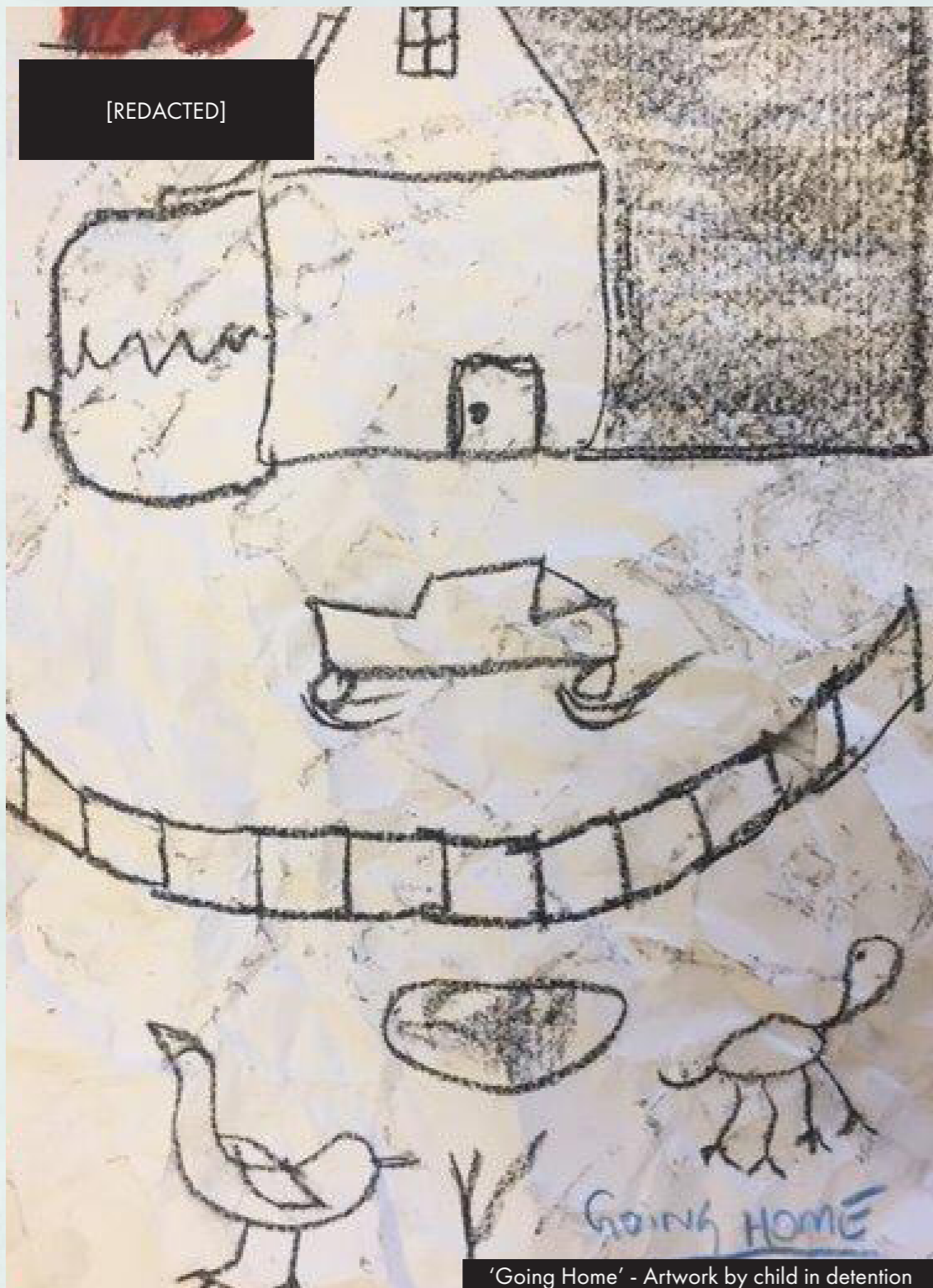




VOICES

SUGGESTIONS FOR THE FUTURE
- WHAT CHILDREN, COMMUNITIES
AND EXPERTS TOLD US



'Going Home' - Artwork by child in detention

INTRODUCTION

One of the most common questions we have heard asked throughout this Royal Commission has been – *what can be done differently?*

It has been important to the Commission to understand what children, professionals, community organisations, government, families and communities believe the solutions might be.

Asking how we can do things differently has resulted in a wide range of views and opinions as to how the child protection and detention systems in the Northern Territory can be improved.

By seeking suggestions for change, the Commission has aimed to provide a voice for all involved to express their ideas and thoughts as to what is the right direction for children in protection and detention in the Northern Territory.

In this latest *Voices: Suggestions for the Future* we look at a selection of some of those ideas.

NOTE

It is important to note that these are ideas and suggestions made by others and are not recommendations of the Royal Commission.

The inclusion in this document of a suggestion for future reform does not reflect endorsement by the Commission.

The Commission makes no comment on the ideas and opinions expressed but has listened to them all..

SUPPORT

Some readers may find these stories difficult and challenging. We urge any person who may experience distress when reading these stories to seek assistance.

If you need support you can call 1800 500 853 – a free helpline answered locally

- This is a free service and is available 9am to 5pm Monday to Friday.
- Support is available to children, young people, their families and others impacted by the Royal Commission into the Protection and Detention of Children in the Northern Territory.
- Experienced and qualified staff can refer you to a range of services including counsellors, therapeutic support, and health professionals.

Please note that calls made from a mobile phone may incur additional costs.

There are a number of other services available which can provide support wherever you are in the Northern Territory. If you need support you can call the following services.

Lifeline Freecall	NT Mental Health Help Line	Headspace (12-25 years)	Beyond Blue	Relationships Australia NT
1800 551 800	1800 659 388 (08) 8931 5999	1300 224 636	1800 551 800	(08) 8923 4999 (08) 8950 4100

CARE AND PROTECTION

EARLY SUPPORT FOR CHILDREN AND FAMILIES

"The Federal and Northern Territory Governments increase the coverage and availability of quality intensive and targeted family support services that are not tied to income management and are Aboriginal and Torres Strait Islander led and focused. This process should include engagement with Aboriginal and Torres Strait Islander community controlled organisations in a process to develop a model of support that is informed by international best practice and also by the knowledge and expertise of Aboriginal and Torres Strait Islander communities about culturally strong and effective ways to support their families."

Submission SNAICC, National Voice for Our Children, February 2017

"That the Australian and Territory Governments: provide increased funding for child wellbeing services, early intervention and family preservation services to meet the needs of very vulnerable children and families."

Submission, Australian Red Cross, 20 December 2016

"That's a good question. My hope is that children will not fall through the system and I hope that children will be – I don't know – someday have the confidence and be aware that they can seek help. because in my childhood if I had ever just spoken up, if I ever had just put my hand up and said. "I need help" – sorry. Just so many things could have been avoided, I believe."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness and former child in care

"That early childhood programs and related clinical and public health services are provided equitably to all Aboriginal children across the NT, as outlined in the NTAHF endorsed document "Progress and possibilities. What are the key core services needed to improve Aboriginal child outcomes in the NT?" The key core services are:

- a. quality antenatal and postnatal care,
- b. clinical and public health programs such as nutrition,
- c. nurse home visitation to either all Aboriginal mothers or all first time Aboriginal mothers,

- d. parenting programs for those families assessed as vulnerable after completion of Australian Nurse Family Partnerships (ANFP) or who have not engaged in the nurse home visitation program,
- e. intensive enriched quality early learning programs for children assessed as high risk for poor educational outcomes,
- f. two years of preschool and referral to targeted or intensive family support services for vulnerable families at risk of entering, or already in, the child protection system and
- g. family support services for families at high risk or who are in the child protection system."

Submission, Aboriginal Medical Services Alliance Northern Territory, (AMSANT), 20 April 2017

"All of the evidence and the literature says, you know, the more work that you do with perhaps young adults, even before they become parents, but certainly in the early stages of pregnancy, and in the very early stages of that child's development post-birth, that they're really good entry points to engage with those families, to help work with them."

'Community Voices' video series, Olga Havnen, CEO, Danila Dilba Health Service

"Establish a single point of administration for high risk Young People:

- a. Engaging services, Young People and communities in the development of a high risk youth response for the NT;
- b. Establish a new program category for high risk Young People supported by policy and case management frameworks with therapeutic specifications; and
- c. Report health, welfare and educational outcomes nationally for high risk Young People"

Submission, Bushmob Aboriginal Corporation, 31 October 2016

"FACS should help parents to take care of their children. They should do programs with the kids and the parents, and make the parents do programs, like drinking and drug programs. I really wanted my mother to do alcohol rehabilitation. I think parents with children in care should be helped more, to get help they need to look after their kids."

Statement of CK tendered to the Commission, 1 June 2017 - Vulnerable Witness

"I wanted to stay with my mother and would have listened to her. I followed my mother even though my grandma didn't drink or smoke. My mother should have got the help so she could have taken care of me."

