

Aboriginal Peak Organisations Northern Territory

An alliance of the CLC, NLC, CAALAS, NAAJA and AMSANT

Royal Commission into the
Protection and Detention of Children in the Northern Territory
PO Box 4215
Kingston ACT 2615

Via e-mail to: ChildDetentionNT@royalcommission.gov.au

Saturday 5 November 2016

Dear Commissioners,

RE: APO NT preliminary submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory

I write on behalf of the Aboriginal Peak Organisations of the Northern Territory (APO NT) to provide a preliminary submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory ("The Commission").

APO NT is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), North Australian Aboriginal Justice Agency (NAAJA), Central Australian Aboriginal Legal Aid Service (CAALAS) and the Aboriginal Medical Services Alliance of the NT (AMSANT). Since establishment in 2010, APO NT have been working to develop constructive policies on critical issues facing Aboriginal people in the Northern Territory and to influence the work of the Australian and Northern Territory Governments. As representatives from peak organisations in the Northern Territory, we share the aim of protecting and advancing the wellbeing and rights of Aboriginal people and communities in a number of key areas.

Central to the work of APO NT is the principle that, local involvement, ownership and control are critical factors underpinning effective development for Indigenous people and communities. Aboriginal control is recognised in the United Declaration on the Rights of Indigenous Peoples. Article 23 protects the right to self-determination, including the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them, and as far as possible, to administer such programmes through their own institutions. Local involvement, ownership and control underpins APO NT's work in advocating for practical and sustainable solutions for Aboriginal people. Aboriginal people in the NT want to be given a real chance to drive the change needed to secure a better future for our people.

We note your indication that this round of submissions is for the purpose of assisting the Commission to plan its future work, and that there will be opportunity for agencies to provide more detailed, formal submissions at a later stage. To assist the Commissioners in this short time frame, APO NT has provided an index to previous APO NT submissions, media releases, reports, issues papers and statements, see **Attachment A** below.

As the Commission is aware, the factors that contribute to a young person's involvement in the youth justice or care and protection system can be broad and multi-faceted. Accordingly, we have provided our previous submissions across a number of main themes, including: alcohol and substance misuse;

remote employment and welfare issues, and the Australian Government's Community Development Program; housing; juvenile justice; child protection and Indigenous education. APO NT has presented these submissions as hard copy versions and electronically through two USBs.

APO NT will also provide a joint comprehensive final submission to the Commissioners in the coming months, with:

- NAAJA
- CAALAS
- Aboriginal Medical Services Alliance NT
- Danila Dilba Health Service
- First People's Disability Network
- Human Rights Law Centre (HRLC)
- National Aboriginal and Torres Strait Islander Legal Services (NATSILS)
- Secretariat of National Aboriginal and Islander Child Care (SNAICC)

If you wish to discuss any of the above in further detail, please contact Brionee Noonan by phone on (08) 8944 6672 or via email brionee.noonan@amsant.org.au for further information.

Yours sincerely,



John Paterson
CEO
on behalf of APO NT:

David Ross Director CLC	Priscilla Collins CEO NAAJA	John Paterson CEO AMSANT	Eileen Van Iersal CEO CAALAS	Joe Morrison CEO NLC
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ATTACHMENT A: LIST OF APO NT DOCUMENTS RELEVANT TO ROYAL COMMISSION

