



Foreword

We were appointed as the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse on 8 August 2006. Initially, it was thought that we could report back on our findings by the end of the year. It soon became obvious this would not be possible and it was agreed with the Chief Minister that we would provide this report by the end of April 2007. We are pleased that we have been able to do so.

We submitted an interim report to the Chief Minister by way of letter dated 10 October 2006 in which we said:

1. *There is nothing new or extraordinary in the allegations of sexual abuse of Aboriginal children in the Northern Territory. What is new, perhaps, is the publicity given to them and the raising of awareness of the wider community of the issue.*
2. *Sexual abuse of children is not restricted to those of Aboriginal descent, nor committed only by those of Aboriginal descent, nor to just the Northern Territory. The phenomenon knows no racial, age or gender borders. It is a national and international problem.*
3. *The classic indicia of children likely to suffer neglect, abuse and/or sexual abuse are, unfortunately, particularly apparent in Aboriginal communities. Family dysfunctionality, as a catch-all phrase, reflects and encompasses problems of alcohol and drug abuse, poverty, housing shortages, unemployment and the like. All of these issues exist in many Aboriginal communities.*
4. *The problems are such that significant government inquiries have already been completed in Western Australia (Gordon Report 2002), Queensland (Protecting Children Inquiry 2004), Victoria (The Report into Sex Offences by the Victorian Law Reform Commission 2004) and New South Wales (Aboriginal Child Sexual Assault Taskforce 2006). In addition, the Federal Parliament, through Democrat Senator Andrew Bartlett, has resolved to develop a national child sexual assault strategy; and the Federal Government has recently announced the establishment of a national Indigenous child abuse task force consisting of representatives of all the State, Territory and Federal police forces and based in Alice Springs.*
5. *In the Northern Territory, government agencies have been aware of the allegations over a long period. They*

do what they can with the resources they have and the level of (or lack of) cooperation from communities. There are many inhibitions, however, in this area. Your first task for us addresses this issue by directing us to focus on unreported incidences of such abuse.

6. *It is noteworthy that the NSW Aboriginal Child Sexual Assault Taskforce 2006 referred to above did not embark on an investigation, as such, of the incidence of sexual abuse. The Attorney-General in that State relied upon a report that indicated 70% of all female Aboriginal prisoners in New South Wales jails had suffered from sexual abuse as children, as a sufficient catalyst to start the process.*
7. *In the Northern Territory, a significant research project has just been completed into sexual abuse in Aboriginal families and communities. This was a project funded by the Top End Women's Legal Service and had the support of government agencies. It dealt specifically with Groote Eylandt communities. The introduction to the overview contains the following:*

This project was not designed to prove that sexual abuse existed or was a problem in Aboriginal families and communities. As Aboriginal women, we know that it exists and that the problems that are created by sexual abuse will continue to have devastating impacts until we all take an active role in stopping the sexual assault and sexual abuse of our women and our children.

8. *We have been struck by the enormous number of agencies (both government and non-government) and community and other groups, which have an interest in, or responsibility for, this topic. They include those with legal, medical, social, cultural and structural viewpoints. We have started to tap into that experience and knowledge.*

9. *Of course, as we have already noted, it is a very important point and one which we have made during the course of many of our public discussions of the issues that the problems do not just relate to Aboriginal communities. The number of perpetrators is small and there are some communities, it must be thought, where there are no problems at all. Accepting this to be the case, it is hardly surprising that representatives of communities, and the men in particular, have been unhappy (to say the least) at the media coverage of the whole of the issue.*

Notwithstanding, there is, in our view, sufficient anecdotal and forensic and clinical information available to establish that there is a significant problem in Northern Territory communities in relation to sexual abuse of children. Indeed, it would be remarkable if there was not, given the similar and significant problems that exist elsewhere in Australia and abroad.

This has not been an easy Inquiry to conduct. The report has been difficult to write. This is a sad and emotional subject. More than one health professional has broken down in discussions with us, as have community people. The themes that emerge are not unusual. These themes are “the usual suspects” as far as Aboriginal people in the Northern Territory are concerned.

Unless a firm commitment to success is undertaken immediately, a further generation is likely to be lost. There are no quick fixes but we make some recommendations which can be implemented immediately and which are not “big ticket” items.

We have deliberately worked closely with the relevant Northern Territory Government departments, not only for their advice on the practicality of our recommendations, but also with a view to bypassing the usual and inevitable delays in implementation caused in sending off reports and recommendations for further analysis and advice. We understand that the recommendations contained in the report have the broad support of those departments, although financial implementation issues have been raised with us.

We make a special plea for prompt consideration and acceptance of the principal tenets of the report as a matter of extreme urgency. A failure to do so will see the loss of the considerable goodwill and awareness we

have been able to develop with Aboriginal people and other stakeholders during these last months. A disaster is looming for Aboriginal people in the Northern Territory unless steps are taken forthwith.