"I believe we can support these kids by, you know, getting everything – the services connected and identifying what – what they're going through. For example, look at my son, your Honour. I've tried to tell them that he had alcohol syndrome and to give a proper treatment, you know, and his entitlement. But I've been ignored so long, your Honour. And when it was identified, all I could do is cry. So what I would really love to see out of this, your Honour, is how do we work together? You know, how do we work together?"

Closed court transcript of CF, 12 May 2017 - Foster Carer

"That the Australian and Northern Territory Governments support universal implementation of evidence-based early childhood development programs as the most cost effective long-term strategy for reducing Aboriginal detention and imprisonment rates."

Submission, Central Australian Aboriginal Congress, 1 November 2016

"With respect to prevention and early intervention, that:

- a. the impact of disability upon child development, education and justice outcomes be recognised within education, policing and justice systems.
- b. Timely assessments be undertaken to diagnose disabilities at the point at which risks or vulnerabilities to young people emerge; and
- c. Individualised support services be provided to address complex needs of young people with disabilities."

Submission, APO NT, 31 July 2017

"Yeah. I do believe it works. I previously had a great relationship with my school counsellor, and it's really – it really has helped having someone from the school who's fully aware of your situation, giving them a safe space to go to. I think it's very important, especially for children who are at risk or vulnerable, children who are in care who are currently enrolled in school, I think it's definitely important to have a relationship with the school counsellor."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness

"Safe houses for children on communities could be supportive of overburdened families particularly grandparents caring for numbers of young ones. It would allow children to join family and community activities particularly ceremonies and other cultural activities. Language and other knowledge about how their particular society operates could be maintained. These things are crucial to social development and cultural competence and I believe this is severely damaged by removing children from the social context they belong to. Care would need to be taken to ensure no suggestion of revisiting the old dormitory system of the welfare era."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer



"We need to get alongside families out in community, and learn from them and vice versa."

'Community Voices' video series, Adam Drake, Director, Balanced Choice Program

"I think there just needs to be a lot more work done with families and communities. If you can do that then hopefully you can stop kids being taken from their families and put into care."

'Community Voices' video series, Delsey Tamiano, Youth Engagement Officer, Danila Dilba

"And as a child your capacity is limited to what you experience. So if you're not aware of support services, if you're not aware of the police. if you're not aware of all these things, how are you going to seek help? It's a responsibility that lies on your parents, and if your parents aren't making the best decisions – this is what I mean by people falling through the system. That's what I'm trying to describe. Sorry. And I also think preventative measures should be put in place."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness

"Connect children with their families.

- Reinstatement of the Aboriginal family group conferencing unit in DCF; and
- Create 'authorised child at risk notifiers' for employees in designated community services whose recommendation compels a child safety response."

Submission, Bushmob, Aboriginal Corporation, 31 October 2016

SUPPORTING CHILDREN IN CARE

"No matter who's ever kid it is - have love and respect for that kid. If that kid comes into your care it is for care. Not for you to get money and get paid. That is what it is about for welfare."

Statement of DG tendered to the Commission, 22 June 2017

"The need for a life course approach with intervention with both families and communities with sectors of government that provide services and policies to children and families in their early years. This requires policies and programs which recognise the intergenerational consequences of trauma and disadvantage and to develop early intervention strategies targeting the developmental precursors of risk for violence and criminal behaviour. This should include:

- a. Building service capacity for early identification and treatment of children with developmental delays and trauma associated behavioural and emotional problems.
- b. Policy and services giving higher priority to addressing family and community circumstances that contribute to these problems to prevent the intergenerational transmission of trauma and disadvantage.
- c. Improving the availability of school-based life-skills resiliency programs; sport, recreation and arts programs providing opportunities for skill development, social participation and mentoring from responsible adults."

Submission, Menzies School of Health Research, 28 October 2016

"So what I mean by this is like when you enter care and sort of you're in foster care, and you're not engaged with your parents like I was. I did not see – I have not had contact with my mother directly since I was 13. I don't actually have knowledge of any sort of medical conditions or anything like that that runs in my family. What I mean by this is that I was 19, and I experienced an [redacted statement] which the doctor told me was hereditary, it was genetic. So I had this inherent condition that I was not aware of up until I had an episode. So what I mean is that I think it's really important for children to be aware of their medical history and things like that in foster care, because if you're not engaged with your parents, you have no way of knowing what conditions run in the family, if you have a heart defect, if you have a mental health problem, there's no way of knowing if you're not engaged with your parents."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness

"That each child who is in care is legally represented by an independent child advocate."

Submission, APO NT, 31 July 2017

"More Indigenous teachers or other Indigenous adults should be encouraged to visit young children while they're in FACS or in detention."

Statement of CK tendered to the Commission 1 June 2017 - Vulnerable Witness

"---I like welfare to actually take more time with kids and actually learn experience of kids, how they feel and how they want to feel. Make them feel like they're at home than making them feel like it's hell. Welfare's not meant to do that. Welfare's meant to have – welfare's meant to be a happy place. Not a – not to feel stress, upset and want to hurt you and harm yourself. That's not good enough. I like welfare to actually – actually look at their self and think of their self just like they would treat their own child. Doesn't matter what colour you are. What are you. You need to understand every children should love. You should love is the way that you love your own child. You treat a kid – you treat a kid just the way you love your own child. Don't the make the kid one different than your own child, because that kid's going to feel down and feel bad. You need to understand that kids, they can feel that, they can feel the heart. They know what it feels like and it really hurts the kid's feeling, really makes the kid more life and really hard for them to live in their life."

Closed court transcript of DG, 22 June 2017 - Vulnerable Witness

"Throughout DG's placement in Departmental care, she expressed that she didn't often feel heard or listened to properly. The Department needs to improve how it engages young people with decision-making about their lives and attempt to work more collaboratively with young people and empower them to feel like they have a say in the decisions that affect their lives. It often felt pointless to seek views, given the significant resource pressures around placements, as young people often had little to no say in placement decisions and their placements were often changed in a reactive and unplanned way, which in turn caused significant distress and instability for the children. I recall another child I was the allocated case manager for who had been placed in over forty separate placements throughout her period of time spent in care. The impact of this instability was profound upon this young person."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness

"Develop uncompromised regulatory mechanisms to ensure that children and young people in the care of government departments (Correctional Services and Territory Families) have the ability to communicate with independent third parties in relation to issues of safety and potential violations of their rights. This mechanism ought to extend to complaints, advocacy, monitoring, and advice."

Submission, CREATE Foundation, January 2017

"Carers employed by the Department should engage in activities that are appropriate for the child and the child's belonging to community. [Redacted] was usually taken along on care workers personal family business rather than an effort made to develop her own activities and life interests."

Statement of CG tendered to the Commission 30 May 2017 - Foster Carer

"Finally, if DCF do have pregnant teenagers in care they should give them some space to get used to what is a big change and not stress them out so much. Just give them a chance to do the right thing."

Statement of DG tendered to the Commission, 22 June 2017

"It is better for young people to have the same caseworker for as long as possible."

Closed court transcript of CK, 1 June 2017

"I think there should be more activities for children to do in care. If there is nothing to do it's boring. FACS should also help children in care go to school. I think that FACS should do more to help children in care who are in

youth detention. They should visit children in detention, speak to them about why they are in detention and try to help them get out."

Statement of CK tendered to the Commission, 1 June 2017 - Vulnerable Witness

"I felt that other professionals and carers often struggled to separate DG and her behaviours and as a result they didn't provide her with the respect, warmth and nurturing that she so desperately craved. DG does have the ability to form positive relationships when care is shown to her and that has been demonstrated in her relationship with me and other professionals like those at NAAJA and a number of the Aboriginal Carers at her placement in Yirra House, two in particular that I can recall. In my view, greater effort should be shown to ensure all children in care, particularly those with complex needs, are treated with respect, warmth and sensitivity."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness



"Connections to family, community, and culture for Aboriginal and Torres Strait Islander children are positive protective factors. This is evidenced by the enduring strength of Aboriginal and Torres Strait Islander child rearing practices in promoting healthy child development and the critical importance of continuity of cultural identity to child wellbeing. The Northern Territory child protection system has demonstrated significant failures to understand and value Aboriginal and Torres Strait Islander cultures and has severed children's important connections to family, community, and culture. This has played out through poor implementation of the Aboriginal and Torres Strait Islander Child Placement Principle and failures to enable the participation of Aboriginal and Torres Strait Islander families and communities in decisions about their children."

Submission, SNAICC, National Voice for Our Children, February 2017

"Very few Aboriginal Community Organisations were available to work collaboratively with Aboriginal children and families. It was my experience that families, children and young people were more likely to engage in a meaningful and effective manner with Aboriginal services, such as Danila Dilba Health Service."

Statement of DH tendered, to the Commission, 22 June 2017 - Vulnerable Witness

"That the Northern Territory Government adequately funds Territory Families to ensure that:

- a. Aboriginal children who are in temporary placements at a significant distance from their family and community are able to have frequent and regular contact, regardless of whether access is with parent or extended family who should be the next best option for the child.
- b. Aboriginal children and their families are supported to maintain and strengthen access to their culture.
- c. supported access for family is a relevant condition of a permanent care order."