#	Type	Title	Date	Key Issues / Comments
2016				
A1	Letter	Directions Hearing	29 August 2016	Royal Commission. To Kirsty Windeyer (Official Secretary to Royal Commission)
A2	Letter	Directions Hearing	23 August 2016	Royal Commission. From APO NT
A3	Letter	Response from Prime Minister, Malcolm Turnbull	17 August 2016	Royal Commission
A4	Media Release	Royal Commission compromised from the start	28 July 2016	Royal Commission
A5	Media Release	Royal Commission: 'do it <i>with</i> us, not <i>to</i> us' NT Aboriginal organisations write to PM	27 July 2016	Royal Commission
A6	Letter	Letter to Prime Minister, Malcolm Turnbull re: Royal Commission	26 July 2016	Royal Commission
A7	Media Release	NT Aboriginal organisations call for NT Government to be dissolved and demand input into Royal Commission	26 July 2016	Royal Commission. AMSANT, Danila Dilba, NAAJA, Central Land Council, CAALAS & Northern Land Council
A8	Media Release	Aboriginal people will be denied access to the justice system if remote court closes in April	4 April 2016	Justice
A9	Media Release	Independent Aboriginal Housing Body calls for Urgent New Approach	23 March 2016	Housing
A10	Submission	Draft Submission to the NT Housing Strategy Consultation Draft	12 February 2016	Housing
A11	Submission	Submission on the Social Security Legislation Amendment (Community Development Program) Bill 2015	5 February 2016	CDP Bill. Employment – Welfare
2015				
B1	Submission	Through the Eyes of a Child: Improving Responses to Victims of Child Sexual Abuse and Criminal Neglect	27 November 2015	Child Sexual Abuse, Criminal Neglect and Child Protection

B2	Submission	House of Representatives Standing Committee on Indigenous Affairs Inquiry on the Educational Opportunities for Aboriginal and Torres Strait Islander Students	5 November 2015	Education
B3	Letter	Low Aromatic Fuel Submission	12 October 2015	Opal Fuel. Letter to the Low Aromatic Fuel Act Consultation – Nigel Scullion, Minister for Indigenous Affairs.
B4	Media Release	Report highlights shocking treatment of kids in detention and need for urgent action	24 September 2015	Juvenile Justice. APO NT expresses alarm on the Children’s Commissioner’s report, which focused on the actions and responses by the DCS and Don Dale staff involved in incidents in August 2014, which led to the tear-gassing of 6 youth detainees. APO NT were also concerned about the youths being held in solitary confinement for 5 consecutive days for 23 hours a day, which was longer than the maximum (72 hours).
B5	Media Release	Report details housing policy failure	24 August 2015	Housing
B6	Media Release	Hard-line approach is failing our kids, and the community	3 June 2015	Juvenile Justice
B7	Media Release	Prisons Indigenous Cultural Centre Mustn’t Be Tokenistic	22 May 2015	Justice
B8	Submission	Submission to the NT Legislative Assembly Select Committee	13 May 2015	Ice Use. On the prevalence, impacts and Government responses to illicit use of the drug known as ‘ice’ in the Northern Territory
B9	Submission	IAS Submission	13 May 2015	Tendering Processes. Submission to the Senate Finance and Public Administration References Committee Inquiry on the Commonwealth Indigenous Advancement Strategy
B10	Media Release	Threat of removal of ‘rock throwing’ children into care is punitive and unjustified – APO NT	17 April 2015	Juvenile Justice
B11	Media Release	Strong consequences for Alice Springs rock throwers	15 April 2015	Juvenile Justice. Issued by NTG Chief Minister Giles and Minister Elferink
B12	Media Release	New NT Aboriginal Housing Body to tackle Aboriginal housing crisis in the NT	16 March 2015	Housing
B13	Report	Aboriginal Remote Aboriginal Housing Forum	March 2015	Housing Context to the current housing situation for Aboriginal people, lessons learned and alternative housing options. Based on an APO NT forum on remote Aboriginal housing.
B14	Letter	Letter from Minister of Correctional Services	12 February 2015	Juvenile Justice
B15	Submission	Submission to the Joint Select Committee on Constitutional	24 February 2015	Constitutional Recognition

