

Northern Territory Aboriginal Justice Agreement Action Plan 2021-2022



DEPARTMENT OF
THE ATTORNEY-GENERAL AND JUSTICE



The Northern Territory Aboriginal Justice Agreement

Reducing the over-representation of Aboriginal Territorians in the justice system demands changes to policies, legislation, structures and processes, as well as tackling the underlying factors that contribute to Aboriginal people's contact with the criminal justice system.

The impact of colonisation, dispossession and dislocation from lands, waters and seas, families, languages and cultures has resulted in the ongoing over-representation of Aboriginal people in the justice system.

These historical processes must be accepted as reasons for the complex and entrenched disadvantage faced by many Aboriginal Territorians across inter-related domains including health, wellbeing, housing, education, employment and justice.

Effective implementation of the Northern Territory Aboriginal Justice Agreement (the Agreement), requires not only a whole-of-government and Territory approach, but also any government contracted service providers to effectively deliver services to Aboriginal people.

The Northern Territory Government has demonstrated its commitment to achieve effective justice outcomes for Aboriginal Territorians by initiating a range of inquiries and reforms, including:

- Implementing recommendations from the Royal Commission into the Protection and Detention of Children in the Northern Territory.
- Inquiries by the Northern Territory Law Reform Committee into Mandatory Sentencing and Community Based Sentencing Options, and the Recognition of Aboriginal Laws in Sentencing and Bail.
- Everyone Together Aboriginal Affairs Strategy 2019–2029.
- Local Decision Making.

Development of the Agreement

The three year process to develop the Aboriginal Justice Agreement was one of the most extensive ever completed by a Northern Territory Government agency.

From 2017-2019, the Aboriginal Justice Unit conducted 120 consultations across the entire breadth of the Northern Territory with the assistance of cultural brokers and interpreters. Workshops with experts and statisticians were overseen by the Aboriginal Justice Agreement Reference Committee, which represents a broad range of stakeholders.

In September 2019, the Government released the draft Northern Territory Aboriginal Justice Agreement that had 23 strategies for six months of community feedback. In 2020, the Aboriginal Justice Unit did another 40 consultations with Aboriginal communities and organisations.

From the 160 consultations, the Aboriginal Justice Unit received 51 written submissions from organisations and individuals, and captured more than 1300 comments on an issues register. Many participants were people whose voices had never been heard.

Additional workshops with legal experts, Commonwealth agencies, interns, statisticians and the Aboriginal Justice Agreement Reference Committee then condensed the previous 23 strategies to 13 commitments for the final Agreement.

Why we need the Aboriginal Justice Agreement



30.3%
of the Northern Territory population is Aboriginal.¹



37.5%
of Aboriginal Territorians have completed year 12.²



More than **100** Aboriginal languages and dialects are spoken in the Northern Territory.³



More than **80%** of the Northern Territory homeless population is Aboriginal.⁴



35.4%
of Aboriginal Territorians are unemployed.⁵



70%
of public hospital patients in the Northern Territory are Aboriginal.⁶

Median weekly income

\$430

for Aboriginal Territorians.⁷



\$1247

for non-Aboriginal Territorians.⁸

Adult incarceration

Aboriginal
2816
per 100 000

Non-Aboriginal
232.2
per 100 000



Aboriginal people are imprisoned at more than

12 times

the rate of non-Aboriginal people.⁹

It costs

\$123 479.50

to keep a prisoner in prison for a year.¹⁰

Domestic and family violence



89%
of Aboriginal assault victims were assaulted by family members, predominantly partners.¹¹



60%
of male prisoners are held for domestic and family violence related offences.¹²



53%
of female prisoners are held for domestic and family violence related offences.¹³



Aims and commitments

Over seven years the Agreement will:

Aim 1 – Reduce offending and imprisonment of Aboriginal Territorians

Aboriginal Territorians are over-represented as victims and perpetrators within the criminal justice system. In the Northern Territory, Aboriginal men are imprisoned at 15 times the rate of non-Aboriginal men and Aboriginal women are imprisoned at 14 times the rate of non-Aboriginal women.¹⁴

Stressors such as family and domestic violence, homelessness, substance misuse, poor mental and physical health, unemployment and racism contribute to high offending rates.¹⁵

The parties to the Northern Territory Aboriginal Justice Agreement commit to:

- Establish and offer alternatives to custody.
- Establish Community Courts.
- Reduce domestic and family violence offending.
- Review and reform legislative provisions within the justice system that are unfair, discriminatory or detrimental to Aboriginal people.
- Expand community-based sentencing options and non-financial options for the payment of fines.
- Increase opportunities for prisoners to participate in high quality programs to reduce reoffending.

