

# Aboriginal Peak Organisations Northern Territory (APO NT)

An alliance of the Central and Northern Land Councils, Aboriginal Housing NT and Aboriginal Medical Services Alliance Northern Territory

Ms. Leanne Liddle  
Director, Aboriginal Justice Unit  
Department of the Attorney-General and Justice

Via email: [agd.aju@nt.gov.au](mailto:agd.aju@nt.gov.au)

Friday 17 April 2020

Dear Ms Liddle,

**Re: Submission in response to the Draft Northern Territory Aboriginal Justice Agreement (2019-2025)**

The Aboriginal Peak Organisations of the Northern Territory (APO NT) welcomes the opportunity to make a submission on the draft Northern Territory Aboriginal Justice Agreement (NTAJA). APO NT is strongly supportive of the development of a Northern Territory Aboriginal Justice Agreement.

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 and strengthen the work of the Australian and Northern Territory Governments. As peak organisations in the Northern Territory, we share the aim of protecting and advancing the Aboriginal leadership, wellbeing and socioeconomic and cultural rights of Aboriginal people and communities. Aboriginal empowerment and self-determination through, local ownership and community control are critical factors underpinning our work and advocacy.

APO NT has long advocated for the empowerment of Aboriginal people in all areas of life, especially with respect to Law and Justice.

The COVID-19 pandemic has impacted on the entire Northern Territory population. It is unfortunate that APO NT has not been able to consult extensively with our most vulnerable population in developing this submission however, note that through wide consultation remote people living in communities have informed your Pathways to a National Justice Agreement document..

In light of this, our submission is relatively brief and is based on our collective cultural competency and authority to acknowledge that our alliance and advocacy work is interwoven through our respective disciplines, informed by the authority of our leadership and constituents or membership.

APO NT values the dedication, extent and degree of legal expertise that the North Australian Aboriginal Justice Agency (NAAJA) provides to the Aboriginal population through competent professionals who understands the critical law and justice issues that are impacting on Aboriginal people on a daily basis.

APO NT endorses NAAJA's comprehensive submission on the NTAJA, and believes that the Northern Territory Government must adopt and implement NAAJA's recommendations in their entirety to ensure holistic positive reform in the Territory's law and justice systems.

APO NT and NAAJA's legal advocacy is informed by real situations, legal impediments and it is institutional change and legislative reforms that is required to overcome access, equity and racism. As an example, the recent tragic death of a young Aboriginal man in Yuendumu, the local community leaders and residents raised serious concerns and ways to improve the justice system as a whole including the need for communication protocols with senior community members; Law and Justice group members prior to arrests or detainment; the engagement of local community police; and community liaison to identify and ensure conflict is avoided, volatile situations de-escalated and cultural considerations are taken into account

As mentioned, APO NT acknowledges the extensive community consultation that has gone into developing the draft NTAJA and the corresponding document '*Pathways to the Northern Territory Aboriginal Justice Agreement*'. The *Pathways to the Northern Territory Aboriginal Justice Agreement* highlighted the stark disparities between Aboriginal and non-Aboriginal social and economic circumstances, which can lead to an increased contact with the justice system. From our respective experiences at APO NT, this is often compounded by past and current government policies and subsequent intergenerational loss, trauma and grief.

APO NT recognises that that the NTAJA aims to address a range of complex issues and policy domains, reflecting the multitude of factors that compound the discrimination facing Aboriginal people as they attempt to navigate the justice system; inequality within the justice system does not occur in isolation. While the NTAJA is admirable and ambitious, APO NT strongly advocates for concurrent investment and initiatives in mental health and wellbeing, housing, education, training and employment, support for families and young people, and the development of empowered and culturally appropriate Aboriginal law and justice decision-making bodies at the community level. The issues facing Aboriginal people within the justice system are multi-faceted and, as such, require a comprehensive and integrated action plan, underpinned by a co-design process.

The APO NT alliance as members of the Coalition of Peaks negotiating the new National Partnership Agreement on Closing the Gap, provided leadership in developing priority areas for reform which have been supported and will be formally endorsed by the Council of Australian Governments (COAG) at their next meeting and therefore must be included in any Aboriginal Justice Agreement in the Northern Territory. These are:

- **Priority Reform One**

Developing and strengthening structures to ensure the full involvement of Aboriginal and Torres Strait peoples in shared decision making at the national, state and local or regional level and embedding their ownership, responsibility and expertise to close the gap

- **Priority Reform Two**

Building the formal Aboriginal and Torres Strait Islander community-controlled service sector to deliver Closing the Gap services and programs in agreed priority areas.

