal women and children? *Australian Feminist Law Journal*, *35*, 147–163. https://doi.org/10.1080/13200968.2011.10854464

White, M., & Gooda, M. (2017a). Findings and recommendations. In M. White & M. Gooda, *Final report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*. Commonwealth of Australia. https://www.royalcommission.gov.au/system/files/2020-09/findings-and-recommendations.pdf

White, M., & Gooda, M. (2017b). Volume 1. In M. White & M. Gooda, *Final report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*. Commonwealth of Australia. https://www.royalcommission.gov.au/system/files/2020-09/Volume%201.pdf

White, M., & Gooda, M. (2017c). Volume 2A. In M. White & M. Gooda, *Final report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*. Commonwealth of Australia. https://www.royalcommission.gov.au/system/files/2020-09/Volume%202A.pdf

White, M., & Gooda, M. (2017d). Volume 3B. In M. White & M. Gooda, *Final report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory*. Commonwealth of Australia. https://www.royalcommission.gov.au/system/files/2020-09/Volume%203B.pdf

Williams, M. S. (2013). Why are there no adult community courts operating in the Northern Territory of Australia? *Indigenous Law Bulletin*, *8*(4), 7–11.