



## Recommendations

The aim of the following recommendations should be plain from the report. They are offered to the Chief Minister in the knowledge that the safety of children is everybody's business, not just that of government. Parents have responsibilities too.

In the first recommendation, we have specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities, whether these be in remote, regional or urban settings.

We have been conscious throughout our enquiries of the need for that consultation and for Aboriginal people to be involved. Mr Fred Chaney, in retiring from the National Native Title Tribunal, was asked why successive governments have failed so comprehensively to turn the story of Aboriginal deprivation around. He was being interviewed on the ABC's 7.30 Report on 19 April 2007 and replied:

- *And one of the things I think we should have learned by now is that you can't solve these things by centralised bureaucratic direction. You can only educate children in a school at the place where they live. You can only give people jobs or get people into employment person by person. And I think my own view now is that the lesson we've learned is that you need locally based action, local resourcing, local control to really make changes.*
- *But I think governments persist in thinking you can direct from Canberra, you can direct from Perth or Sydney or Melbourne, that you can have programs that run out into communities that aren't owned by those communities, that aren't locally controlled and managed, and I think surely that is a thing we should know doesn't work.*
- *So I am very much in favour of a model which I suppose builds local control in communities as the best of those Native Title agreements do, as has been done in the Argyle Diamond Mine Agreement, as is being done in Kununurra. Not central bureaucracies trying to run things in Aboriginal communities. That doesn't work.*
- *They're locked into systems which require central accounting, which require centralised rules and regulations. They're not locally tailored. The great*

*thing about working with a mining company in an Aboriginal community is that the mining company has the flexibility to manage towards outcomes locally with that community.*

- *The great thing about the education projects in which I'm involved is that we can manage locally for the outcomes that we want to achieve locally. Once you try and do it by remote control, through visiting ministers and visiting bureaucrats fly in, fly out – forget it.*

The thrust of our recommendations, which are designed to advise the Northern Territory Government on how it can help support communities to effectively prevent and tackle child sexual abuse, is for there to be consultation with, and ownership by the communities, of those solutions. The underlying dysfunctionality where child sexual abuse flourishes needs to be attacked, and the strength returned to Aboriginal people.

With that introduction, we set out in their entirety the recommendations which appear throughout the remainder of this part of the report.

In those chapters containing recommendations, the recommendations are generally set out at the end of the chapter. In some of the longer chapters, individual recommendations appear immediately following the relevant part of the discussion.

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## Leadership

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 the issue of child sexual abuse, 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 well-being 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.
3. That the Northern Territory and Australian Governments develop long term funding programs that do not depend upon election cycles nor are limited by short-term outcomes or overly bureaucratic reporting conditions and strictures.

## Government responses

4. That the government develop a Child Impact Analysis for all major policy and practice proposals across Government.
5. That the government develop a whole-of-government approach in respect of child sexual abuse. Protocols should be developed as a matter of urgency to enhance information sharing between agencies and the development of a coordinated approach in which all agencies acknowledge a responsibility for child protection. The approach might build on the work of the Strategic Management Group and Child Abuse Taskforce but needs to extend well beyond those initiatives.
6. That all Northern Territory Government agencies adopt policies, procedures or guidelines that promote

child safety (e.g. reporting child abuse, appropriate recruitment and selection practices of staff and volunteers who work with children, including screening processes wherever appropriate) and further that agencies ensure that compliance with such policies, procedures and guidelines relating to child safety are a requirement of all funding agreements they enter into with non-government organisations.

7. That a senior executive officer be designated in each Northern Territory Government agency which has any contact with or responsibility for children to coordinate that Department's response to ongoing child protection issues in conjunction with Family and Children's Services (FACS) and Police, and to facilitate interagency collaboration and communication on child protection and related issues. A suggested designation for such officers could be "Director of Child Safety", and this group of officers to report to the Deputy Chief Executive in the Department of the Chief Minister.
8. That employment screening be mandatory for all employed persons and volunteers working with children as described in the draft Care and Protection of Children Bill 2007.
9. That a position of Commissioner for Children and Young People be established, with duties and responsibilities as described in the draft Care and Protection of Children Bill 2007. The Inquiry further recommends that:
  - a. The Commissioner should have a broad role not limited to individual complaints handling with the power to conduct inquiries into any issues affecting children and young people in the Northern Territory, but with an emphasis on child protection and child abuse prevention
  - b. The Commissioner to have specific responsibility for the wellbeing of Aboriginal children.
10. That a child death review process as described in the draft Care and Protection of Children Bill 2007 be established. In addition, the Inquiry recommends that the Child Death Review and Prevention Committee's terms of reference be extended to also enable case specific reviews of serious child abuse cases (where the child has survived) for the purposes of improving policy and practice and to make recommendations to government as necessary. That the Committee be adequately resourced to perform these functions.