Submission, APO NT, 31 July 2017

"..Everybody needs a second chance. Same with a child. You need support, you know. We need to get him up and understand, you know, who his families are, where he can ask question for help."

'Community Voices' video series, Bernard Tipiloura, Clan Leader, Tiwi Islands

"Respect confidentiality and family connections. In Aboriginal communities and families it is very important to keep information confidential if someone has reported an issue, as it can be hard for people to speak up about problems with children and family, and people won't speak up if they are worried about information becoming known."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"You've got to maintain that contact with family and community. If you simply take kids away from Arnhem Land or from Alice Springs or from Tennant Creek, away from community, away from kin, they're not going to do well."

'Community Voices' video series, Olga Havnen, CEO, Danila Dilba Health Service

"Keeping children in need of care in their community of origin rather than placing them in urban centres with non-Aboriginal nuclear families. I suggest community group homes might better serve to keep children and families emotionally and culturally connected. Local people could be employed and assist with maintaining cultural and family connections."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

"Take cultural awareness seriously and prioritise culture, family and language. It is in the children's interest that they remain connected and have a sense of belonging if they are to create a meaningful life for themselves in the future."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"Greater attention should be focused on the Aboriginal Child Placement Principle and more attempts should be made to explore and ascertain kinship options. If it is not possible for Aboriginal children to be placed within a kinship system, the Department needs to ensure that the child is connected to culture, family and country wherever possible. It is my belief that if this had happened for DG, her story could have been a very different story."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness

"What we need to understand is that those programmes are more likely to be successful when they're run by Aboriginal people and Aboriginal organisations, and by people who have cultural authority and legitimacy."

'Community Voices' video series, Olga Havnen, CEO, Danila Dilba Health Service

"Through my experience in working now in the [Redacted] child protection system there are a number of strengths in legislative, police and practice requirements I have learned in regards to working with Aboriginal families. For example it a requirement of the child protection department to consult with an Aboriginal Community Organisation upon receiving a child protection notification for a family who identify as Aboriginal.

Similarly an Aboriginal Family Led Decision Making Conference is required to be held to ascertain what support can be identified within the family system to address any identified protective concerns to prevent children being removed from parental care. There are strong Aboriginal Community Organisations who work in collaboration with child protection services to provide meaningful and affective support to family, rather than actions taken to remove children from parental care."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness and former child in care

HEALTH ISSUES

"As a carer I should have been informed that children need regular testing for hearing, sight, and other physical problems. I was never told that it was advisable to take children to get these tests every six months or so. I think some of the boys have real problems with their hearing and that it has never been tested properly."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"FACS staff should be well informed about Attachment Disorder and its effect on children and their behavioural and emotional development. This complex, little understood, disorder has serious lifelong implications for children in care. It is likely that Attachment Disorder is a significant issue for many children in Central Australia who find themselves in the child protection system. Foster carers and families need support and information regarding this disorder when caring for a child with this issue. Strategies to assist the child in trusting others and building successful relationships an emotional life are specific and often counter intuitive to what might be expected."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer



"Share information about care plans, physical health, youth justice, mental health and trauma, alcohol and other drugs issues, and education, with carers before the placements begins and include them in decision making and plans during the placement and ensure they are kept updated with new information at all times."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"---Yes. A lot of it was undiagnosed or unaware. I know it's increasingly becoming – DCF are becoming more aware of these instances, but DCF cannot engage with mental health service with children who are say 14 or 15 unless they give consent. It's a different story if it's children and you want to initiate counselling, but if it's someone who's 13, 12 years old, that crucial age where you're already isolating yourself, and it's very difficult to reach out and get counselling."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness

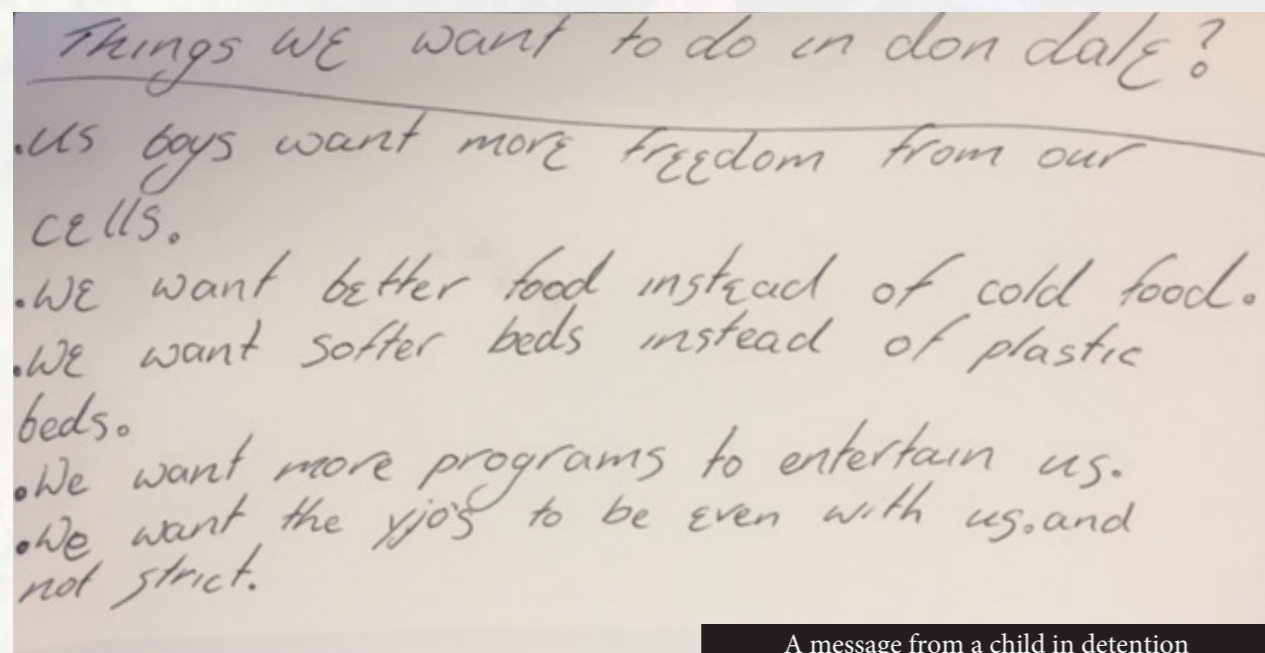
"Group homes and/or safe houses for children and young people in remote Aboriginal communities would assist overburdened family carers. Currently there are competent family members caring for large numbers of children. They lack support and resources and some children fall through this safety net. This is a demographic pressure rather than family neglect or lack of love. The Aboriginal population has large numbers of children and young people with many people of middle years absent from care responsibilities due to chronic ill health (e.g. the renal failure epidemic in Central Australia) and other causes such as imprisonment and life style choices. I have had many family requests to help grow up children in this situation."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

REMOVAL OF CHILDREN

"DCF need to communicate more with families. They need to tell them what is going on before they take kids away. DCF should find out about the home that kid is living in and about the kid's family and community. They need the full story. If DCF don't know the full story then how can they know where the best place for that child is to live. DCF should not take kids away from their homes, families, schools and communities when they are you without even trying to fix the problems at home. Fixing up problems with families should be the first thing they do. Taking kids away should be the last one. DCF should communicate with parents if there are problems with their kids that the parents don't know about or are not handling in a good way. Maybe DCF could help parents by explaining about what is happening with their kid if maybe they don't know. It is hard to grow up teenagers sometimes."

Statement of CM tendered to the Commission, 2 June 2017



A message from a child in detention

"That Territory Families entrenches the principle of removal only as a last resort in the legislation, policy and practice by including safeguards to ensure that children are removed only where there is evidence that all other avenues for their protection have been exhausted."

Submission, APO NT, 31 July 2017

HELPING FAMILIES WITH CHILDREN IN CARE

"I don't know. I just wanted more communication. I wanted to know where my daughter was, where she was going. Like I knew she was going to her [redacted] but I didn't know wasn't going to school. Like, things like that I needed to know. If she was safe. Going to school was – you know, I'm really – I love my kids and I always teach them treat people the way you want to be treated and I also tell them to try and do good in life. Like, I'm really – I like to know where my kids are at all times. When my son goes to someone's house, I tell them people – I get their phone number and if he's leaving that house he has got to ring me and let me know where he is going, so if we have to go somewhere I know where to find him."

Statement of CM tendered to the Commission, 2 June 2017

"It should also be recognised by DCF that there may be a number of barriers to some families of children in care attending the DCF office to arrange contact with their children (transport issues; family stresses; language barriers; difficulties in dealing with a government bureaucracy; shyness), and there need to be effective mechanisms established to make it easier for biological families to access the Department."

