

Aboriginal Peak Organisations Northern Territory

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

Mr. James Miller
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Wednesday 4 October 2017

Dear Mr. Miller,

RE: FASD Strategy

I write on behalf of the Aboriginal Peak Organisations of the Northern Territory (APO NT) to provide a brief submission on the FASD Strategy. APO NT acknowledge AMSANT's submission to Siggins Miller through the FASD strategy portal and we support AMSANT's recommendations.

APO NT is an alliance comprising the Central Land Council (CLC), Northern Land Council (NLC), Central Australian Aboriginal Legal Aid Service (CAALAS), North Australian Aboriginal Justice Agency (NAAJA) and the Aboriginal Medical Services Alliance of the NT (AMSANT). Since its establishment in 2010, APO NT has 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. APO NT has been engaged in the issue of FASD since 2011 and has provided a number of submissions to both the Northern Territory and Commonwealth Government.¹

APO NT was not invited directly to the consultation held in Darwin or invited to provide a submission to the Consultants. We were informed of the consultation process through one of our members, the Aboriginal Medical Alliance of the Northern Territory (AMSANT). APO NT is concerned that key Aboriginal service providers may not have been involved in the consultation and would like further information on the next steps in this process, either from Siggins Miller or the Department of Health. APO NT would like to be engaged on this issue in future.

APO NT believes that any genuine approach to prevent and address FASD in the NT must include evidence based approaches, including population-wide alcohol supply reduction measures which have been shown to be the most cost effective way to reduce consumption and alcohol-related harms

¹ See: [Submission to the Australian House of Representatives Standing Committee on Policy and Legal Affairs Inquiry into FASD](#) (2011); [Northern Territory Select Committee on Action to Prevent FASD](#) (2014); and [Harmful use of alcohol in Aboriginal and Torres Strait Islander communities](#) (2014).

across the population. We further endorse a comprehensive primary health care model, which incorporates universal access to Early Childhood Development and Social and Emotional Wellbeing programs as vital in reducing the prevalence and impact of FASD.

Resourcing must be available to support FASD assessments being undertaken as early as possible upon concerns arising. Such concerns may arise during a child's engagement with health, education or child protection services. Ideally an assessment will have occurred prior to a child interacting with the criminal justice system, but in the event it does not, APO NT believes that there must be better resourcing of the criminal justice system to enable any person suspected of having developmental or cognitive impairments to be assessed and have access to appropriate case management support. These processes need to inform sentencing options. As diagnosing FASD among children and adults is challenging, some will enter the criminal justice system without appropriate consideration of their impaired functioning by the court. This is exemplified by the lack of access to community services, which may assist an individual with FASD, and magistrates could consider alternative and more appropriate sentencing options if they were available. APO NT believe that resources should be committed to:

- Improving awareness and understanding of FASD and other forms of cognitive impairment amongst professionals working in the justice, education, health and child protection system,
- Carrying out screening and increasing capacity within the justice system, including through the appointment of specialist court-based clinicians,
- Establishing and expanding non-custodial therapeutic options to the courts to ensure that the courts can divert FASD-affected offenders away from the prison system and into programs and services, which support FASD-affected offenders. Current options are extremely limited; and,
- Where a FASD-affected offender must receive a custodial sentence, ensuring that therapeutic secure care facilities are available as an alternative to prison and if a FASD-affected offender is placed in a prison setting, ensuring that programs within prison and post-release are tailored to meet the needs of the offender.

APO NT is aware that the issue of FASD was consistently raised at the Royal Commission into the Protection and Detention of Children in the Northern Territory and suggests that Siggins Miller and the Department review the Commissioner's recommendations on FASD, once released in November. APO NT highlights in particular, the evidence of Dr. James Fitzpatrick, which can be accessed [here](#).

APO NT also refers Siggins Miller and the Department to the findings of the NT Parliamentary Inquiry into Foetal Alcohol Spectrum Disorder (FASD), which recognised the huge cost that FASD can have to the community, including through coercive interventions, such as imprisonment, to control destructive behaviours.² The implementation of recommendations identified by the Inquiry should be seen as a vital first step in addressing the alcohol misuse which is inextricably linked to the prevention and treatment of FASD.

² North Australian Aboriginal Justice Agency & Central Australian Aboriginal Legal Aid Service. (2014). *Submission to the Northern Territory Select Committee on Action to Prevent Foetal Alcohol Spectrum Disorders*, 10. Retrieved from: <http://www.caalas.com.au/Portals/caalas/Submissions/NT%20FASD%20Inquiry%20-%20joint%20CAALAS%20and%20NAAJA%20sub%20-%20May%202014.pdf>

To discuss the details of this letter further, please contact on (08) 8944 6672 or via email brionee.noonan@amsant.org.au.

Yours sincerely,



Priscilla Atkins
CEO
North Australian Aboriginal Justice Agency

On behalf of:

John Paterson CEO AMSANT	Priscilla Atkins CEO NAAJA	David Ross Director CLC	Leeanne Caton Acting CEO CAALAS	Joe Morrison CEO NLC
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