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## Family and Children's Services

11. That FACS maintain a role in responding to cases of extra familial sexual abuse, develops and evaluates therapeutic support plans for the child, family (and community, where necessary).
12. That FACS be a division in its own right within the Department of Health and Community Services with its own Assistant Secretary.
13. That there be further government investment (and continued real growth beyond the current child protection reform program) to enable significant planned reform of the statutory child protection system.
14. That a separate branch be established within FACS with a specific focus on the provision of parenting and family support services designed to prevent the occurrence of child abuse and neglect. This branch should also manage the professional and community education programs recommended by the Inquiry.
15. That the Department of Health and Community Services (DHCS) urgently implement the FACS Child Protection Reform Agenda and the 2006 FACS Child Protection Workforce Strategy. The Inquiry recognises these are key strategies to support the delivery of consistent, high quality and timely investigation and response services by FACS and a coordinated therapeutic interagency response to children and their families.
16. That FACS and Police undertake greater liaison with family or clan groups when conducting investigations, including the conduct of post-case debriefings, and utilising trained community brokers where appropriate.
17. That DHCS lead the development of enhanced information sharing between FACS, health (hospitals and health centres, including Aboriginal medical services) and community services (mental health, alcohol and other drugs, aged care and disability), Police and Education in support of more effective coordinated case management practices.
18. That FACS explore the possibility of providing confidential feedback on the progress and outcome of investigations to key service providers and notifiers, with a view to increasing communication and effective partnerships between FACS, Police and professional notifiers in particular.
19. That the number of child protection workers be increased and there be enhanced training and support for workers, including implementation of the following initiatives:
  - a. use of imaginative incentives to encourage staff recruitment and retention (and in particular the recruitment and retention of Aboriginal staff), given the national competition for skilled staff and the crisis in FACS staffing
  - b. enhanced FACS training programs, combined with more ongoing professional development, support and supervision
  - c. FACS staff must have access to cultural experts who can provide them with cultural advice generally and in relation to specific matters.
20. That there be more strategic, planned investment in local community workforces through:
  - a. more Aboriginal personnel (e.g. Aboriginal Community Workers, Aboriginal Community Resource Workers, Aboriginal Health Workers) to be trained and located in remote communities and towns for family support, community development and to act as local brokers. These positions to be provided with continuing and adequate professional support and mentoring, and to be integrated with health and family support programs delivered on a drive-in/drive-out or fly-in/fly-out basis as applicable
  - b. establishment and support for a network of community volunteers to work in communities to help make children safe - similar to the Strong Families program where community members are trained to assist in the prevention of domestic and family violence. It is noted that such a network of volunteers will require ongoing management, coordination and regular training.
21. That urgent action be taken to expand and upgrade the facilities occupied by Sexual Assault Referral Centres (SARC) in all locations, with an increase in staffing and capacity to respond to sexual assault cases across the Territory.

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22. That SARC services across the Northern Territory be based on an integrated response model and that the effort to improve the coordination of hospital-based medical care to child sexual abuse victims continues including the development and adoption of a protocol for the management of victims of child sexual abuse (medical response) to ensure an appropriate standard of care.
23. That victim and community support programs be developed in remote Aboriginal communities as well as urban settings that:
- reduce the risk of a child subsequently acting out sexually
  - prevent re-victimisation and/or the likelihood of the child subsequently offending at a later time
  - provide case coordination for those children who require ongoing support.

### **Health – crisis intervention**

24. That appropriate guidelines and training on the management of sexual health of children and young people be provided to government and non-government primary health care providers and relevant FACS staff on a regular basis.
25. That, in respect of mental health services, consideration be given to putting in place comprehensive child and adolescent mental health services with a focus on the provision of increased services for young people with a mental illness whose behaviour is indicative of significant trauma and distress resulting from their abuse.