Our terms of reference required us to enquire into the protection of Aboriginal children from sexual abuse. We will, no doubt, receive some criticism for appearing to stray well beyond that limited brief. However, we quickly became aware – as all the inquiries before us and the experts in the field already knew - that the incidence of child sexual abuse, whether in Aboriginal or so-called mainstream communities, is often directly related to other breakdowns in society. Put simply, the cumulative effects of poor health, alcohol, drug abuse, gambling, pornography, unemployment, poor education and housing and general disempowerment lead inexorably to family and other violence and then on to sexual abuse of men and women and, finally, of children.

It will be impossible to set our communities on a strong path to recovery in terms of sexual abuse of children without dealing with all these basic services and social evils. Even then, the best that can be hoped for is improvement over a 15 year period - effectively, a generation or longer. It is our earnest hope that no Aboriginal child born from this year on will ever be the subject of sexual abuse. Our *commitment to success* should be aimed squarely at that target!

It is necessary that this process of recovery begin NOW. We are aware that COAG has commenced consideration at senior officer level of Indigenous Generational Reform (IGR) that will provide, if approved, a staged 20-year program. The first five years deal with 0-3 year-olds. It is to start in 2009! COAG has been *on the case* since at least 2000 when it adopted its Reconciliation Framework, which recognised *the unique status of Indigenous Australians and the need for recognition, respect and understanding in the wider community*. The goodwill that is evident is commendable, but it is now 2007.

The key indicators of Aboriginal disadvantage have been well documented in a formal sense but, in any event, are well-known throughout the country. We will have lost another nine years by 2009 in thinking and talking about and designing principles and models for service delivery. It's time for some brave action. We have an enormous amount of knowledge and experience about

the problems. It should now be applied. There is no more time for us to wring our collective hands. Both Aboriginal and non-Aboriginal Australians have tended to despair about the difficulties instead of individually or collectively exercising some leadership. We are positively convinced that unless prompt and firm decisions are made and leadership shown at ALL levels of society, real disaster faces Australia within a generation.

Many of the sentiments expressed here will also be found in the report. Our first two recommendations to government encapsulate our findings and we anticipate them here:

1. That Aboriginal child sexual abuse in the Northern Territory be designated as an issue of urgent national significance by both the Australian and Northern Territory Governments, and both governments immediately establish a collaborative partnership with a Memorandum of Understanding to specifically address the protection of Aboriginal children from sexual abuse. It is critical that both governments commit to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.
2. That while everybody has a responsibility for the protection of all children, the Northern Territory Government must provide strong leadership on this issue, and that this be expressed publicly as a determined commitment to place children's interests at the forefront in all policy and decision-making, particularly where a matter impacts on the physical and emotional wellbeing of children. Further, because of the special disadvantage to which the Aboriginal people of the Northern Territory are subject, particular regard needs to be given to the situation of Aboriginal children.

We commend the report not only to the government and the people of the Northern Territory but to the government and people of Australia. Our hope is that the nation will work together for the sake of all its children.



PAT ANDERSON

30 April 2007

Darwin, Northern Territory



REX WILD



Acknowledgements

From the outset of our undertaking, it was clear that time was of the essence. Although the Chief Minister extended the reporting timeframe from the original “end of the year” (2006) until 30 April 2007, it was necessary to comply with this time limit for two reasons.

Firstly, an expectation had been raised and the Northern Territory community was entitled to expect a prompt response to allegations then being made.

Secondly, because it became apparent immediately that a significant problem existed, the sooner it was confronted and some advice given to government, the better.

That we have been able to do so is almost entirely due to the efforts made by all members of the team that worked with us. Their short biographies appear below:

Julie Nicholson – Executive Officer

Julie has a Bachelor of Jurisprudence and more than 20 years NT Government experience in policy and administration. Her previous positions have included Research Officer to the NT Administrator, Executive Officer to the Legislative Assembly’s Legal and Constitutional Affairs Committee in respect of its Inquiry into the 1998 Statehood Referendum, Senior Ministerial Officer, and Director of the Cabinet Office in the Department of the Chief Minister.

Dr Adam Tomison – Director, Policy and Research

Adam is a psychologist who has been involved in combating family violence for more than 16 years. He is a well-known expert in the field of child abuse, the prevention of child abuse and other family violence, and the operation of child protection and family support systems. As a senior researcher at the Australian Institute of Family Studies from 1995 to 2004, Adam led the development of Australia’s National Child Protection Clearinghouse. Under his leadership, the Clearinghouse became a centre for excellence with a national and international reputation in the field of child abuse prevention and child protection.