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer

"While children are in care FACS, or some other agency skilled in cross cultural work, should engage with biological families, especially parents. Things to focus on include:

- Maintaining or repairing emotional attachment and commitment to parents and child;
- Preparing parents families for the child 's return to family and community life;"

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

"Addressing unrealistic expectations of families that children during and after placement can access resources from the mainstream, e.g. money, material goods and favours."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

SUPPORT FOR CARERS

"The Northern Territory Government develop a program of culturally appropriate kinship carer identification, recruitment, assessment and support. Where possible this program should be delivered by ACCOs or transferred over time in line with their capacity development. In particular, the program should also seek to drive increased use of kinship care through processes of family-led decision making."

Submission SNAICC, National Voice for Our Children, February 2017

"Carers essentially do all of the hands on parenting with the child yet it feels like we are not able to do all of the everyday tasks that a hands on parent would usually do. The Department needs to sign school enrolment, as well as excursion forms, media consent permission forms as well as sport registration forms for the child. This is time-consuming and arduous for us - involving trips back and forth to the DCF office (depending on staff availability). I believe that arrangements could be made, based on a relationship of trust, for responsibilities such as these to be transferred to some carers, - i.e. in situations where children are in long-term stable carer arrangements."

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer



"We recommend foster carers receive training and supervision in order to provide a nurturing environment in which challenging behaviours are responded to in a trauma-informed, therapeutic approach which supports a young person's personal and social development."

Submission, APO NT, 31 July 2017

"Understand and recognise that there can be a stigma in the community attached to foster carers and the money received for the role. Some people think carers are just doing it for the money. This makes it hard for people who are doing it for the right reasons. It makes it hard for them to ask for the money, when they really need it to support the kids in their care."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"The Department should place greater value on the relationship between foster child and carer and endeavour to provide continuity for the child. Clearly this would apply to positive placement and not a detrimental situation."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

"Provide adequate and timely financial support to carers to ensure there are no delays in payments and that carers are provided food vouchers and other support to cover the period when assessments are pending and ensure payments are made on time."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"At the same time, I am aware of some foster carers who do not necessarily have the same capacity to engage with the biological family of the child and to provide the level of family contact that would be beneficial for the child. It is critical therefore that DCF be resourced and appropriately flexible to assist in these situations and I do not believe they currently are. Alternatively DCF could consider resourcing another agency to provide such a service."

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer

"The Department should work more positively with foster carers. Foster carers seemed to have poor status in the eyes of FAGS staff. Sharing information to make the care task easier would be helpful, for example, history of the child, particularly special needs, behavioural patterns, and the like. Links to specialised services and information and support that relates to the specific child would be useful. This is particularly important for care scenarios that are more than short term. My experience was that even when some behaviour was recurring in the new situation, I was not told of the history, and rather treated as though I was the cause of the behaviour."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

"While there has been a requirement for DCF to sight or visit a child in care once a month, from my experience as a foster carer, this has not always occurred. There have been periods where the allocated case worker has not seen a child for months on end. I believe the caseload that case workers are expected to manage is unrealistic - particularly given some of the complex demands of child protection work in Central Australia (such as the multifaceted needs of some children and young people and the remote location of family members). Often the crisis management required draws caseworkers away from other more long term work. A reduced caseload for case workers would allow more time for them to develop their relationships with both the children

and young people in care, and their families, and to develop a greater understanding of their needs.”

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer

“Encourage more education in communities about the role of foster carers. If everyone, including the parents of the children in foster care, understands what the role is, they will feel comfortable with children living with foster carers, and the placement for the children will be improved because they will feel comfortable too.”

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

SUPPORT FOR CHILDREN LEAVING CARE

“Assist the child to re-negotiate a place in their family of origin after leaving care. This might best sit with an organisation like CREATE which focuses on the care leaver.”

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

“That requirements be introduced in legislation and policy for the prioritisation and pursuit of timely and safe reunification where possible, including by the provision of Aboriginal and Torres Strait Islander family reunification programs and services, increasingly designed and delivered by ACCOs as their capacity builds.”

Submission SNAICC, National Voice for Our Children, February 2017

“A plan, including supports, MUST be in place for a child leaving care. This should include suitable and stable housing. Re-entry into the Aboriginal community is complex and difficult for care leavers who have been living outside this context for any length of time. Some of the difficulties are the expectations of family in the home community, and the expectations that can be connected to non-Aboriginal people, the lack of knowledge about how the society works, lack of language capacity (in some contexts), lack of cultural competence, and lack of security in the family unit. This can be mitigated with reference to some of the other recommendations, such as by ensuring that children have a level of cultural competence and sound relationships with their family of origin.”

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

SUGGESTIONS FOR IMPROVEMENTS TO THE CHILD PROTECTION SYSTEM

“We recommend the Northern Territory develop an interagency protocol to reduce the criminalisation of young people in care.”

Submission, Comparative Youth Justice Penalty Project, UNSW, April 2017

“It seems puzzling to me that effectively the only option given to me by the Department, when I am concerned about a child who is already in the child protection system, is to make a new notification to the Child Protection Hotline. I believe we need a system that is far more flexible and responsive to young people in these kinds of situations.”

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer

“The NT child protection system, (including the OOH system), requires immediate and ongoing reform in order to improve the life outcomes of children and young people in care.”



To be fully informed, the Northern Territory, Territory Families must develop systemic procedures that allow the experiences of children and young people in care to play a significant role in informing the on-going review of their policy and practice.”

Submission, CREATE Foundation, January 2017

“We call for:

- Investment into long-term NT wide, culturally relevant, trauma informed (see attachment A) systems, interventions and strategies for adult and child victims of DFV. Adequately funded long term family and community support services are urgently required to address the increasing numbers of NT families in a trauma cycle of DFV and the statutory system. Trauma informed care must be embedded in our educational, child protection and justice systems. This will require a massive investment of money into assisting individuals and communities to heal from the trauma they have experienced, often intergenerationally. A failure to invest in this will require increasing investment in the child protection and detention systems.
- Key principles of trauma-informed care
 - Understand the prevalence and nature of trauma arising from interpersonal violence and its impacts.
 - Ensure practices and procedures promote the physical, psychological and emotional safety of victims. Ensure practices and procedures do not re-traumatise victims.
 - Adopt service cultures and practices which empower victims in their recovery from trauma by emphasising safety, autonomy, collaboration and strength-based approaches.
 - Recognise and be responsive to the social and cultural contexts which shape victims needs and healing pathways.
 - Recognise the importance of relationships in overcoming trauma and supporting healing.”

Submission, Domestic and Family Violence Network, 15 December 2016

“So my understanding of how DCF works is that there’s a report and then an investigation, and I just hope that perhaps this process of investigation is not so invasive and intimidating for the parents. I hope that the parents feel like they can engage and seek help from DCF, not feel like their privacy is being invaded, or they’re doing the wrong thing, and just to have access to more support services especially in regards to mental health. If DCF

could link people in with mental health services in the end, like, immediately after children enter care, I think that would definitely help the process of the child's wellbeing and the peace of mind of everyone involved."

Closed court transcript of AI, 21 June 2017 - Vulnerable Witness

"I had a hard life. I had stress, had bad things happen to me, had bad things happen to me when I was pregnant. I got my son taken off me. I want to live a happy life and have my son back. I am going to stand up. I don't want to let other kids to get treated the way I got treated. I want them to get treated different way, kindness way, loving way, treated with care."

Statement of DG tendered to the Commission, 22 June 2017



'Alice Springs 1' - Artwork by child in detention

"Systemically, there needs to be a model developed which utilises a collaborative approach and information sharing between government departments and external agencies. It may be that there needs to be legislative change to require a collaborative approach within the relevant departments and agencies to share responsibility for the well-being of children and young people."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness

"The Australian Government should reform its funding processes to ensure that Aboriginal families and young people in the Northern Territory have adequate access to culturally appropriate mental health and social and emotional wellbeing services delivered by Aboriginal community controlled health services.

That the Australian and Northern Territory Governments resource Aboriginal community controlled health services to implement (with appropriate adaptation to the Northern Territory context) community-based, therapeutic services and programs such as Multi-Systemic Therapy, aimed at young Aboriginal people at the first point of contact with police and the criminal justice system."

Submission, Central Australian Aboriginal Congress, 1 November 2016

"In DG's case, it was apparent that agencies and departments failed to share the responsibility of ensuring her wellbeing when there was a greater capacity for them to do so. There should be resources available within the police, the health and education departments that should be utilised more readily in future so that it doesn't

fall to the Department in isolation to meet the needs of children and young people. In this regard the MAC team was a step in the right direction, and if properly resourced, would greatly assist an effective multi agency response in meeting the needs of children in the child protection system."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness

"I believe that every six months, case workers should sit down together, with the carers, family and other relevant people, to develop the case plan in consultation."

Statement of CD tendered to the Commission, 30 May 2017 - Foster Carer

"FACS staff should be well informed about [Redacted] and its effect on children and their behavioural and emotional development. This complex, little understood, disorder has serious lifelong implications for children in care. It is likely that [Redacted] is a significant issue for many children in Central Australia who find themselves in the child protection system."