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		Recognition of Aboriginal and Torres Strait Islander People		
B16	Media Release	Putting kids in an adult prison – is this what civilised society would do?	8 January 2015	Juvenile Justice
2014				
C1	Media Release	High imprisonment rate is devastating Aboriginal families – we need a smarter and fairer criminal justice system	5 December 2014	Justice, Imprisonment Rates
C2	Submission	Stronger Futures Review to the Parliamentary Joint Committee on Human Rights	29 November 2014	Stronger Futures and Human Rights
C3	Media Release	17 months on and still no independent evaluation of AMT legislation	27 November 2014	Alcohol Mandatory Treatment
C4	Submission	Submission to the Forrest Review	26 September 2014	Employment, Welfare, Education. APO NT's response to the Forrest Review.
C5	Submission	Submission to the Select Committee into the Abbott Government's Budget Cuts	19 September 2014	Budget Cuts. APO NT's response to the Inquiry into the Federal Government's 2014 Budget cuts.
C6	Media Release	Tudge wrong on community housing crisis	11 September 2014	Housing
C7	Submission	Submission to the Senate Standing Committee on Community Affairs on the Extent of Income Inequality in Australia	11 September 2014	Welfare. APO NT's submission noted the detrimental impact on Aboriginal people in the Northern Territory of current and proposed policies that imposed punitive measures and cuts but failed to support improvements in education, employment and social conditions. 14 Recommendations
C8	Submission	McClure Review – Interim Report	2 September 2014	Welfare. A new System for Better Employment and Social Outcomes.
C9	Submission	Submission to the Senate Inquiry by the Finance and Public Administration References Committee into Domestic violence in Australia	17 August 2014	Family Violence. APO NT stressed that any design and development of programs or initiatives to address family violence needs to be community driven, owned and controlled as much as possible. This will ensure cultural safety and appropriateness and will fit to local conditions. A one size fits all approach will not succeed across the board. 17 Recommendations.
C10	Submission	Submission to the Northern Territory Government – Response to Six Month Review of the Alcohol Mandatory Treatment Act (NT)	8 August 2014	Alcohol Mandatory Treatment. This was a joint submission with Darwin Community Legal Service, Central Australian Women's Legal Service, NAAJA and CAALAS.

C11	Submission	Submission on the Social Services Bills	6 July 2014	Welfare. Submission to the Senate Standing Committee on Community Affairs
C12	Submission	Submission to Northern Territory Select Committee on Action to Prevent Foetal Alcohol Spectrum Disorders	10 June 2014	FASD. APO NT's submission provided recommendations in relation to prevalence, screening, prevention, and the criminal justice system.
C13	Submission	Review of the Education Act	2 May 2014	Education. APO NT's submission argued that education is an important social determinant of health and that the creation of an Aboriginal-controlled peak body for education is crucial to developing more effective education policies and outcomes for Aboriginal students.
C14	Submission	Submission to the House of Representatives Standing Committee on Indigenous Affairs Inquiry into the Harmful Use of Alcohol in Aboriginal and Torres Strait Islander Communities	17 April 2014	Alcohol and FASD. APO NT's submission provided recommendations on the social and economic determinants, FASD and best practices to minimise alcohol misuse and alcohol related harm. 15 recommendations.
C15	Submission	Review of Indigenous Education in the NT	18 February 2014	Education. APO NT's submission recommended local community engagement in school curriculums to ensure that Aboriginal people are closely connected to the school and that school attendance should be addressed through positive rather than negative messaging around parental responsibility. 24 Recommendations.
C16	Submission	Review of the Alcohol Mandatory Treatment Act	17 February 2014	Alcohol Mandatory Treatment Act. APO NT's submission made recommendations in relation to specific provisions for review by the NT Government, treatment services, programs for alcohol and drug dependant offenders, interpreter services, culturally appropriate services delivery, aftercare plans, and legal representation before the Tribunal. 21 Recommendations.
C17	Submission	APO NT Submission to the Northern Territory Government's New Domestic and Family Violence Strategy	11 February 2014	Family Violence. Alcohol fuelled violence, social and emotional wellbeing, community control programs, case studies, legal aid funding cuts, alternative models to punish the offender. 18 Recommendations.
C18	Media Release	APO NT backs wide-ranging alcohol inquiry	10 January 2014	Alcohol
2013				
D1	Media Release	Aboriginal Legal Aid cuts utterly counter-productive	18 December 2013	Budget Cuts
D2	Media Release	Aboriginal children and families cannot afford to lose SAF,T	12 December 2013	Child protection
D3	Media Release	Listening to the Community and experts on alcohol	3 December 2013	Alcohol
D4	Letter	Letter to Senator Nigel Scullion	26 November 2013	Alcohol. Board of inquiry into alcohol
D5	Media Release	APO NT urges reconsideration of Alcohol Protection Order Bill	7 November 2013	Alcohol Protection Orders