### **Police, FACS, prosecutions and the victim**

26. That FACS and Police work to better integrate the Child Abuse Taskforce (CAT) with other local joint Police/FACS responses, and further develop local coordinated, culturally appropriate multi-agency responses (such as the Peace at Home program) which can improve the statutory and therapeutic response for children, families and communities.

27. That the Child Abuse Taskforce be made permanent and provided with necessary additional funding for the existing seconded staff to ensure it is adequately resourced in terms of personnel, vehicles and other tangibles so as to recognise its importance. Consistent with this, CAT to be provided with further funding to include:
- a complement of specialist child interviewers (see also Recommendation 31)
  - a permanent Intelligence Officer
  - a specially-equipped 4WD for use on CAT operations.
28. That the Police actively recruit more Aboriginal police officers, Aboriginal Community Police Officers and Police Auxiliaries and to station more female officers in remote communities with a preference for Aboriginal female police officers.
29. That the Police conduct effective, meaningful and ongoing consultations with individual Aboriginal communities with a view to developing protocols for working with the community and supporting each community's own efforts at maintaining peace, law and order.
30. That, taking note of the Evidence of Children Amendment Bill currently before the NT Parliament, it is recommended the Department of Justice conduct a review of all legislation relating to court procedures for vulnerable witnesses and child victims of alleged sexual abuse following the first 12 months of operation of the new legislation. This review is to be conducted within a period of six months of that time and is to include consideration of the recommendations of the Commissioner of Police and Director of Public Prosecutions to the Inquiry.
31. That all Police receive ongoing training and education on child abuse including indicators, procedures for reporting, and support to persons affected by such abuse. Police and prosecutors involved in the investigation of alleged child sexual abuse to receive training similar to that recommended in the Asche Report (1999) and that no later than from 1 July 2008, child interviews in such cases be carried out only by those members or other authorised persons who have received training in the conduct of such interviews.

32. That the Office of the Director of Public Prosecutions be provided with sufficient resources to allow a permanent Witness Assistance Service officer to be located in Katherine.
33. That, following the conclusion of a prosecution of an offence involving child sexual abuse, a full de-briefing take place in the relevant community dealing with all issues emerging during the complaint and prosecution process. The aim of this process would be to achieve, as far as possible, healing and reconciliation in the community. The CAT to be responsible for arranging such de-briefing in conjunction with a Witness Assistance Service officer and the local community justice group.
34. That the government invest in the recruitment and training of Aboriginal Interpreters – a proportion of whom must be trained and supported to enable them to work in the areas of child protection and criminal investigations of abuse.

## Bail

35. That section 24 of the *Bail Act* be amended to include a new sub-section which provides that where an offence is alleged to be a sexual offence committed against a child, the court when determining bail, take into consideration the protection and welfare of the child having regard to:
- his or her age at all relevant times
  - the age of the alleged offender
  - the familial relationship between the child and the alleged offender
  - the present and proposed living accommodation of the child and the alleged offender
  - the need, as far as possible, to allow the child to remain in their existing residence and/or community
  - the emotional as well as physical wellbeing of the child
  - any other matter which to the court appears relevant

## Offender rehabilitation

36. That the government provide more sex offender rehabilitation programs with adequate resourcing and in particular that:
- wherever possible the court should structure sentences for sex offenders to provide the opportunity for community-based rehabilitation
  - Correctional Services must provide ongoing sex offender rehabilitation programs in jail (irrespective of length of sentence) and for persons on remand, including culturally appropriate programs
  - supervision of parolees must be meaningful, and include:
    - attendance at an offender rehabilitation program
    - time back in their community
    - written reports from the parole officer to the sentencing Judge.
37. That the government provide community-based rehabilitation programs for those at risk of sex offending, convicted offenders whose offences are suitable for a community-based order and/or as part of probationary arrangements. These should be culturally appropriate and delivered with the involvement of the community.
38. That the government to provide youth-specific, culturally appropriate rehabilitation programs for juvenile sex offenders in detention, and for those on parole or subject to community-based orders.
39. That the government to commence meaningful dialogue as soon as possible with Aboriginal communities aimed at developing alternative models of sentencing that incorporate Aboriginal notions of justice and rely less on custodial sentences and more on restoring the wellbeing of victims, offenders, families and communities. Further, where these models can demonstrate probable positive outcomes within the relevant community that are suitable to the needs of victims, provide rehabilitation to offenders and promote harmony within the broader community, the government commit to the ongoing support of such programs and to legislative changes necessary to implement such programs. Any model which is developed may only be utilised with the consent of the victim.