Statement of CG tendered to the Commission, 30 May 2017 - Foster Carer

"Within the wider system, significant changes are required in the Northern Territory in relation to child protective services, and across other government agencies. It was my experience that the department was poorly resourced and prepared to work in a preventative manner with families where there were protective concerns identified. There was little to no support provided to families to work collaboratively to address identified concerns and to meet children's needs within the family system. This work should be undertaken by Aboriginal Community Organisations to support self determination and self-management within Aboriginal communities which we know to be the most effective means to affect change."

Statement of DH tendered to the Commission, 22 June 2017 - Vulnerable Witness

"Territory Families, and all other related organisations, must respect foster parents, Aboriginal and non-Aboriginal, alike. It is disrespectful for anyone to consider that Aboriginal fosters carers might need less information, support, education and care, because the children are Aboriginal and the child I carer call each other family."

Statement of CF tendered to the Commission, 12 May 2017 - Foster Carer

"The main subject I'd like to bring to the commission is the connection between welfare and outcomes. There are times when I sit down and I think before I go to bed about my outcome, and I think it could have been different. I don't have a relationship with my mum or dad. I haven't seen my [redacted] brothers in years....Don't get me wrong, some of my experiences were good. I learnt life lessons, but things could have been different, maybe better. I was blessed to have [redacted] which was good experience. I think DCF needs to put Aboriginal kids with family, or with Aboriginal peopled or help them visit family. I feel like I had to make my family for myself, and the kid shouldn't have to do that."

Statement of CJ tendered to the Commission, 31 May 2017

YOUTH JUSTICE

"In the first instance there should be a much greater emphasis on diverting young people from court and incarceration. Much research has shown that juvenile institutions are not rehabilitative or cost effective: incarceration is traumatic and interferes with the normal developmental process of young people; incarceration can lead to an increase rather than a decrease in antagonism to authority; incarceration exposes younger offenders to the criminal practices of older offenders, so they learn how to be better at committing crimes and not getting caught; and juvenile institutions are expensive to operate."

Submission, Menzies School of Health Research, 28 October 2016

“That the Northern Territory Government provide well-resourced diversionary options for Aboriginal young people contact with police or courts ensuring that access to diversion programs is provided in regional and remote areas and that Aboriginal Elders or mentors are made an integral part of the diversionary process.”

Submission, Central Australian Aboriginal Congress, 1 November 2016

“An increase to the age of criminal responsibility has the potential to reduce the likelihood of life-course interaction with the criminal justice system. In particular, raising the age of criminal responsibility is a key measure which could address the significant overrepresentation of Indigenous young people in youth detention. We recommend Australia increase the minimum age of criminal responsibility to, at least, 12 years.”

Submission, Comparative Youth Justice Project, UNSW, April 2017

“Support young people through the justice system, from the initial court appearance to post release planning and support:

- a. Measures should be taken to facilitate information sharing between providers, within the boundaries of confidentiality and existing memorandums of understanding.
- b. A case manager could act as an advocate for the young person, liaise with identified community supports (NGO’s, health services, and education providers) and prepare for transition from detention to the community.”

Submission, Royal Australasian College of Physicians, December 2016



“That specialist courts which are culturally safe and therapeutically appropriate for young Aboriginal people be established, with a focus on diversionary, rehabilitative and restorative justice programs. A specialist AOD court should be introduced as a priority to deal with the issue of alcohol and illicit drug misuse as primarily a health issue rather than a criminal one. Both residential and community based AOD services (preferably in Aboriginal PHC), should be resourced to deliver targeted therapeutic interventions as part of community-based treatment or orders wherever possible.”

Submission, Aboriginal Medical Services Alliance Northern Territory, (AMSANT), 20 April 2017

“It’s really tragic to see the number of kids that are coming out of the child protection system who end up in contact with the juvenile justice system, that in itself would suggest that removing kids from their families and putting them in out-of-home care is probably not in the best interests of the child.”

‘Community Voices’ video series, Olga Havnen, CEO, Danila Dilba Health Service



‘Alice Springs 2’ - Artwork by child in detention

“That the Territory Government:

That the Territory Government explore and support a range of innovative programs/services which have the potential to provide much needed support to young people at all stages of their involvement with the youth justice system including the following:

- justice reinvestment trials, such as the trial occurring in Katherine
- implementation of problem solving courts
- application of community prosecutions models
- trialing of Community Based Health and First Aid (CBHFA) In Action in a youth detention facility
- improved police clearance processes to facilitate ‘second chance volunteering’
- provide support for employment and training, by trialing the Red Cross through care
- WorkREDI initiative.”

Submission, Australian Red Cross, 20 December 2016

“I would like to see earlier interventions, so where you’re actually identifying the cause or behaviours that usually lead to offending. That you’re actually putting something in place there around dealing with peer pressure, making decisions under pressure, anger management, effective communication. Actually looking at identifying some of those issues. Self-esteem. Often cases where young people are offending because that’s what the group was doing and they were there and, you know, they didn’t really have that self-esteem to say no.”

‘Community Voices’ video series, Jessica Watkinson, CEO, YWCA Darwin

"To address issues presented by FASD and other cognitive impairments in the youth justice context, the Northern Territory and Australian governments must commit funding urgently to:

- a. improve awareness and understanding of FASD and other forms of cognitive impairment amongst professionals working in the justice system;
- b. improve screening and assessment capacity within the justice system, including through the appointment of specialist court-based clinicians;
- c. establish and expand non-custodial therapeutic options to the courts to ensure that the courts can divert FASD and other cognitively-affected children and young people away from the prison system."

Submission, APO NT, 31 July 2017



'Alice Springs 3' - Artwork by child in detention

"Reform the juvenile justice system.

- a. Cease all short term non-therapeutic programs such as 'boot camps' or 'farms';
- b. Establish youth justice advocates at Bushmob and similar catchment points; and
- c. Establish residential therapeutic treatment for high risk Young People - like Bushmob - as the preferred placement option."

Submission, Bushmob Aboriginal Corporation, 31 October 2016

"Identify areas of unmet need for bail accommodation and provide funding for Indigenous community controlled bail accommodation and support services to ensure that Indigenous young people are not held in detention on remand solely due to a lack of other options."

Submission, Amnesty International Australia, 28 October 2016

"Territory Families and the Department of Correctional Services should develop and invest in alternative approaches that divert young people from the justice system, promote best practice, and reduce punitive remedial measures."

Submission, CREATE Foundation, January 2017

"It's about having support more than anything. A place of safety you support structure, as in, today this is what happens. If I'm a traumatised person or Post Traumatic Stress, or whatever, I've got a foundation that I can bring my scattered thoughts back to hopefully, to be able to rebuild the house."

'Community Voices' video series, Will MacGregor, CEO, Bushmob Aboriginal Corporation

"In fact their behaviour sometimes, whilst not appropriate or acceptable, needs to be identified not necessarily as criminal behaviour but as an example of say, poor development."

'Community Voices' video series, Olga Havnen, CEO, Danila Dilba Health Service

"Diversion is a process where we're helping children to become responsible people within the community. It's about engaging in a process where children are able to recognise their actions and what's happened is wrong. This is an opportunity that kids can basically learn from their mistakes, get skills, get employment and actually have a productive and safe sort of life."

'Community Voices' video series, David Woodroffe, Principal Legal Officer, NAAJA

"Carers shouldn't call the police on kids unless it is something really serious. And DCF shouldn't let kids stay on remand in detention because they can't find a placement."

Statement of DG tendered to the Commission, 22 June 2017

"If you want kids to behave differently or to behave better, you know for the want of a better word, then you need to understand how you get those kids to learn to stop and think, rather than acting impulsively, starting to think a bit more about consequences."

'Community Voices' video series, Olga Havnen, CEO, Danila Dilba Health Service

"One of the issues we have is that there's only limited services in the NT, so we have young people from all over. We have saltwater young people, down to desert, down to Barkly, all three. We're dealing with people who are tied to that bit of country in Yirrkala, in Arnhem Land, in Alice Springs, miles from their family."

'Community Voices' video series, Will MacGregor, CEO Bushmob Aboriginal Corporation

DETENTION

"There needs to be a permanent doctor based at the detention centre as well."

Statement of BF tendered to the Commission, 13 March 2017

"We have to look at the wider context about what's happened in this child, in their life, throughout the entirety of their life. From the very young age, what's happened in their family situation, what's happened in the community, what's happened ... In many cases about the exposure, whether it's violence, family loss, grief, substance abuse. There are a whole ranges sort of issues."