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D6	Media Release	Landmark Summit Report Provides Vision for Strong Governance	6 November 2013	Governance & Community Control. This was the first gathering of its kind in twenty years, bringing together over 400 people from many Aboriginal organisations in the NT, communities, homelands and outstations.
D7	Report	Strong Aboriginal Governance Summit Report	2013	Governance. This was the first gathering of its kind in at least a decade, bringing together over 300 people from a broad spectrum of Aboriginal organisations.
D8	Media Release	Aboriginal organisations and NGOs launch collaboration to put communities back in control in the NT	31 October 2013	NGO Partnership Principles & Service Delivery
D9	Letter	Principles for developing a partnership approach for non-Indigenous NGOs	25 October 2013	NGO Partnership Principles & Service Delivery. Letter to Nigel Scullion, Federal Minister for Indigenous Affairs
D10	Project	NGO Partnership Principles	October 2013	NGO Partnership Principles & Service Delivery. The Principles have been endorsed by 18 major NGOs and a joint Steering Committee oversees an ongoing process to promote and operationalise the Principles.
D11	Report	Grog in the Territory: Central Australian Summit on Alcohol Policy and its Impact	August 2013	The second of APO NT's grog summits was held in Alice Springs with local Aboriginal organisations. Included discussions on Alcohol Management Plans, reducing the supply of alcohol and focussing on holistic approaches in treatment. A report on the summit was produced.
D12	Media Release	Maintain Court's Discretion – Therapy not “throw away the key”	3 July 2013	Alcohol & Justice.
D13	Media Release	APO NT calls for joint Territory/ Commonwealth Board of Inquiry into Alcohol	26 June 2013	Alcohol
D14	Letter	From Minister Macklin to APO NT	20 June 2013	Alcohol
D15	Media Release	Bite the Bullet and drop the Bill – and talk now!	13 June 2013	Alcohol Mandatory Treatment
D16	Submission	Submission: “Not Under the influence of evidence: A sober critique of the Alcohol Mandatory Treatment Bill”	31 May 2013	Alcohol Mandatory Treatment. APO NT's submission addressed concerns with the AMT Bill and the key assumptions on which it was based. The submission discussed the determinants of alcohol misuse in the NT, the lack of evidence on which the Bill was based and concerns it would not be therapeutically or cost effective.
D17	Letter	To Aboriginal Organisation in the NT	24 May 2013	Alcohol Mandatory Treatment. Summary of Alcohol Mandatory Treatment Bill.
D18	Media Release	Mandatory Rehabilitation Bill must be released for public consultation – APO NT	24 April 2013	Alcohol Mandatory Treatment

D19	Submission	Submission on the National Congress of Australia's First Peoples Draft Education Policy	30 March 2013	Education. Although APO NT does not provide education services, as community controlled service delivery organisations we believe we have valuable insights into the delivery of services in the NT.
2012				
E1	Submission	Feedback on Alcohol Management Plan Draft Minimum Standards	19 December 2012	Alcohol – Alcohol Management Plan
E2	Media Release	Mini-budget cuts to Aboriginal services will increase harm and cost more – especially in the Bush	9 December 2012	Budget cuts
E3	Letter	To Minister Lambley re: SAF,T	6 December 2012	Child Protection & SAF,T. APO NT welcomed the commitment of the new NTG funding to support SAF,T, the Territory's Aboriginal child protection peak body.
E4	Media Release	Communique Alice Springs Grog Summit: Outcomes	19 November 2012	Alcohol
E5	Briefing Paper	Stronger Futures and Customary Law	15 June 2012	Justice, Customary Law and Stronger Futures
E6	Statement	Statement in response to the Australian Government's Remote Jobs and Communities Program (RJCP)	3 May 2012	Employment – RJCP
E7	Media Release	Remote Communities need economic development and social enterprise organisations. Statement in response to the Australian Government's Remote Jobs and Communities Program	26 April 2012	Employment, CDP – Welfare
E8	Workshop Summary	Aboriginal Employment Providers Workshop on Remote Jobs & Communities Program Summary	26 April 2012	Employment, CDP – Welfare
E9	Briefing Paper	Work Not Welfare: Investing in a Waged Employment Program in Remote Northern Territory	19 April 2012	Employment, CDP – Welfare
E10	Briefing Paper	CDEP Waged Employment Program Benefits Remote Aboriginal Communities	April 2012	Employment, CDP – Welfare
E11	Media Release	Long-term funding commended, but promised new partnership is the key	3 April 2012	Stronger Futures. APO NT welcomed the funding associated with the Stronger Futures package, but noted other key factors necessary to Close the Gap to overcome Indigenous disadvantage – with a focus on health, justice services, homelands and education.
E12	Media Release	NT Aboriginal Organisations Welcome Homelands Support	29 March 2012	Homelands
E13	Letter	Need for legislation to mandate the use of Opal Fuel	15 March 2012	Opal Fuel. Letter to Warren Snowdon, Minister for Indigenous Health.