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## Prevention is better than cure

40. That the Northern Territory Government work with the Australian Government in consultation with Aboriginal communities to:
  - a. develop a comprehensive long-term strategy to build a strong and equitable core service platform in Aboriginal communities, to address the underlying risk factors for child sexual abuse and to develop functional communities in which children are safe
  - b. through this strategy, address the delivery of core educational and Primary Health Care (PHC) services to Aboriginal people including home visitation and early years services (see chapter on Health).

## Health – a role in prevention

41. That a maternal and child health home visitation service be established in urban and remote communities as soon as possible.
42. That there be an increased focus on pre-natal and maternity support leading into early childhood health development for the 0-5 year-old age group, to be supported collaboratively by health centres and health practitioners, as well as other agencies whose focus is on children and families.
43. That, in order to provide access to comprehensive quality primary health care, DHCS advocate for increased Australian Government funding and continue as a matter of priority the roll out of the Primary Health Care Access Program.
44. That PHC provider roles in protecting children from harm be strengthened by:
  - a. providing relevant protocols, tools, training and support, including the development of a multi-disciplinary training course for PHC providers: “Child Protection: principles and practice for PHC practitioners”
  - b. use of PHC centres as service “hubs” as part of the development of integrated health and welfare responses in remote communities.
45. That, as soon as possible, the government, in consultation with Aboriginal communities and

organisations, develop, implement and support programs and services that address the underlying effects of both recent and “intergenerational” trauma suffered in Aboriginal communities and enhance the general emotional and mental wellbeing of all members of those communities.

## Family support services

46. That in order to prevent harm and reduce the trauma associated with abuse, it is vital there be significant investment in the development of family support (child and family welfare) infrastructure, including:
  - a. funding by both the Northern Territory and Australian Governments to create much needed family support infrastructure (services and programs) targeted to support vulnerable and/or maltreated Aboriginal children and their families in urban and remote settings. This must be a long-term investment - short term or pilot program funding should be avoided unless it is addressing very specific, time limited problems or situations
  - b. that efforts be made to support community-based non-government organisations to provide recovery and support services following child sexual abuse in Aboriginal communities across the Territory
  - c. that the Aboriginal Medical Service Alliance Northern Territory health services and other Aboriginal-controlled agencies be supported to establish family support programs for Aboriginal children and families in urban and remote settings
  - d. the establishment of multi-purpose family centres or “hubs” in remote communities and regional centres to provide an integrated holistic approach to working with families. These will be a focal point for the provision of a range of local and visiting programs and services including prevention programs, child and family services, specialist services (e.g. SARC) and public education programs. They will also be a focal point for reporting and action, strengthening and incorporating positive aspects of culture, to assist local workforce development and provide male and female workers “gender security”.
47. That, as soon as possible, the government in consultation with Aboriginal communities and

organisations, develop and support youth centres and programs in Aboriginal communities that are independently run, staffed by qualified male and female youth workers and adequately resourced to provide a wide range of services to Aboriginal youth.

48. That the government support community efforts to establish men's and women's groups (and centres) – where there is a focus on developing community education and community-led responses to child sexual abuse, family breakdown and other social issues.
49. That the government actively pursue the provision of new services, and better resource existing services, for the counselling, healing, education, treatment and short term crisis accommodation of Aboriginal men in regional town centres and remote communities.

## Education

50. That, given that children and young people who chronically non-attend or are excluded from school are severely disadvantaged and that there is a correlation between school non-attendance and criminal activity, poverty, unemployment, homelessness, violence and sexual abuse, the government must as a matter of highest priority ensure:

1. the Department of Employment, Education and Training (DEET) implements the attendance strategies set out in the Education Chapter and any other strategies required to ensure all children of school age attend school on a daily basis, in accordance with DEET's responsibilities to provide compulsory education for all school-age children
2. every child aged 3 years by 1 February 2008 should attend, on or about that date, and continuously thereafter, a pre-school program
3. every child aged 5 years by 1 February 2008 should attend, on or about that date, a full-time transition program and, in this regard, DEET to re-visit recommendations No. 80-86 of the *Learning Lessons Report* (1999) and complete their implementation.

