6 Governance of the Northern Territory Aboriginal Justice Agreement

Central to the governance of the NTAJA is the guiding principle that Aboriginal Territorians have the right to speak, to be heard, and be actively engaged in decision-making processes that impact on Aboriginal people in the NT. A robust governance structure is critical to ensure the signatories to the NTAJA are held accountable and to monitor the Agreement’s effectiveness.

In line with the NTAJA’s staged implementation, the Agreement’s governance structure will consist of two distinct phases delivered over seven years. Under NTAJA Stage 1 (2019-2021), an initial governance structure will be established. Following an evaluation, the governance structure will be revised under NTAJA Stage 2 (2022-2025).

In all stages of the NTAJA, governance committees will be established to serve as the forum for Aboriginal community representatives to directly discuss Aboriginal justice issues with Chief Executive Officers (CEOs) of NTG agencies. The establishment of local Law and Justice Groups (LJGs) will provide a platform for Aboriginal Territorians to develop culturally-competent, place-based strategies to improve local justice outcomes.

The structure proposed below has been developed to reflect the partners’ agreed understanding that only an integrated, Territory-wide, whole-of-government approach will create meaningful change and achieve the Agreement’s aims.

6.1 Governance Overview

6.1.1 Stage 1: 2019-2021

A summary of the governance structure for Stage 1 is outlined below and in Figure 29.

The Attorney-General and Minister for Justice will:
- oversee the implementation of the NTAJA within the broader justice portfolio
- table an annual progress report to Parliament reporting on the outcomes of the NTAJA
- communicate and coordinate activities between the Aboriginal Affairs Sub-Committee of Cabinet and the NTAJA Governance Committee.

The Aboriginal Affairs Sub-Committee of Cabinet will:
- provide high-level advice regarding the NTG’s strategic priorities, significant policy initiatives and any legislative reforms related to the NTAJA
- provide comment on the annual progress report and other official documentation.

The NTAJA Governance Committee will be established as one of the the main bodies responsible for overseeing all governance-related matters. The Governance Committee will:
- oversee and monitor the implementation of the NTAJA in collaboration with the AJU, and report to the Attorney-General and Cabinet Sub-Committee on a regular basis
- facilitate whole-of-government responses on matters affecting Aboriginal Territorians and provide advice on culturally-competent best practice models
- promote and facilitate broader stakeholder engagement with the NTAJA and related initiatives.
The NTAJA Governance Sub-Committee will be established with selected members from the NTAJA Governance Committee. The NTAJA Sub-Committee will:

- provide assistance and advice to the NTAJA Governance Committee and the AJU on key priorities of the NTAJA Governance Committee
- provide comment and feedback on particular issues for the NTAJA Governance Committee.

Law and Justice Groups (LJGs) will be established to promote Aboriginal leadership and facilitate change at the local level. With appropriate resourcing and support LJGs will:

- develop and implement a Local Action Plan, which sets out place-based strategies, informed by local evidence, to respond to local justice concerns and improve community safety
- report to the NTAJA Governance Committee on the implementation of the Local Action Plan
- provide feedback to the NTAJA Governance Committee and to NTG agencies on factors affecting community safety, which will inform changes to policies and practices at the local level.

The Aboriginal Justice Unit will:

- fulfil administrative, secretariat and project support roles for the NTAJA Governance Committee and LJGs
- develop an implementation plan to oversee the delivery of the NTAJA’s outcomes
- prepare the annual progress report
- convene an annual Aboriginal justice forum
- track and record the achievements of the NTAJA.

Figure 29. NTAJA Stage 1: 2019 - 2021
6.1.2 Stage 2: 2022-2025

The anticipated changes to the NTAJA’s governance under Stage 2 are outlined below and in Figure 30.

- Any amendments to the governance structure in Stage 2 will be guided by the recommendations arising from the independent evaluation in Stage 1. Changes to the governance structure will be decided towards the end of NTAJA Stage 1 in consultation with Aboriginal Territorians.
- An Aboriginal Social Justice Commissioner will be appointed for the Northern Territory. While the Commissioner’s specific roles and responsibilities will be outlined following the evaluation of governance under Stage 1, his or her responsibilities are likely to include reviewing policies and procedures, advocating for the rights and interests of Aboriginal Territorians, receiving complaints and submissions from Aboriginal Territorians, and liaising with other relevant commissions. 561

Figure 29. NTAJA Stage 2: 2022 - 2025
6.2 NTAJA Governance Committee

The NTAJA Governance Committee (the Governance Committee) will replace the interim AJARC to perform an overarching monitoring and advisory role. The Governance Committee will be guided by terms of reference that define its purpose, responsibilities and working arrangements. The establishment of the Governance Committee will also include a mechanism to ensure greater representation of Aboriginal Territorians. Administrative, secretariat and project support will be provided by the AJU.

