

Aboriginal Peak Organisations Northern Territory

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

NT Royal Commission Response Background Paper

2.1 Key Issues for the Aboriginal Community-Controlled Sector

1. The need for Aboriginal-led solutions

Aboriginal children are significantly over represented in both the child protection and youth justice systems, being around 7 times more likely to end up in Out of Home Care and 26 times more likely to end up in youth detention than their non-Aboriginal counterparts.

Addressing this over-representation will require Territory Families to form strategic partnerships with Aboriginal Community Controlled Organisations, particularly Aboriginal primary health services, Aboriginal Legal Services and Aboriginal organisations already active in supporting families and children.

It is essential that solutions are developed and driven by Aboriginal people and their communities. Aboriginal empowerment, local ownership and community control have been shown to be critical factors underpinning effective development for Indigenous people and communities (Havnen, 2012).

There is strong evidence that increased self-determination and community control result in better health, wellbeing and socio-economic outcomes. Examples of such research include:

- Studies of Indigenous communities in Canada have revealed a link between increased self-determination and community control, and improved health and psychological wellbeing outcomes. (Chandler, 1998)
- Over 25 years of research by the Harvard Project on American Indian Economic Development has documented successful outcomes in North America in relation to Indigenous control of health, as well as in housing, environment and natural resources, courts and public safety, and economic development. More information on the Harvard Project can be found here: <https://hpaied.org/>
- Australian research demonstrates the effectiveness of family wellbeing empowerment programs in tackling substance abuse, increasing community capacity to take control of health and wellbeing and build productive community norms (Tsey, 2008) (Tsey et al., 2005) (McEwan, 2009)

2. The importance of a public health approach to Youth Justice and Child Protection

Currently, the Youth Justice and Child Protection systems function largely for the purpose of punishment and statutory intervention, rather than development or healing. This approach fails to recognise the underlying impacts of disadvantage, inequality and trauma for children who come into contact with the system, or to consider the broader role of social and cultural determinants (see Background Paper 2.5 Social Determinants).

A Public Health approach would allow for a reframing of these issues by placing the promotion and protection of health and wellbeing for the *whole* population as central within a reformed system. It would also recognise that the health and wellbeing of children is contingent on the wellbeing and strength of their community.

The over-representation of Aboriginal children in the Child Protection and Youth Justice systems cannot be viewed in isolation of the social, family and structural factors that contribute to children entering these systems. Under a public health approach, investment will be shifted from the high cost statutory end of the system to the preventative measures of primary and secondary interventions.

Public health interventions address three levels of prevention:

- Primary – prevents risk factors and vulnerabilities that lead to poor outcomes across the population
- Secondary – service to support those who are already affected by risks and are experiencing illness or vulnerability and reduce or reverse the impacts
- Tertiary – interventions or treatment for people suffering an illness or poor outcomes with the aim of curing, ameliorating or addressing the problem for improved health and wellbeing.

(More detail on the public health approach is in Background Paper 2.3 A Public Health Approach)

3. *Repeal of the NT Youth Justice Act and the Care and Protection of Children Act, to be replaced with a single Act*

The existing Acts are not designed to respond to the often-complex needs of children in an individualised manner, or to address underlying causes of vulnerability and disadvantage. They also fail to recognise the significant over-representation of Aboriginal children in the child protection and youth justice systems.

Creating a single piece of holistic, overarching legislation will provide a clear point of accountability and an organisational culture that prioritises children and outcomes, rather than agencies and processes.

Key components of the new Act would include:

- Common objectives, principles and duties across Child Protection and Youth Justice
- The requirement for a comprehensive needs assessment for every child
- Strong provisions for early intervention and prevention
- Mechanisms to embed the voices of children, young people and families
- Mechanisms to recognise Aboriginal cultural values, beliefs and right to regional autonomy.

Mechanisms under the Act, such as diversionary options and group conferencing, must be appropriately resourced so that they are given meaningful effect in practice.

4. Aboriginal-led alternatives to detention

It is essential that the Northern Territory Government provides appropriate funding and support for youth diversion programs in urban, regional and remote communities that are developed and run in partnership with or by Aboriginal entities, communities, Elders and Law and Justice Groups.

Funding and support should also be provided to establish local, culturally appropriate alternatives to detention including Aboriginal-controlled residential healing and drug and alcohol rehabilitation services.

A therapeutic, culturally relevant bail support program should also be established that provides coordinated, wraparound support to meet the individual needs of young people in urban, regional and remote communities.

A broader range of non-custodial sentencing options are required in remote communities and these options should be co-designed with Aboriginal communities.

There is a need for small-scale supported accommodation for youth to be developed and implemented across the Northern Territory, designed in a location-specific and culturally-appropriate way. This accommodation should be available for young people at risk of or experiencing homelessness, as well as designed to cater for young people with complex needs.

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The interests of young people in the Northern Territory would be best progressed through a bi-partisan commitment in relation to the resourcing and implementation of recommendations by this Commission, at both tiers of Government. The implementation of evidence based, best practice approaches to supporting young people and families should not be subject to political cycles. Long-term, substantial resourcing for reforms must be committed to in order to see meaningful reform to the youth justice system and ultimately improve social cohesion and wellbeing in the Northern Territory.

References

- CHANDLER, M. L., C. 1998. *Cultural Continuity as a Hedge Against Suicide in Canada's First Nations.* , Vancouver, University of British Columbia.
- HAVNEN, O. 2012. Office of the Northern Territory Coordinator-General for Remote Services Report: June 2011 to August 2012. , 216. Retrieved from: <http://hdl.handle.net/10070/241806>. In: SERVICES, O. O. T. C.-G. F. R. (ed.). Darwin.
- MCEWAN, A. T., K. 2009. *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah, Discussion Paper No. 7*, Darwin, CRCAH.
- TSEY, K. 2008. The control factor: a neglected social determinant of health. *The Lancet*, 372, 1629.
- TSEY, K., TRAVERS, H., GIBSON, T., WHITESIDE, M., CADET-JAMES, Y., HASWELL-ELKINS, M., MCCALMAN, J. & WILSON, A. 2005. The role of empowerment through life skills development in building comprehensive primary health care systems in Indigenous Australia. *Australian Journal of Primary Health*, 11, 16-21.