Aim 2 – Engage and support Aboriginal leadership

Improved justice outcomes for Aboriginal people will only be achieved if the Northern Territory Government works in partnership with Aboriginal Elders, leaders and communities to implement this Agreement.

The parties to the Northern Territory Aboriginal Justice Agreement commit to:

- Establish and maintain respectful place-based engagement with Aboriginal Territorians in decision-making.
- Establish and support Law and Justice Groups.
- Promote the uptake of leadership roles for Aboriginal people including appointments as Justices of the Peace and Commissioners for Oaths.

Aim 3 – Improve justice responses and services for Aboriginal Territorians

Aboriginal Territorians face challenges when accessing and navigating the justice system.

The parties to the Northern Territory Aboriginal Justice Agreement commit to:

- Identify and eliminate systemic racism in government agencies and contracted service providers that directly or indirectly discriminate against Aboriginal Territorians engaged in the justice system.
- Improve the collection, analysis and interpretation of data that impacts on justice outcomes for Aboriginal Territorians.
- Increase Aboriginal Territorians knowledge and use of justice and other complaint mechanisms.
- Review and redesign key service models and any contracted services that impact on justice outcomes to ensure they are efficient, effective, and meet the needs of Aboriginal Territorians.

Over the next 12 months the Agreement will deliver on these actions:

Aim 1: Reduce offending and imprisonment of Aboriginal Territorians

Commitments	Actions
Establish and offer alternatives to custody.	<ul style="list-style-type: none"> • Maintain current levels of operations at the Alice Springs Alternative to Custody facility and develop and implement therapeutic programs. • Prepare Groote Eylandt's Alternative to Custody facility and therapeutic programs to commence operations in 2022. • Explore options for an alternative to custody facility and therapeutic programs in the Katherine region with a view to commence operations in 2023.
Establish Community Courts.	<ul style="list-style-type: none"> • Develop and establish Community Courts in consultation with Aboriginal communities, members of the judiciary and other relevant legal entities. • Ensure pre-sentencing reports are prepared for all Aboriginal offenders before a Community Court to identify the behaviours and causes of their offending to assist in their rehabilitation. • Provide Community Courts with improved sentencing options.
Reduce domestic and family violence offending.	<ul style="list-style-type: none"> • Research and develop a non-custodial facility in Central Australia with a therapeutic focus to address domestic and family violence, commencing in 2022. • Develop culturally-appropriate, evidence-based rehabilitation programs in collaboration with government agencies, and with Aboriginal people and communities. • Improve access to these new programs for all domestic and family violence offenders, including individuals on remand, in custody or supervised by community corrections, especially those serving short sentences or in the early stages of offending.
Review and reform legislative provisions within the justice system that are unfair, discriminatory or detrimental to Aboriginal people.	<ul style="list-style-type: none"> • Review the <i>Bail Act</i>, <i>Sentencing Act</i>, <i>Juries Act</i>, and <i>Parole Act</i> to address and resolve areas within the legislation that are found to be unfair, discriminatory or detrimental to Aboriginal people. • Consider the recommendations within the Northern Territory Law Reform Committee's reports on the Recognition of Local Aboriginal Laws in Sentencing and Bail and Mandatory Sentencing and Community-Based Sentencing options. • Provide reports to government outlining the reforms necessary to remove unfair and discriminatory impacts on Aboriginal people. • Provide reports that recommend legislative and policy reforms that are found to be unfair, discriminatory or detrimental to Aboriginal people for consideration by government.
Expand community-based sentencing options and non-financial options for the payment of fines.	<ul style="list-style-type: none"> • Identify the most appropriate models to enable Aboriginal people to resolve outstanding fines through community work and other means, particularly for vulnerable people and those living in remote areas.
Increase opportunities for prisoners to participate in high quality programs to reduce reoffending.	<ul style="list-style-type: none"> • Review the suitability and accessibility of rehabilitation and diversion programs provided in correctional facilities and by contracted service providers. • Develop and deliver clear strategies to address trauma, loss and grief among prisoners.