- **Priority Reform Three**

Ensuring all mainstream government agencies and institutions undertake systemic and structural transformation to contribute to Closing the Gap.

- **Priority Reform Four**

Ensuring Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally relevant data and information to set and monitor the implementation of the Priority Reforms, the Closing the Gap targets, and drive their own development.

APO NT recommends that the NTAJA reflect these priority reform areas. That is, Aboriginal people must have a real role in decision-making, the capacity of Aboriginal people and organisations must be developed, mainstream service delivery must be improved and data must be shared with Aboriginal people and relevant groups. In particular, the Aboriginal Justice Agreement must empower Aboriginal people and community-controlled organisations to be instrumental in this space. This includes, but is not limited to, the delivery of:

- children, youth and women diversion programs
- programs for incarcerated people
- alternatives to custody
- therapeutic programs e.g. for supporting people with Foetal Alcohol Spectrum Disorder
- domestic violence services

The APO NT Partnership Principles (“the Principles”), developed in 2013 provides guidance to non-Aboriginal and Aboriginal organisations working together to deliver programs and services across the Northern Territory. The Principles provide critical measures to strengthen the capacity of the Aboriginal organisation in a partnership arrangement and a strategy to eventually hand over full control of the program or service to the Aboriginal organisation, which is critical to the overarching NT Government’s Local Decision Making Policy. The Principles must be considered in the government procurement and grant processes to effectively guide Aboriginal and non-Aboriginal organisations working to deliver justice programs and services under the proposed NTAJA.

APO NT also recommends:

- that a fully-funded implementation plan is developed so that the NTAJA can ensure the strategies and actions listed in the NTAJA are adequately funded such that they can be

implemented in a sustainable and effective manner, without introducing competition with existing Aboriginal funding;

- that the actions listed in the NTAJA are appropriately assigned to specific work teams for implementation and monitoring;
- that the actions listed in the NTAJA are broken down into specific, measurable outcomes with timeframes for implementation;
- that the implementation of the NTAJA is monitored and evaluated at least every three years by an independent body;
- that Aboriginal community-controlled organisations are supported to deliver programs wherever possible. If doing so in partnership with a non-Aboriginal organisation, the APO NT Partnership Principles must be followed to ensure the development and eventual takeover of service provision is done by the Aboriginal organisation;
- That Aboriginal people are given real leadership and mentoring positions in the justice space, including increasing the number of Aboriginal community liaison officers working in remote communities and regional centres and developing with accessible pathways to becoming Aboriginal Police officers employed as a public servant in the justice system;
- that existing Law and Justice Groups across the Northern Territory are adequately resourced, supported and remunerated, to ensure their participation continues to be organised and meaningful. In accordance with the APO NT principles this support should ideally be provided by Aboriginal Community Controlled Organisations with the skills and capacity to provide that support including NAAJA who have an extensive history in facilitating and working with Law and Justice Groups in Lajamanu, Tiwi, Galiwinku and Maningrida. Resourcing would ideally include options over time for paid advocacy work by local committee members, parole mentoring, coordination of support as well as professional development and training;
- resource and support new Law and Justice Groups to develop and play an increasing role in supporting local people in the justice system and to exercise authority over the way in which various aspects of the law and justice system interact with their communities. These groups may vary in their roles and reflect local priorities and systems of cultural authority; and
- that the NT Government fully implements the recommendations of the Royal Commission into the Aboriginal Deaths in Custody and the Detention and Protection of Children in the Northern Territory as a matter of urgency, including raising the minimum age of criminal responsibility to at least 14.

APO NT acknowledges the significant work of the Aboriginal Justice Unit in preparing the *'Pathways to the Northern Territory Aboriginal Justice Agreement'* and the draft NTAJA. This work is ground-breaking for the Northern Territory and must be adequately resourced and implemented in a co-design process with Aboriginal people, so that it becomes reality on the ground.

Thank you for considering our submission on the draft Aboriginal Justice Agreement. Please contact Brionee Noonan at [researchofficer.apont@amsant.org.au](mailto:researchofficer.apont@amsant.org.au) to discuss this submission further.

Yours faithfully,



John Paterson on behalf of the APO NT CEOs:

**Mr. John Paterson**  
CEO AMSANT



**Ms. Marion Scrymgeour**  
CEO NLC



**Mr. Joe Martin-Jard**  
CEO CLC



**Ms. Leanne Caton**  
Chair AHNT