51. That by reference to the very considerable work already done as part of the *Learning Lessons Report* and by the Learning Lessons Implementation Steering Committee (2002-2005) and the review which

resulted in the *Indigenous Languages and Culture in Northern Territory Schools Report 2004-2005*, the Inquiry recommends DEET examines issues such as:

- a. pedagogy
- b. how best to deliver the same outcomes for Aboriginal students as other students
- c. flexibility in the timing of the school year
- d. smaller class sizes especially in lower grades
- e. remedial classes for students who have been out of school for some time
- f. separate classes for boys and girls aged 12 and above
- g. employment of Aboriginal and Islander Education Workers (AIEW) in all schools
- h. cross-cultural training for Aboriginal children on "dominant culture" and all children to be taught about Aboriginal people's history and culture.

52. That, with reference to the wealth of existing knowledge and reports such as *Learning Lessons* and *Indigenous Languages and Culture in Northern Territory Schools* coupled with the need to have good teachers, healthy and secure students and ownership of the educational system by the local communities, DEET:

- a. introduce a universal meals program for Aboriginal students (breakfast, morning tea, lunch and afternoon tea) with parents to contribute to the cost of providing meals and the community or volunteers to undertake food preparation
- b. appoint a full time home-school liaison officer for every school
- c. appoint 20 additional school counsellors to service those schools currently without such counsellors i.e. the major remote towns, the town camps in the regional centres, and one in each group school (i.e. those schools in remote areas which supply services to a number of smaller schools in the area)
- d. encourage the utilisation of schools after hours for purposes such as community centres, supervised homework rooms, community meeting rooms, adult education and training courses
- e. appoint an AIEW Coordinator to enhance the role and functioning of AIEW staff to recognise they are

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significant members of the school support team  
e.g. review their role within the school community,  
enhance recruitment and develop their capacity

- f. consider the introduction of teacher employment initiatives such as remote teacher incentive packages to encourage teachers to remain in remote communities for three years or longer.

53. That, notwithstanding that Northern Territory schools have a single curricula framework, DEET is to ensure all teachers in remote schools consult with local communities as to any appropriate modifications, consistent with Recommendations 100, 102, 106, 107 and 108 in the *Learning Lessons Report*.

54. That DEET urgently implements the outcomes of the *Indigenous Languages and Culture Report*.

55. That early consideration be given to the provision of additional residential schools for Aboriginal students, designed specifically for them and being located within reasonable proximity to their country to enable maintenance of family and cultural ties, taking into account prospects for the involvement of the non-government sector and for Australian Government funding.

56. That in order to foster and support a culture that values learning throughout life and provides for those people who identify a need or desire for further education, the Government acknowledge the importance of adult and community education and provide more opportunities for Aboriginal people in regional and remote locations to access that education.

## Community education and awareness

57. That the government drives a fundamental shift in family and community attitudes and action on child sexual abuse by:

- a. developing appropriate resource information on sexual abuse and conducting regular media campaigns that explain sexual abuse as described in Recommendation 94
- b. expanded delivery of mandatory reporting training to professionals including school staff
- c. high profile Aboriginal men and women to provide positive, proactive leadership on the prevention

of sexual abuse and the setting of appropriate community norms for sexual behaviour

- d. expansion of parenting education and parenting skills training for young people (the next generation of parents) and those already caring for children
- e. engaging in a dialogue with communities to discuss the particular education that might be needed in a specific community and how that education can best occur
- f. recognising the appropriateness of messages being in language and delivered through a number of mediums
- g. ensure sexual health and personal safety programs are in all schools as part of the curriculum.

58. That the government establish an Advice Hotline (perhaps expanding the role of the existing 1800 Central Reporting Number) to provide advice to both community members and professional service providers about the options available to them if they are concerned about possible child sexual abuse. The Advice Hotline must be culturally accessible for Aboriginal people and adequately resourced to ensure the advisory service does not affect the timely and appropriate responses to child protection reports.