Aim 2: Engage and support Aboriginal leadership

Commitments	Actions
Establish and support Law and Justice Groups.	<ul style="list-style-type: none"> Partner with local Aboriginal leaders and respected persons to co-design models for Law and Justice Groups including: membership, scope, relationship to other local initiatives and structures, and create Local Action Plans. Develop and implement Local Action Plans for Law and Justice Groups. Establish at least two additional Law and Justice Groups – one in the Top End and one in Central Australia. Continue to support the Groote Eylandt Law and Justice Group.
Promote the uptake of leadership roles for Aboriginal people including appointments as Justices of the Peace and Commissioners for Oaths.	<ul style="list-style-type: none"> Design and deliver a marketing and communication strategy to attract interest and applications from Aboriginal people to become Justices of the Peace and Commissioners for Oaths. Assist Aboriginal Territorians with applications to become Justices of the Peace and Commissioners for Oaths.

Aim 3: Improve justice responses and services for Aboriginal Territorians

Commitments	Actions
Identify and eliminate systemic racism in government agencies and contracted service providers that directly or indirectly discriminate against Aboriginal Territorians engaged in the justice system.	<ul style="list-style-type: none"> Conduct a review of at least one justice-related government agency and their contracted service providers to identify and eliminate systemic racism that directly or indirectly discriminates against Aboriginal Territorians engaged in the justice system. Develop a Northern Territory-wide campaign against racism that impacts on Aboriginal people engaged in the justice system.
Increase Aboriginal Territorians knowledge and use of justice and other complaint mechanisms.	<ul style="list-style-type: none"> Reform, in collaboration with Aboriginal people, complaint systems to address structural barriers and increase accessibility and accountability.
Review and redesign key service models and contracted services that impact on justice outcomes to ensure they are efficient, effective, and meet the needs of Aboriginal Territorians.	<ul style="list-style-type: none"> Conduct a review of at least one justice-related government agency and their contracted service providers to ensure service models are efficient, effective, and meet the needs of Aboriginal Territorians.

Governance, monitoring and evaluation

Commitments	Actions
Establish and maintain robust and effective governance structures and an evaluation framework for the Aboriginal Justice Agreement.	<ul style="list-style-type: none"> • Establish the governance structures for the Agreement. • Establish and resource a Secretariat to support the work of the Aboriginal Justice Agreement Governance Committee. • Develop a framework that monitors and evaluates the implementation of the Agreement. • Provide an annual report to government on progress of the Agreement, with this report to be tabled in Parliament.
Develop a justice re-investment model.	<ul style="list-style-type: none"> • Develop and deliver to government a cost benefit analysis of the Agreement.
Implement an engagement and communications strategy.	<ul style="list-style-type: none"> • Develop a 12 month engagement and communications plan to achieve the aims and commitments of the Agreement.

References

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3. Aboriginal Interpreter Service, *Aboriginal Languages in NT (19 July 2018)*.
4. Derived from Australian Bureau of Statistics, *Census of Population and Housing: Estimating Homelessness (2016)*, cat no 2049.0, table 1.5.
5. Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Health Performance Framework 2017 Report: Northern Territory*, Cat No IHW 186, 2017, 82.
6. NT Department of Health 2015, *Northern Territory Aboriginal Health Plan (2015)*, 9.
7. Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Health Performance Framework 2017 Report: Northern Territory*, Cat No IHW 186, 2017, 84. Note: Weekly income relates to the median equalised gross weekly household income for Indigenous adults.
8. Australian Institute of Health and Welfare, *Aboriginal and Torres Strait Islander Health Performance Framework 2017 Report: Northern Territory*, Cat No IHW 186, 2017, 84. Note: Weekly income relates to the median equalised gross weekly household income for Indigenous adults.
9. Australian Bureau of Statistics, *Prisoners in Australia, (2017) cat. no. 4517.0, 4517.0-Prisoners in Australia, 2017 (abs.gov.au)*.
10. Productivity Commission, *Report on Government Services 2017-2018 (2019) Volume C: Justice, Correctional Services*, Chapter 8, Table 8A.2.
11. Northern Territory Government, *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 (2018)* 18.
12. Australian Bureau of Statistics, *Recorded Crime - Victims, Australia, 2017 (2018) cat. no. 4510.0, Table 16, [4510.0 - Recorded Crime - Victims, Australia, 2017 \(abs.gov.au\)](#)*.
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14. Royal Commission into Aboriginal Deaths in Custody 1991, vol. 2; Australian Law Reform Commission (2017), *Pathways to Justice - Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Report No 133, Australian Government.