'Community Voices' video series, David Woodroffe, Principal Legal Officer, NAAJA

"I think the guards who treat us badly shouldn't be here. They should get rid of them. The other boys say the same thing. Some new guards treat us like dogs. I would much prefer to be in Alice Springs where I am closer to family. I have no family here in Darwin so nobody visits me. It is also so difficult to make phone calls and it should not be so difficult. I feel lonely and miss my family. I would like there to be much better education with much more things to do. I would like to learn as much as possible about things while I am here. I had to grow up on the streets. I don't want to be in and out of detention centres and gaols. I want to do something with my life and education would help me. I think that making complaints should be easier and that people should listen to us and try and help us fix the problem. I don't fill out blue slips to make complaints anymore because filling out a blue slip takes too long to fix the problem. I often get into trouble because they say I 'humbug' but I just ask questions because I want to know the answer or want them to fix the problem. I want people to take things seriously. There needs to be an easier way to make complaints and we need to be able to use the phones more so that we can call people if there is no one listening here. I also don't like that we are shut down early at 5pm, it's too early and it makes being in here so boring."

Statement of BC tendered to the Commission, 13 March 2017

"That appropriate protocols for screening and assessment be conducted by appropriately qualified practitioners for all young people upon entering detention facilities, including a structured assessment of risk for re-offending and also level of risk of harm to self and others. Ongoing monitoring should include evaluations of the young person's; physical and mental wellbeing, substance use, cognitive, language and communication difficulties and life experiences, with a focus on trauma and appropriate cultural assessments."

Submission, Aboriginal Medical Services Alliance Northern Territory, (AMSANT), 20 April 2017

"There are some things that they could do in Don Dale that would make things a whole lot better.

- One, they should shut down HSU to start off. That's where all the mistreatment happens. They are Berrimah guards there; they don't have experience with kids.
- Secondly, a lot of blocks don't have cameras - there should be cameras in all of the blocks and cells.
- And thirdly, there should also be recording devices. A lot of guards abuse or
- Last of all, any officer with 10 significant complaint forms against them should

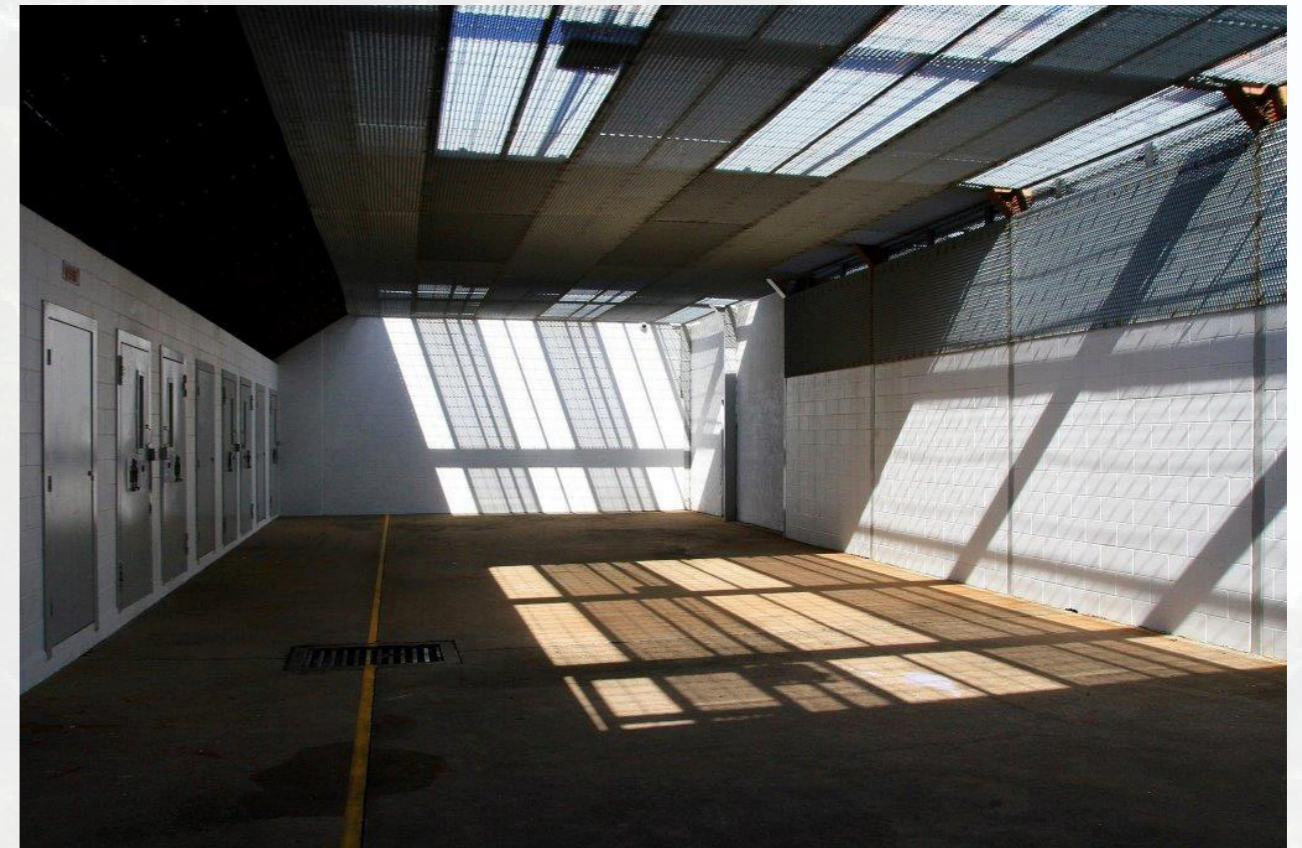
If those things were changed a lot of the bad things that happen in Don Dale could be stopped."

Statement of BN tendered to the Commission, 20 March 2017

Research studies consistently show that juveniles housed in more custody-oriented institutions have greater incentives for deviant behaviour and are more resistant to change. Other studies have shown that rehabilitative settings i.e. those that deemphasize staff control, provide education or other meaningful activities, foster autonomy, reinforce socially approved values and norms, and mentor the juveniles are much more effective in achieving behavioural change. In addition to the custody-orientation of the institutions, the length of incarceration must be considered. Research shows that the longer young people are incarcerated the more significant their personal transformation. The impact is more profound on those entering at an early age because they still in the process of developing their identity and more open to external influences. For young people, institutionalization (i.e., adopting the institutional culture as opposed to retaining community social norms)

may last longer and occur more quickly. The nature of relationships in a custody oriented institution is another distorting developmental factor, as the emphasis is on dominance and submission. Incarceration also diminishes self-esteem as it serves as a consistent reminder of social position. Research has shown that individuals experiencing longer incarcerations have a harder time preserving their self-identity and their self-esteem, which has considerable implications for their social function when released. In the long term the needs of juvenile offenders and the general community would be best served by a model that emphasises diversion, education and rehabilitation. Most young offenders grow out of their offending behaviour as they mature and develop conventional social values and responsibilities. Justice interventions should emphasise and support this process and eschew practices that deny or stunt normal developmental opportunities."

Submission, Menzies School of Health Research, 28 October 20



"We recommend NTDCS establish a therapeutic environment within its detention centres and transition from their current punitive approach to offending behaviour and adopt a therapeutic methodology that provides young people with the opportunity to develop in socially responsible ways. This will require cultural change within youth detention and appropriate staff recruitment and training."

Submission, APO NT, 31 July 2017

"There were no cultural activities available when I was in detention, and this would be good. I saw some kids lost without culture who would have benefitted with more cultural activities. There weren't many Aboriginal staff at Don Dale. There wasn't much difference between the Aboriginal and non-Aboriginal guards."

Statement of BF tendered to the Commission, 13 March 2017

"The parenting program in prison is good, it teaches you how to look after kids and how kids follow their parents. But parents still need help when they get released from gaol. I wanted to stay with my mother and would have listened to her. I followed my mother even though my grandma didn't drink or smoke. My mother should have got the help so she could have taken care of me."

Statement of CK tendered to the Commission, 1 June 2017 - Vulnerable Witness

"All detained children should have comprehensive, physical and psychosocial health assessments and treatment.

- a. To achieve this, we recommend the development of an adolescent specific service, led by specialists in the field, though largely staffed by adolescent health nurses with adolescent mental health workers, and Aboriginal and Torres Strait Islander health practitioners/workers who can perform initial health assessments, and can compile a health summary based on any previous assessments which have been performed (e.g. psychological assessments, medical or psychiatric reports).
- b. Parents/carers/guardians/family members should be involved in the assessment process where appropriate, as this would assist with the provision of a full medical history including immunisation history. The input and ongoing involvement of parents/carers/guardians/family members assists in providing the same quality of health care as those not in custody would receive. The lack of opportunity for such involvement does not uphold of the right of all people in custody to have the same quality of health care as those not in custody.
- c. Detained children must be referred to a forensic child and adolescent psychiatrist, a specialist paediatrician or adolescent physician, and / or a drug and alcohol worker as necessary, depending on that initial assessment. These secondary services must be readily available to the adolescent (i.e. in-person initial assessments are preferable over video-link), appropriate and evidence based.
- d. Detained children must have access to appropriate allied health services such as audiologists (to assess hearing), dentistry, speech therapists (to assist in the assessment and treatment of speech and language disorders), and psychologists (to assist in the diagnosis of specific conditions such as intellectual impairment, learning disorders, foetal alcohol spectrum disorder, attention deficit disorder, and autism spectrum disorder).
- e. These assessments will enable planning of appropriate therapy - but should not delay the commencement of therapy where the individual already has therapy needs identified (e.g. before the period of incarceration). This includes psychological therapy for mental health problems and post-traumatic stress disorder, and drug and alcohol counselling.
- f. A comprehensive treatment plan should be mandated and developed for the period during and after incarceration, with clear lines of communication with the child's parent or guardian or child protection case worker, primary health care providers, education."