59. That the government actively support Aboriginal men to engage in discussions about, and address, child sexual abuse and other violence in communities.

60. That a community and parent education campaign be conducted on the value of schooling and encouraging a culture of community and parental commitment to sending children to school.

## Alcohol

61. That the government continue to implement the Alcohol Framework as a matter of urgency and focus on reducing overall alcohol consumption and intoxication and not just on “visible” or “risky” drinking.

62. That, as a matter of urgency, the government consults with all Aboriginal communities with a view to identifying culturally effective strategies for reducing alcohol related harm that are incorporated in individual community alcohol management plans.

63. That, as a matter of urgency, the government makes greater efforts to reduce access to takeaway liquor in the Northern Territory, enhance the responsible use of takeaway liquor, restrict the flow of alcohol into Aboriginal communities and support Aboriginal community efforts to deal with issues relating to alcohol.
64. That the government develops a “best practice” model of a “community drinking club” and apply that model across the Northern Territory to existing community drinking clubs and any new such clubs that may come into existence. This model should be designed to avoid, as best as possible, both the obvious and insidious effects on the community of alcohol consumption.
65. That the Licensing Commission be required to take into account advice from the Police and DHCS when considering all liquor licence applications and that the Police and DHCS have a specific responsibility to provide advice in respect of all applications.
66. That the Licensing Commission be required to call for and consider community and child impact statements, to be prepared by relevant government agencies, when giving consideration to liquor licence applications. Further, that consideration be given to the proposal that licence applicants be required to gather and submit information as to the community impact of their application at the time of making their application.
67. That the new liquor legislation currently under consideration by government include the following features:
- a. significantly increase the ability of the Licensing Commission to take into account the social impact of granting a liquor licence
  - b. require the Licensing Commission to give substantial consideration to both the social impact and the economic benefits of granting the licence
  - c. require the Licensing Commission to take into account a wide variety of views when considering whether to grant, or when reviewing, a licence including those:
    - i. of the Police
    - ii. of the Department of Health and Community Services
    - iii. reflected in submissions from any community or sector of the community that may be affected by the grant of a licence
    - iv. reflected in community and child impact statements relating to any significant negative impact on children by the grant of a licence
  - d. make it mandatory for both the Police and DHCS to provide input to the Licensing Commission in relation to the granting of and the review of a licence
  - e. significantly increase the ability of the Licensing Commission to review liquor licences at any time on any reasonable grounds with potential reasons for such review to be broader than a breach of the licensee’s conditions and to include evidence of any significant negative social impact or any significant negative impact on children
  - f. allow the Police, DHCS, the Department of Justice or any Aboriginal community governing body to recommend to the Licensing Commission that they conduct a review of a liquor licence
  - g. provide for clear guidelines for reviewing licences, including that the Licensing Commission must consider:
    - i. the social impact on the community
    - ii. the impact upon children
    - iii. the effect on the drinking patterns of the community and consequences of those drinking patterns
  - h. significantly increase the power of the Licensing Commission to revoke or modify licences following a review.
68. That, in consultation with Aboriginal communities, a significant media campaign for Aboriginal communities be designed to both promote healthy alternatives to drinking alcohol and to convey information about the negative impact of alcohol with an emphasis on the relationship between excessive consumption and the increased incidence of child abuse and other family violence.
69. That options for delivering alcohol counselling to Aboriginal communities be explored and implemented including consideration of visiting counsellors for smaller communities and resident counsellors and local rehabilitation centres for larger communities.

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## Other substance abuse

70. That government develop and implement a multi-faceted approach to address the abuse of illicit substances in Aboriginal communities, in particular cannabis abuse, including prevention, intervention and enforcement strategies which recognise:
- the geographic context of substance abuse, that is, urban and remote locations and the implications this has for effective prevention, intervention and enforcement
  - population-based, youth-focused prevention and intervention strategies that integrate substance abuse, mental health, and other health and welfare concerns into youth programs.