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E14	Submission	Submission to the Senate Community Affairs Committee Inquiry into the Stronger Futures in the Northern Territory Bill 2011 and two related bills.	6 February 2012	Stronger Futures. APO NT's analysis of the Stronger Futures legislative package and position on related issues.
2011				
F1	Submission	Submission to the Australian House of Representatives Standing Committee on Social Policy and Legal Affairs Inquiry into Foetal Alcohol Spectrum Disorder	31 December 2011	FASD. APO NT's submission argued that the government's approach to alcohol should be multi-tiered due to the health and social consequences of misuse. In this submission APO NT looked at the need to recognise the impacts of FASD including its implications for the criminal justice system. 11 recommendations.
F2	Submission	Submission to the Legislative Assembly of the NT Inquiry into Youth Suicide in the NT	31 October 2011	Youth Suicide. The youth suicide rate in the NT is very high and unacceptable. APO NT's submission discussed factors that can contribute to suicidal behaviours and proposes recommendations to address those factors to reduce the risk of associated suicides amongst young Aboriginal people in the NT. 25 recommendations.
F3	Letter	Letter and Summary Proposal to the Director of Remote Participation and Employment Services Review	12 October 2011	Employment
F4	Submission	CEEDS Proposal - Creating and Supporting Sustainable Livelihoods: A Proposal for a New Remote Participation, Employment & Enterprise Development Scheme.	12 October 2011	Employment, CDP – Welfare – CEEDS Proposal A response to the Australian Government Review of Remote Participation, Employment & Enterprise Development Scheme
F5	Submission	Submission to the Expert Panel on Constitutional Recognition of Indigenous Australians	3 September 2011	Constitutional Recognition.
F6	Submission	Response to Stronger Futures	30 August 2011	Stronger Futures. Summary of APO NT positions on a range of measures in the proposed Stronger Futures package, including education, tackling alcohol abuse, community safety, health and housing and land tenure.
F7	Submission	Submission to the Review of the NT Youth Justice System	15 July 2011	Juvenile Justice. Young Aboriginal people make up over 90% of the population in the youth justice system. APO NT argued that current approaches are ineffective and proposed a youth justice system which is youth specialised, community driven and culturally responsive. APO NT endorsed the submissions from AMSANT, CAALAS & NAAJA.

2010				
G1	Proposal	Funding the Jobs Gap – A Proposal for a New Community Employment and Enterprise Development Scheme (CEEDS) for Regional and Remote Indigenous Australia	12 December 2010	Employment, CDP – Welfare – CEEDS Proposal
G2	Media Release	Aboriginal Legal Services and Aboriginal Peak Organisations of the NT renew calls for the NT Intervention to be overhauled.	10 November 2010	NT Intervention. Joint media release between ATSILS and APO NT Highlighting racial discrimination through the Intervention
G3	Letter	Introduction to APO NT	9 November 2010	Letter written to Minister Macklin
G4	Issues Paper	Future of the NT Emergency Response	8 October 2010	NT Intervention. Issues paper outlining the joint position on the law and justice aspects of the recent redesign of the NT Emergency Response (NTER) legislation. 12 recommendations.
G5	Submission	Combined Aboriginal Organisations' Response to Exposure Draft of Income Management Policy Outlines	23 June 2010	NT Intervention & Income Management (Welfare Reform and Reinstatement of the Discrimination Act) Bill 2009