6.2.1 Composition of the Governance Committee

The Governance Committee will engage CEOs from key NTG agencies and Aboriginal representatives from major regions across the NT and will be co-chaired by the CEO of the Department of the Attorney-General and Justice, and a member elected from the Aboriginal representatives.

Northern Territory Government Committee Members

NTG agencies to be represented on the Governance Committee include the following, noting that representation may be expanded depending on the subject matter under discussion:

- Department of the Attorney-General and Justice
- Department of the Chief Minister
- Department of Education
- Department of Health
- Department of Local Government, Housing and Community Development
- Department of Infrastructure, Planning and Logistics
- Department of Treasury and Finance
- Northern Territory Police, Fire and Emergency Services
- Territory Families.

Aboriginal Representatives

The Governance Committee will include gender balanced representation. Aboriginal representatives will be nominated from each region as outlined in Figure 31 and will undergo a selection process prior to appointment. Selection criteria will require applicants of significant merit and standing in their respective regions. Applicants will be required to adhere to high standards of ethical and professional conduct in the performance of their duties, similar to the standards expected of all NT public sector employees in the Northern Territory Public Service Code of Conduct.
It is envisaged that a total of 36 Aboriginal representatives will represent the following 18 regions:

- Alice Springs
- Borroloola / Barkly
- Central Region
- Darwin/Daly/Wagait
- East Arnhem
- Eastern Plenty
- Eastern Sandover
- Groote Eylandt
- Katherine Region
- Ngukurr Region
- North West Region
- South West Region
- Tanami
- Tennant Creek
- Tiwi Islands
- Victoria River District
- West Arnhem
- Western Region

Figure 30. Map of proposed NTAJA Governance Committee’s Aboriginal representative regions

Source: Northern Territory Government
6.3 Establishment of Law and Justice Groups

At a local level, the NTAJA will support the formation of LJGs in Aboriginal communities. LJGs are representative groups of Aboriginal people who come together to address issues to improve justice responses and community safety. LJGs will provide a critical platform for local decision-making, including reform of service delivery that is necessary to achieve the aims of the NTAJA.

Establishing LJGs recognises that Aboriginal people are best placed to understand and address the issues impacting on justice outcomes at a local level. There is widespread support for LJGs among Aboriginal community leaders, community-based service providers, educators, and key justice agencies including local police, corrections and the courts.

Members of LJGs will be determined by a locally-driven process that reflects a gender-balanced and fair representation of the cultural groups within a community.

In Stage 1 of the NTAJA, it is envisaged that the NTG will support a maximum of five LJGs to be established. The model will be evaluated towards the end of the first year in order to refine the process for establishing and operating LJGs, before the model is expanded. While it is acknowledged that five LJGs will not be representative of all Aboriginal people and communities across the NT, adopting a phased approach to implementation will allow for the LJG model to be refined and improvements to be made over time.

6.3.1 Roles and responsibilities of Law and Justice Groups

The specific scope and focus of work undertaken by each LJG will be decided by Aboriginal people within that region.

It is envisaged that LJGs will be supported by the AJU and the Governance Committee to develop a Local Action Plan outlining practical strategies to address local issues, which will complement the NTG's LDM framework. Action plans will include place-based, practical strategies to respond to justice concerns identified within the local community. LJGs will provide formal and informal feedback to the Governance Committee and also to NTG agencies about matters affecting community safety. More detail on LJGs is provided in section 4.4.

6.4 Aboriginal Justice Unit

6.4.1 Roles and responsibilities of the Aboriginal Justice Unit

Developing a NTAJA implementation plan

The AJU will be responsible for developing and overseeing a comprehensive implementation plan for the NTAJA, including the Agreement's monitoring and evaluation framework. The implementation plan will play a crucial role in ensuring that parties fulfil their responsibilities under the Agreement by outlining the actions required to deliver on the aims.

The implementation plan will be developed following the release of the final NTAJA.

Convening an annual Aboriginal justice forum

One of the AJU’s key responsibilities will be to convene an annual forum to bring together Aboriginal Territorians, relevant government agencies and NGOs, to present and discuss key focus areas relating to the implementation of the NTAJA.