## Community Justice

71. That, as soon as possible, the government facilitate dialogue between the Aboriginal law-men and law-women of the Northern Territory and senior members of the legal profession and broader social justice system of the Northern Territory. That such dialogue be aimed at establishing an ongoing, patient and committed discourse as to how Aboriginal law and Northern Territory law can strengthen, support and enhance one another for the benefit of the Northern Territory and with a specific emphasis on maintaining law and order within Aboriginal communities and the protection of Aboriginal children from sexual abuse.
72. That, based on the dialogue described in the recommendation above, the government gives consideration to recognising and incorporating into Northern Territory law aspects of Aboriginal law that effectively contribute to the restoration of law and order within Aboriginal communities and in particular effectively contribute to the protection of Aboriginal children from sexual abuse.
73. That the government commit to the establishment and ongoing support of Community Justice Groups in all those Aboriginal communities which wish to participate, such groups to be developed following consultation with communities and to have the following role and features:

### Role of Community Justice Groups

- Set community rules and community sanctions provided they are consistent with Northern

Territory law (including rules as to appropriate sexual behaviour by both children and adults)

- Present information to courts for sentencing and bail purposes about an accused who is a member of their community and provide information or evidence about Aboriginal law and culture
- Be involved in diversionary programs and participate in the supervision of offenders
- Assist in any establishment of Aboriginal courts and provide a suitable panel from which Elders could be chosen to sit with the magistrate
- Be involved in mediation, conciliation and other forms of dispute resolution
- Assist in the development of protocols between the community and Government departments, agencies and NGOs
- Act as a conduit for relevant information and programs coming into the community
- Assist government departments, agencies and NGOs in developing and administering culturally appropriate local programs and infrastructure for dealing with social and justice issues, particularly child sexual abuse
- Any other role that the group deems necessary to deal with social and justice issues affecting the community providing that role is consistent with Northern Territory law.

### Features of Community Justice Groups

- Group membership that:
  - provides for equal representation of all relevant family, clan or skin groups in the community and equal representation of both men and women from each relevant family, clan or skin group
  - reflects, as far as possible, the traditional authority of male and female Aboriginal Elders
  - is subject to screening and a criminal history check.
- Flexibility to develop its own structures, functions, processes and procedures to deal with social and justice issues provided these allow and encourage input from the rest of the community

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- c. The ongoing assistance of a government resourced “cultural broker” to facilitate meetings, assist with administration and provide general advice.

74. That, having regard to the success of Aboriginal courts in other jurisdictions in Australia, the government commence dialogue with Aboriginal communities aimed at developing language group-specific Aboriginal courts in the Northern Territory.

### **The role of communities**

75. That the government actively encourage, support and resource the development of community-based and community-owned Aboriginal family violence intervention and treatment programs and any other programs that meet the needs of children and are designed to respond to the particular conditions and cultural dynamics of each community and commit to ongoing resourcing of such programs.

76. That the government, in conjunction with communities, develop violence management strategies for each Territory community, with a core services model to be developed based around the existing services and infrastructure available to run night patrols, safe houses and other related services available to Territory communities.

77. That, following on from Recommendation 76, a plan be developed to:

- a. assess the quality of current family violence approaches and safe place approaches in the Territory
- b. increase the number of communities with safe house/places for women and children fleeing violence.

The Overarching Agreement between the Australian and Northern Territory Governments may be an avenue for funding the construction of safe places.

78. That the government support community efforts to establish men’s and women’s night patrols in those communities which identify a need for these services.

79. That each city, town, region and community through an appropriate body develop a local child safety and protection plan to address indicators of high risk in the area of child sexual abuse, prevention of child abuse generally and sexual abuse specifically. Such

plans could be incorporated into community plans developed by local Boards established by the new local government shires and monitored through the Shire Plan, or alternatively in remote communities these plans might be prepared by the local community justice group.

### **Employment**

80. That further work be undertaken by DEET in regard to the development of innovative employment training options for Aboriginal communities in such areas as the creation and support of local industries, use of cultural skills and knowledge, community leader roles, and brokerage/liaison with external agencies, and that this be supported through adequately resourced adult education and training.

81. That efforts be made to develop a local workforce to address health and welfare issues within communities to provide a base of continuity for more transient professional responses, and linking professionals to mentor and support these workers.

82. That Government provide support for the development of Aboriginal people as local community development workers (with either defined or generic roles) to improve capacity, problem-solving and administrative self-sufficiency within communities.

83. That the NT Public Sector, led by the Office of the Commissioner for Public Employment and DEET, make renewed efforts to increase the level of Indigenous employment in the Northern Territory Public Sector and in the non-government and private sector respectively.