Submission, Royal Australasian College of Physicians, December 2016

"CLC Council members were deeply shocked and saddened by the disgusting and cruel treatment of young people in juvenile detention, and emphasise the following key points:

- Every effort needs to be made to keep children in the care of their own families.
- The well-being and rehabilitation of young people in detention depend on the living conditions, programs and services provided within facilities. Clearly living conditions in the existing juvenile detention facilities are unacceptable and archaic. The physical environment of detention centres must be less like a prison and more like a home.
- Children should never suffer torture or cruel, inhuman or degrading treatment or punishment and must be protected from all forms of physical or mental violence, injury or abuse.
- The work-place culture within Corrections must be transformed, including through the recruitment of new staff and senior management and comprehensive training of staff members at detention facilities.
- The training and recruitment of Aboriginal staff is important in ensuring that young offenders are supported to overcome the challenge of breaking free from incarceration cycles. There are currently very few Aboriginal staff, and the CLC believes a majority if not all staff in juvenile detention facilities should be Aboriginal and speak Aboriginal languages.
- Educational and vocational programs are important in the rehabilitation of young offenders, particularly for their re-integration into the community. More emphasis must be placed on education and learning opportunities that will allow young offenders to expand their horizons and allow for their rehabilitation over time.



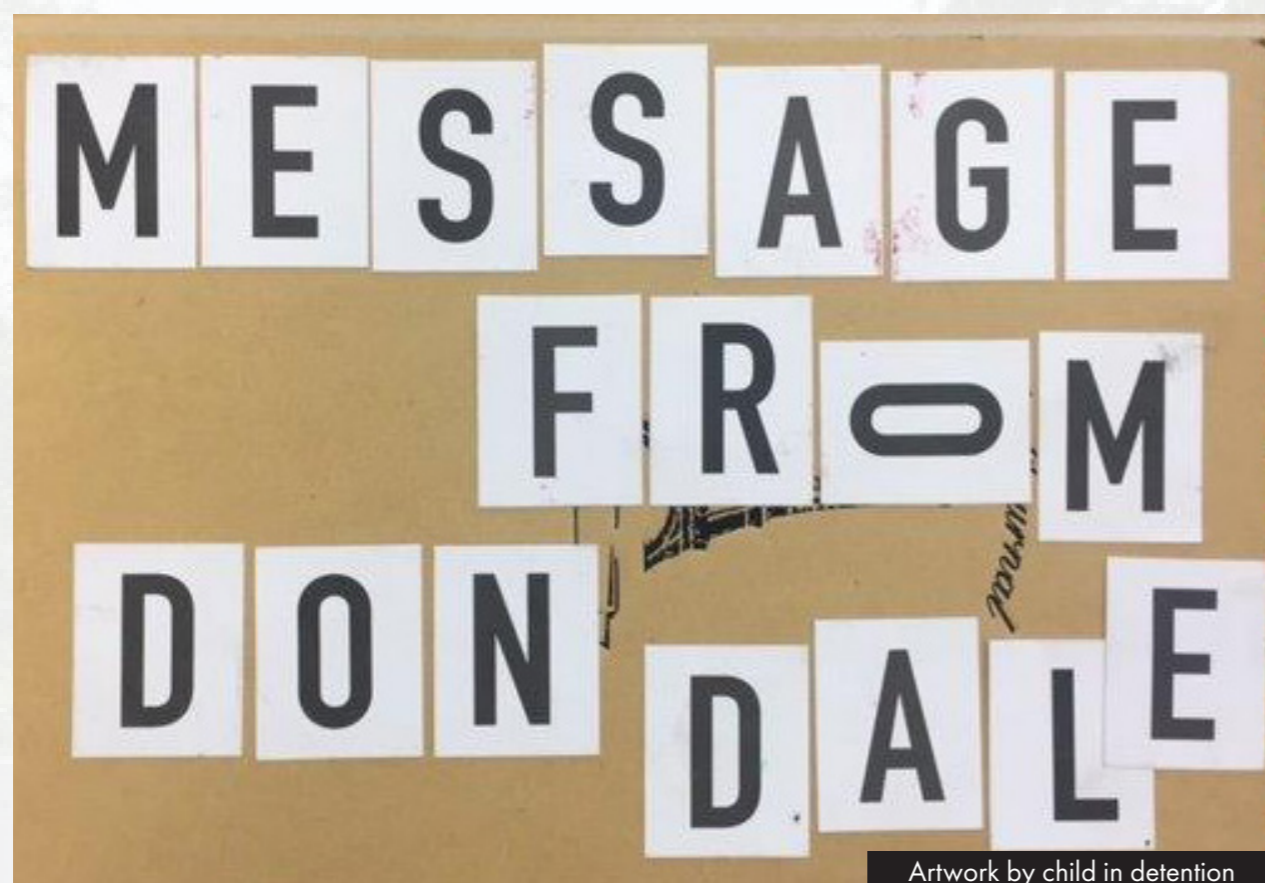
'A City' - Artwork by child in detention

- Council members support the visiting elders program, which aims to connect youth with family and well-respected members from the community and ensuring affinity with culture remains strong. Connection to culture creates a stronger sense of self-identity, promotes resilience and self-worth. Beyond this, these programs ensure youth have access to strong role models, which is integral to the rehabilitation and development of youth over time.
- The creation of a juvenile detention watchdog is necessary to ensure poor and inhumane treatment does not continue in the future."

Submission, Central Land Council, March 2017.

"I believe youth detention centres need to separate age groups so younger children aren't kept with older children. The older children often put it over you so they would have hot showers first and young kids would have to have cold showers. Its hard to sleep in the cells as a younger kid because you don't know what the older kids were in detention for. You didn't want to sleep until they did because it was dark and you couldn't see what they might do. That's why detainees need light access in cells."

Statement of BF tendered to the Commission, 13 March 2017



"Q - So my final question is: do you have any ideas about how Don Dale could be improved to be better for children in the future? Is there anything that you want to tell the Commissioners, if you were in charge of Don Dale, that you'd do differently?---Yeah.

Q What would you do differently?—

I would, like, create activities, you know, keep the kids active, you know, instead of getting into fight and each other and abusing guards, you know, yeah. Make them do music, sports, you know, keep them busy and occupied, you know, with their time as well, you know, make their time easy, you know. Yeah."

Closed court transcript of AU, 23 March 2017



"Northern Territory Government

1. Ensure the Northern Territory's youth justice system and all youth justice laws are expressly compliant with Australia's international human rights obligations, including the Convention Against Torture, the Convention on the Rights of the Child and the Declaration on the Rights of Indigenous Peoples;
2. End all practices which are inconsistent with these human rights obligations, including: a. stronger safeguards to prevent the misuse of tear gas; b. prohibiting the use of solitary confinement of children; and c. prohibiting the use of restraint chairs and spit hoods against children.
3. Fully investigating allegations of torture and other ill-treatment and excessive use of force in detention facilities, with a view to bringing those responsible to justice, and to provide victims with effective remedies."

Submission, Amnesty International Australia, 28 October 2016

"We see the end result, we see the damaged child in the criminal justice system who ends up in detention, but we've got to look at the situations, so we can change that to where we go back to help those children right at the beginning so that they don't end up down the track in detention."

'Community Voices' video series, David Woodroffe, Principal Legal Officer, NAAJA

"Like counselling – like, psychs and stuff like that, have more activities in there for them to do. If there was more to do in there then there wouldn't be any reason for them to muck up."

Closed court transcript of AB, 23 March 2017

"Yeah. I reckon they should have, like, more activities in the detention centre. Like, they should have more local workers working with the kids that understand and have experiences and that because a lot of us kids come from broken homes and welfare, and I guess that's the reason why crime rate's gone up, because so much young kids have been traumatised with all of this, on how they've been treated. And I don't know, it's hard for them to talk up because they're so young and, yeah. I guess they need more counselling and - - -"

Closed court transcript of AG, 24 March 2017

“Q Yes. Did you have any – and do you have any aspirations, things that you would like to do, if you could get some training to do it, for a job?”

---I’d like to talk to all the young mob, like – I don’t know, like, tell them what I’ve experienced, what I’ve been through, like. I know the kids, like, they’re broken and that, but they don’t know how to control their behaviour, like, I’d like to tell them my side and help them as well.

Q So be something like a social worker or a counsellor for young people?

---Yes.

Q Is that what you have in mind?

---Yes.”