The forum will aim to:

- provide strategic oversight of progress towards the NTAJA’s aims, including sharing data that illustrates the extent to which improvements are being achieved
• maintain and renew stakeholders’ commitment to the collaborative, partnership-based approach that underlies the Agreement

• allow for open dialogue between Aboriginal Territorians and the NTG on pressure points and drivers of poor justice outcomes for Aboriginal Territorians

• provide opportunities to showcase best practice in achieving cultural competency for professionals and stakeholders engaged in delivering justice-related services.

6.5 Monitoring and Evaluation

The successful implementation of the NTAJA relies on ongoing independent monitoring and evaluation. A monitoring and evaluation framework will be designed and implemented in collaboration with Aboriginal Territorians.

The AJU will develop the monitoring and evaluation framework in line with the following principles:

• a commitment to a transparent reporting process

• a reporting framework that provides for an evidence-based approach

• a process that holds parties accountable for performance under the NTAJA

• the development of indicators that will measure the outcomes of the NTAJA

• a high level of cultural integrity and competency

• commitment to an improvement framework that will address gaps and deficiencies limiting progress towards achieving the aims of the NTAJA.

6.5.1 Inclusion of specific targets in the Northern Territory Aboriginal Justice Agreement

Use of targets under Stage 1: 2019-2021

Throughout Stage 1, measures of success will be chosen that reflect outcomes aligned with the aims of the NTAJA. It is expected that specific targets aligned with the aims will not be set in stage 1. This decision is based upon three observations regarding the use of targets in developing and maintaining AJAs in other Australian jurisdictions.

Foremost, the experience of other jurisdictions demonstrates that targets, particularly those established during the early stages of an agreement’s implementation, are at risk of being overambitious. As a result, poorly-devised targets may undermine commitment and trust in the Agreement, and pose an avoidable obstacle to establishing and maintaining constructive partnerships.

Secondly, the use of targets in other jurisdictions has highlighted that setting realistic, achievable targets requires accurate baseline data. In the NT, much of this data has not been comprehensively collected, recorded, validated and analysed.

Finally, it is evident that the issues addressed by AJAs are multi-faceted and interrelated in a variety of complex ways. As the full extent of these issues and their interrelationships are poorly understood, targets set during this early draft stage may provide a poor prediction of the Agreement’s success.

Reporting against specific outcomes will provide a more comprehensive account of the strengths
and shortcomings of the NTJAs approaches, allowing its strategies to be refined by highlighting areas that are showing improvement, those that are successful and those requiring further improvement.

However, this does not restrict the setting of specific targets in Local Action Plans under the direction of the LJGs, which are based on evidence relevant to the local region.

Use of targets under Stage 2: 2022-2025

It is anticipated that targets will be set during NTJAs Stage 2. At this stage, the foundational work implemented under Stage 1 will allow for the development of a practical, relevant, culturally appropriate framework for the establishment of targets. The specific targets will be determined by the signatories to the final Agreement through a culturally competent consultation process.

It is acknowledged that the Council of Australian Governments (COAG) is in the process of completing a refresh of its Closing the Gap initiative, including consideration of national justice-related targets. The AJU will monitor the outcomes of the COAG review and ensure relevant changes are reflected in Stage 2.

6.6 Aboriginal Social Justice Commissioner

The most significant modification to the governance structure in Stage 2 is the proposed appointment of an Aboriginal Social Justice Commissioner for the NT.

The Aboriginal Social Justice Commissioner is expected to be responsible for:

- reviewing the impact of policies and measures introduced under NTJAs Stage 1
- monitoring and reporting on the wellbeing (and human rights) of Aboriginal Territorians
- advocating for the rights and interests of Aboriginal Territorians
- providing advice and making recommendations about cultural competency in the formation of policy and delivery of services
- providing support and guidance to the NTJAs Governance Committee
- collaborating with the AJU to produce an Annual Progress Report
- receiving complaints, including making recommendations relevant to government agencies
- liaising with other relevant commissions, such as the Northern Territory's Anti-Discrimination Commission, the Independent Commissioner Against Corruption, the Treaty Commissioner and the Office of the Children's Commissioner.
Glossary

Aboriginal
The term Aboriginal refers to:

(a) a descendant of the Aboriginal peoples of Australia; or
(b) a descendant of the Indigenous inhabitants of the Torres Strait Islands.

Throughout this report, the term Aboriginal is used in reference to people of either or both Aboriginal or Torres Strait Islander descent, except where specific reference is made to publications that use other terminology. For example, the ABS uses the term ‘Indigenous’ to refer to both Aboriginal and Torres Strait Islander peoples. The use of the term ‘Aboriginal’ recognises the diversity of cultures, languages, clans and skin groups throughout the NT and its use is not intended to diminish or deny these differences.563

Aboriginal Territorian
An Aboriginal person who has their principle place of residence as the Northern Territory.

