

# Aboriginal Peak Organisations Northern Territory

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

## NT Royal Commission Response Background Paper

### 2.2 The case for wholesale reform and a single act

#### Why do we need wholesale reform?

- Aboriginal children and young people are significantly over-represented in the child protection and youth justice systems
- The **youth justice system** is focused on punitive and reactionary approaches rather than holding offenders accountable and supporting them so that they do not come into contact with the system
- The **child protection system** is focused on statutory responses (investigation, removal) to child vulnerability rather than investing in strengthening and supporting families to care for their children
- Many children and young people who come into contact with youth justice and child protection systems have **complex needs and vulnerabilities** that are not addressed
- Children, young people and their families are 'siloed' through individual agency processes and must navigate their way through complex systems
- There is a lack of a cohesive framework setting out the shared objectives of these systems and guiding the actions of government and non-government agencies towards generating the best possible long term outcomes for children and young people
- The over-representation of Aboriginal children in the child protection and youth justice systems cannot be viewed in isolation of the risk factors or broader social determinants of health and wellbeing. [Refer to briefing paper 2.5 on social determinants].

**These are systemic issues that cannot be remedied through piecemeal changes to the existing system.**

#### What is the aim of a new system?

- All children and young people live with loving families and communities where they are safe, strong, and connected. With these supportive networks, children and young people are able to realise positive long term health, emotional, education, social and economic outcomes.
- This can only be achieved if there is a complete overhaul of the existing systems that places the child and their need for a stable, loving family at the centre.

## How could a new system achieve our aim?

- By focusing on addressing vulnerability through individualised and tailored responses to meet the needs of vulnerable children, young people and families to ensure positive long term life outcomes.
- A new system would provide a flexible package of services tailored to an individual's needs that follows them through all service systems.

## Why do we need a single Act?

The current *Youth Justice Act* and *Care and Protection of Children Act* are not designed to respond to vulnerabilities in an individualised and tailored manner that address the underlying causes of contact with these systems and meet the needs of children, young people and their families.

Both Acts lack any emphasis or focus on:

- prevention and early intervention
- the importance of strengthening community and family relationships
- improving long-term life outcomes for young people who offend
- recognising the importance of addressing cultural, spiritual, developmental, cognitive and other health needs of children and young people
- empowering children, young people and their families to participate in decision making processes
- embedding cultural authority and cultural strengthening approaches.

## What difference will a single Act make?

A single act for the wellbeing of all children and young people in the Northern Territory will ensure:

- every decision made is focused on generating the best possible long term life outcomes for that child or young person
- the system is geared towards addressing and preventing vulnerability rather than responding punitively
- a coherent and consistent approach to child development, trauma informed care and a system-wide practice framework with common values, principles, ways of working and definitions to guide decision makers in both systems
- responses to vulnerable children and young people are customised, individualised and follow the child rather than being 'siloes' in individual agency processes
- the entrenched structural disadvantage suffered by Aboriginal people in the Northern Territory is addressed
- better outcomes for the whole community through an evidence based approach to supporting children to achieve better outcomes.