Closed court transcript of AG, 24 March 2017

“**Inadequate staff training.** Working in a juvenile facility is one of the most challenging and underappreciated jobs in this country. In almost every jurisdiction, staff members receive some type of training on techniques for physically managing disruptive or confrontational behavior. However, those training curricula vary widely and are often weighted heavily toward the use physical restraints and holds, not verbal de-escalation and crisis management. Without adequate training, staff lack the skills to respond to difficult situations. Staff deserve to receive training on effective de-escalation and crisis management techniques, as well as training on adolescent development, adolescent mental health, and trauma histories of youth.”

Submission, Center for Children’s Law and Policy, USA, 18 October 2016

LEAVING DETENTION

“That the Northern Territory and Australian Governments commit to supporting sustained rehabilitative programs within youth detention in the Northern Territory, including ongoing access to and care for those in detention by community-based services, support for literacy and education programs, and reintegration programs that work with offenders, their families and communities post-release.”

Submission, Central Australian Aboriginal Congress, 1 November 2016

“Probably a lot. I’d get more help in there. You know, more support for when they get out on the outside, yeah, that’s about it.”

Closed court transcript of AB, 23 March 2017

“We recommend Territory Families meaningfully engages in a joint case management approach when developing post-release plans with young people in detention and when supporting them post-release, thus meeting jointly with interested parties including the young person and their family members on a regular basis.”

Submission, APO NT, 31 July 2017

“With the work that we do the key thing is relationships. That’s the first thing, and the focus of everything that we do, is to try and build a good relationship with a young person. Everybody comes with a story, and when you hear some of the stories you think to yourself, “Jeez, how did this kid, you know, not get into any more trouble than what they’re already in, you know, with the sorts of things that they’ve been through in their life.” Just to show that young person that we care, that we really, genuinely care about what happens to them. Then to follow through, to be real about it, to follow through on whatever it is that we’re saying that we’re going to help them with. I think they’re two of the key things.”

‘Community Voices’ video series, Delsey Tamiano, Youth Engagement Officer, Danila Dilba

“Q: A final question from me, . You talk about – and it must have been pretty sad when you left Don Dale to go to your mother’s funeral – but you say young people got more help when they get out – that would be better. What sort of service do you think would help people left?”

A ---Yes, well – when I first went there I filled a pathway plan form in with my case worker and, yes, like, they didn’t basically explain that they can help me. I felt like I had to tell them what I wanted to do, and I told them that I was going to get my grandfather to help me, but, yes, they didn’t explain that if I – that they could help me get enrolled in school and stuff, so I’m not standing at the gate lost when I’m walking out. sort of help, re-engaging with education, for instance?---Yes.”

Closed court transcript of BF, 13 March 2017

“Caseworkers and others need to help young people get services when they get out, not just walk them out the front door.”

Statement of BF tendered to the Commission, 13 March 2017



SUGGESTIONS MADE ON THE DETENTION SYSTEM AS A WHOLE

“Communities and families themselves would like to have a much greater role in, you know, the well being and the development of young people.”

‘Community Voices’ video series, Olga Havnen, CEO, Danila Dilba Health Service

“That the Northern Territory Government legislate to raise the minimum age of criminal responsibility to 12 years in line with recommended international standards, and on that basis prohibit the detention of any child under 12 years of age.”

Submission, Central Australian Aboriginal Congress, 1 November 2016.

"We recommend that in determining the 'success' and impact of programs, there is a need to consider alternative outcome measures besides recidivism. These include in particular outcome measures of social and emotional health and wellbeing, reductions in harmful or risk-taking behaviour, reconnection with family and friends, and (re)engagement with education, training and/or employment."

Submission, Comparative Youth Justice Penalty Project, UNSW, April 2017

"That the Office of the Children's Commissioner be strengthened through the appointment of an Aboriginal Children's Commissioner, and that this person be mandated to provide 6 monthly reports on progress made in response to the Royal Commission's findings and recommendations."

Submission, Aboriginal Medical Services Alliance Northern Territory (AMSANT), 20 April 2017

"That the Territory Government: work with the NGO and business sectors on a positive media campaign countering the 'tough of crime' stance and promoting second chances for children and young people involved in the youth justice system."

Submission, Australian Red Cross, 20 December 2016

"We recommend NTDCS to:

- a. employ appropriately qualified and experienced staff to guide behavioural interventions, train custodial staff in constructive behavioural management;
- b. work with young people to both address the causal factors associated underpinning problematic behaviours and help them apply socially responsible responses in situations of stress; and
- c. employ Aboriginal mentors who can provide young people with pro-social support in detention centres."

Submission, APO NT, 31 July 2017

"In the situation where juveniles are incarcerated the nature of the institutional environment needs to be carefully considered. Research studies consistently show that juveniles housed in more custody-oriented institutions have greater incentives for deviant behaviour and are more resistant to change. Other studies have shown that rehabilitative settings i.e. those that deemphasize staff control, provide education or other meaningful activities, foster autonomy, reinforce socially approved values and norms, and mentor the juveniles are much more effective in achieving behavioural change. In addition to the custody-orientation of the institutions, the length of incarceration must be considered."

Submission, Menzies School Health Research, 28 October 2016

"It's gotta be driven by community and the community has to put a structure in place where the community know what's going on with a particular child or with the detention stuff. The community has to set up a structure to really have a structure in place to do a lot of the programmes. And it's important that each organisations know what their roles are."

'Community Voices' video series, Gawin Tipiloura, Community Development Officer Red Cross, Tiwi Islands

"In summary we urge the Royal Commission to consider the following when addressing the drivers of children and young people into the child protection and juvenile justice systems:

- a focus on healing for children, young people, families and communities
- the development of a trauma informed system and organisations able to meet effectively the widespread distress our people suffer
- development of a trauma informed workforce including growing natural helpers in remote and regional communities
- holistic service provision that is designed, developed and delivered from an Aboriginal and Torres Strait Islander worldview and is driven and provided by our people
- an effective community engagement strategy that enables communities to develop their own community healing strategies and responses"

Submission, Healing Foundation, 27 October 2016

"Australian Government in conjunction with all state and territory governments :

- Immediately ratify and implement the Optional Protocol to the Convention Against Torture (OPCAT)
- Develop justice targets through the Council of Australian Governments (COAG) to reduce the overrepresentation of Indigenous children in detention and to reduce rates of violence, in consultation with Indigenous organisations that represent offenders and victims.
- Develop a COAG strategy to end the overrepresentation of Indigenous children in detention in consultation with Indigenous people and organisations.
- Quantify the level of unmet legal need currently experienced by Indigenous children and their families and take immediate steps to make up the shortfall of funding to Indigenous legal services.
- Fund and support, including building the capacity of, Indigenous-led early intervention and diversion services.
- Raise the age of criminal responsibility from 10 years of age to at least 12 years in all Australian jurisdictions
- Identify the data required to implement a Justice Reinvestment approach, including by tasking a technical body with assisting states and territories and coordinate a national approach to the data collection.
- Urgently finalise a diagnostic tool for Fetal Alcohol Spectrum Disorder and provide sufficient resources to Indigenous community-designed and led initiatives to address the effects of FASD to ensure that it is treated as a disability rather than becoming a criminal justice issue.
- Identify areas of unmet need for bail accommodation and provide funding for Indigenous community controlled bail accommodation and support services to ensure that Indigenous young people are not held in detention on remand solely due to a lack of other options.
- Develop youth bail legislation at a Federal level requiring that pre-trial detention should occur only as a last resort where there is a risk of flight or where release would interfere with the administration of justice. Under the uniform youth bail legislation, pretrial detention should occur only after a case-by-case assessment of necessity and proportionality."

Submission, Amnesty International Australia, 28 October 2016

"In recognition of the large body of research indicating the significant overrepresentation of young people with mental health disorders and cognitive disabilities in the youth justice system in other states and territories in Australia, we recommend the Northern Territory introduce a system of data collection on the prevalence of disability amongst children and young people in contact with the criminal justice system. This could take the form of an annual health survey of young people on community-orders and young people in custody, similar to custody health surveys which take place in New South Wales. We also note the imperative to appropriately screen children and young people for the early identification of disability, particularly in regard to borderline impairments such as TBI and FASD."

Submission, Comparative Youth Justice Penalty Project, UNSW, April 2016

“Q: , I just want to ask you to – just to tell the Commissioners about what you want to do when you get out of Don Dale?”

---Just go to school, ask my – ask my to put me to school somewhere else, so I can keep out of trouble and then this is my future and after that when I finish my, like, year 12 a couple of years later, I want to find a job.

Because you know why, every night I like cry all the night, like every night I cry and be sad, upset every single night, crying, crying, 30 crying, and like, you know, I just don't want to be in juvenile.

It's too boring in here. Miss family too.”

- Closed court transcript of BC, 13 March 2017



'A City' - Artwork by child in detention



ROYAL COMMISSION

INTO THE PROTECTION & DETENTION OF
CHILDREN IN THE NORTHERN TERRITORY