Since 2004, Adam has undertaken a range of executive appointments with the Northern Territory

Government. As of September 2006, he has shared his work time equally between roles as Deputy Director (Reform) of the Family and Children’s Services in the Department of Health and Community Services, and Director of Policy and Research for the Inquiry.

Stewart O’Connell – Senior Policy Officer

Stewart is a Territory bred and educated lawyer who has worked extensively with and for Aboriginal people. He has substantial experience working in remote communities. Stewart is passionate about assisting Aboriginal people to formulate and implement their own solutions to developing a better quality of life and to taking more control of their destiny.

Barbara Kelly – Senior Research Officer

Barbara holds a Bachelor of Social Work (UNSW) and a Masters of Social Work (Monash). Barbara has extensive experience working in child protection in the areas of operations, management and policy. She has also been a lecturer in the Social Work degree course at CDU and, over the past 25 years, has lived and worked in a range of regional and remote NT communities.

Noelle Chandler – Administrative Assistant

Noelle has more than 25 years experience in executive information coordination and administrative areas within Northern Territory Government agencies.

Each of these people contributed greatly to the functioning of the Inquiry, enabling us to concentrate on consultations, meetings and reading submissions.

The community visits, and various meetings, were mainly conducted by Inquiry Members Pat Anderson and Rex Wild, in company with Barbara Kelly and Stewart O’Connell. Stewart visited many communities in advance and was able to establish contacts and arrange meetings. Meetings with women’s groups in various localities were generally conducted by Pat Anderson and Barbara Kelly and the men’s meetings by Rex Wild and Stewart O’Connell. From time to time, Julie Nicholson, Noelle Chandler and Dr Adam Tomison stood in. A great deal of sensitivity and professionalism was demonstrated by each of these officers.

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The Inquiry covered 35,000 kilometres by air and motor vehicle, with 45 community visits and more than 260 meetings conducted. All team members played a vital role in this activity, never shirking the issue. That we got to all planned locations without getting lost and with somewhere to stay, was a credit to Noelle Chandler, who carried out her secretarial and administrative role to perfection. She also managed to transform convoluted written and recorded instructions into meaningful transcript.

We must pay special tribute to Julie Nicholson who, in every way, was the perfect Executive Officer. Knowing her way in the public service, as she does, smoothed the path for us considerably. Julie facilitated a move from temporary premises to an independent, as it were, location. She accommodated our every reasonable whim and made sure we were supported at all times in what could have been an even more difficult assignment. She worked extraordinarily long hours. We were indeed fortunate to have her with us.

We should add that the preparation of the report has been a big undertaking in the time available, with the vast amount of material to be considered and the comparatively small team involved. We have been greatly aided by the work of each team member in analysing the material and drafting much of the report for our consideration. We cannot usefully single out individuals except to say they each made a great contribution to the final product, and they each worked long hours, particularly in the final stages of the Inquiry, to do so. We have very much appreciated their initiative and enthusiasm. Having said that, we take full responsibility for the contents of the report and its recommendations, which express our views on the issues.

We also thank and acknowledge the contribution made to our task by the Expert Reference Group. This consisted of the following personnel, each an expert in his or her own field and who each gave generously of their knowledge and provided encouragement and support:

Professor Paul Torzillo AM

Senior Respiratory Physician, Royal Prince Alfred Hospital. Dr. Torzillo has a 25 year interest and involvement in Aboriginal health and a fourteen year involvement with Nganampa Health Council.

Professor Dorothy Scott

Director, Australian Centre for Child Protection, University of South Australia.

Ms Barbara Cummings

Long term Indigenous social justice advocate. Current member of Danila Dilba Board. Founding Member of FORWAARD, Danila Dilba, Minbani, NAIDOC and Karu. Long-term Board member of Karu. Instigator of the Stolen Generations campaign.

Mr John Ah Kit

Adviser to the Jawoyn Association. Former Minister for Community Development and Minister Assisting the Chief Minister on Indigenous Affairs. Previously Executive Director, Jawoyn Association. Director, Northern Land Council and Executive Director, Katherine Kalano Association.

Ms Stephanie Bell

Director, Central Australian Aboriginal Congress. Chairperson of AMSANT. Chair of the NT Aboriginal Health Forum and of the NT Health Advisory Council.

Mr Charlie King

Chairperson of the NT Government's Family and Community Services Advisory Committee. Indigenous child protection advocate.

We had significant dealings with Northern Territory Government agencies and non-government agencies. They were all genuinely helpful and made substantial contributions to our investigations. We would like to record our appreciation to the many organisations and individuals that either made submissions or provided other valuable insights into the matters the subject of our enquiries.

Finally, we would like to thank the Aboriginal people of the Northern Territory who received us into their communities and shared with us the benefits of their wisdom, experience and knowledge and, in some cases, their sorrow.