### **Housing**

84. Given the extent of overcrowding in houses in Aboriginal communities and the fact this has a direct impact on family and sexual violence, the Inquiry strongly endorses the government’s reform strategy of critical mass construction in targeted communities, and recommends the government take steps to expand the number of communities on the target list for both new housing and essential repairs and maintenance in light of the fact that every community needs better housing urgently.

85. That, in recognition of the importance of community employment in addressing the existing dysfunction,

and the need for more community housing, an intensive effort be made in the area of training and employment of local Aboriginal people in the construction and repair and maintenance of houses in Aboriginal communities, with input from DEET as appropriate.

86. That further consideration be given to:
- a. the concept of cluster housing in communities to accommodate extended family groupings as a culturally functional living arrangement
  - b. flexible accommodation options for single men, single women and older people where this concept is needed and desired by communities.

## Pornography

87. That an education campaign be conducted to inform communities of:
- a. the meaning of and rationale for film and television show classifications
  - b. the prohibition contained in the *Criminal Code* making it an offence to intentionally expose a child under the age of 16 years to an indecent object or film, video or audio tape or photograph or book and the implications generally for a child's wellbeing of permitting them to watch or see such sexually explicit material.

## Gambling

88. That an education campaign be conducted to target gambling in Aboriginal communities, showing the impacts of gambling and especially the risk posed to children who are unsupervised while parents are gambling.
89. That options for delivering gambling counselling to Aboriginal communities be explored and implemented including consideration of visiting counsellors for smaller communities and resident counsellors for larger communities.
90. That further research be carried out on the effects of gambling on child safety and wellbeing, and that consideration be given to the enactment of local laws to regulate gambling as part of the community safety plans to be developed pursuant to recommendation 79.

## Cross-cultural practice

91. That compulsory cross-cultural training for all government personnel be introduced, with more intensive cross-cultural capability training for those officers who are involved in service delivery and policy development in respect of Aboriginal people. Specifically, government to introduce:
- a. a comprehensive Aboriginal culture induction program for all new teachers to the Territory and for existing teachers about to take up positions in remote schools (it is recommended this program run for three weeks full time)
  - b. training in Aboriginal language concepts for those teachers already teaching in or about to commence at remote schools to promote an understanding of the nuances of Aboriginal society.
92. That government personnel who are working closely with Aboriginal people be encouraged to undertake relevant language training and such encouragement should be accompanied by appropriate incentives.

## Implementation of the Report

93. That the Chief Minister to release forthwith for public scrutiny and consideration this Report in its entirety, subject only to the time taken for its printing and publication, and that the Overview section be translated into the nine main Aboriginal languages in the Northern Territory, published in an appropriate format and distributed to communities throughout the Territory.
94. That a public awareness campaign for Aboriginal people be introduced forthwith to build on the goodwill, rapport, and awareness of the problem of child sexual abuse which now exists in Aboriginal communities, and that this campaign:
- a. include public contact, meetings and dialogue with the communities and service providers with the government to be represented by a suitably senior officer or officers
  - b. acquaint leaders of communities and, as far as possible, all members of those communities with the key elements of mainstream law in relation to such issues as the age of consent, traditional

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or promised brides, rights of the parties within marriage, individual rights of men, women and children generally, rights of parents and/or guardians to discipline children, and of the recommendations contained in this Report and the proposed implementation of it

- c. be conducted with advice being sought from community leaders as to the most effective and culturally appropriate manner in which to convey the messages, utilising local languages wherever appropriate.

- 95. That the government promote a vigorous campaign to educate and alert the general public to the tragedies and traumas experienced by victims of sexual assault, particularly children, the means of identifying such cases and the necessity to report such cases.
- 96. That the Commissioner for Children and Young People as proposed in Recommendation 9 be given responsibility and resources to monitor and report six monthly on progress made in implementing the findings and recommendations of this Inquiry.
- 97. That in respect of monitoring and reporting on the implementation of this report, as an interim measure until the proposed Care and Protection of Children Bill is enacted and the Commissioner for Children and Young People is appointed, that the Deputy Chief Executive of the Department of the Chief Minister assume responsibility for monitoring and reporting to government on the implementation of the report.