Non-Aboriginal Territorian
A non-Aboriginal person who has their principle place of residence as the Northern Territory.

Acts Intended to Cause Injury
Acts, excluding attempted murder and those resulting in death, which are intended to cause an non-fatal injury or harm to another person and where there is no sexual or acquisitive element.

Adult
A person at least 18 years of age or a person apparently 18 years of age; if the person’s age cannot be proved.564 However, the age range may vary depending on usage. For example, NT Correctional Services include 17-year-olds in the category of “adults” when conducting and collating data for the annual prison census.

Aggregate Sentence
Aggregate sentences are based on the common law principle of totality, which applies when a court imposes multiple sentences of imprisonment for multiple offences. The principle of totality comprises two elements:

1. When sentencing for more than a single offence, courts should pass a total sentence reflective of all offending behaviour before the court in a manner that is just and proportionate. Therefore, sentences for more than one offence will usually be longer than a single sentence for a single offence.

2. It is difficult to arrive at a just and proportionate sentence for multiple offences simply by adding together single sentences. It is necessary to consider the offending behaviour, as well as factors personal to the offender as a whole.

The principle is to be applied without the suggestion that a discount is given for multiple offences.

As a result, application of concurrent or consecutive sentences sits within the following guidelines:

Concurrent sentences are applied when offences arise out of the same incident, there is a series of offences of the same or similar kind, specifically when committed against the same person.

Consecutive sentences apply when offences arise out of unrelated facts or incidents, offences that are of the same or similar kind but where the overall criminality will not be sufficiently reflected by concurrent sentences, or one or more offences qualifies for a statutory minimum sentence and concurrent sentences would improperly undermine that minimum.
ANZSOC

The Australian and New Zealand Standard Offence Classification (ANZSOC) provides a uniform national statistical framework for classifying criminal behaviour in the production and analysis of crime and justice statistics. ANZSOC is used in Australian Bureau of Statistics statistical collections, Statistics New Zealand statistical collections, Australian police, criminal courts and corrective services agencies and New Zealand police and justice agencies. Under ANZSOC a three-tiered offence classification system is used to assist with categorising offending behaviour. More information is available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/1234.0>

Apprehension

The seizure of a person who is suspected of having committed a crime.

Bail

Bail is the means by which a person who has been accused of a crime may apply to the court to be released into the community until their trial begins. Bail may be granted unconditionally or subject to conditions.

BasicsCard

An Australian Government legacy initiative stemming from the implementation of the Northern Territory Emergency Response in 2007. The initiative allows a person to be issued with a reusable electronic key card linked to their income managed funds, which they can access through EFTPOS facilities at approved stores and businesses. A person can only request a BasicsCard once they have been placed on income management either voluntarily or otherwise.

Breach of Bail/ Apprehension

Police apprehension for violation of one or more conditions of bail.

Child

The United Nations Convention on the Rights of the Child defines child as a human being below the age of 18 years. However, children are not held criminally responsible for their actions until they have reached a certain age. Children in the Northern Territory are considered to be criminally responsible from the age of 10.

Cultural Authority

A group or individual with the authority to support decision-making and dispute resolution, or who provides guidance on what the community needs and what will work, particularly in regard to cultural responsibilities and obligations. Cultural authorities exist in various forms, ranging from a regional level of cultural authority to more local advisory groups and incorporated community organisations. They draw on the knowledge and expertise of respected senior people who are acknowledged as holding appropriate cultural authority.

Cultural Awareness

Cultural awareness is defined as having cultural sensitivity, and the awareness and avoidance of cultural bias.565

Cultural Broker

A person who facilitates the interaction between one culture and another. Cultural brokers work to educate and prepare the host culture as well as the visitor, dispelling social myths and working through any cultural barriers that may disrupt relationships or cause misunderstandings. Cultural brokers build community and trust among people of different backgrounds, helping parties to work together and build enterprises and ventures, cooperatively and with visions that will benefit both groups.566
Cultural Competency

Culturally competent engagement requires:

- an appreciation of and the competency to respond to Aboriginal history, cultures, contemporary social dynamics, and the diversity of Aboriginal communities
- valuing the cultural skills and knowledge of community organisations and Aboriginal people
- clarity about the purpose and the relevant scale for engagement, which may call for multi-layered processes
- engagement that relates to Aboriginal concepts of wellbeing
- long-term relationships of trust, respect and honesty, as well as accessible, ongoing communication and information
- effective governance and capacity within both the Aboriginal community and governments themselves
- appropriate timeframes (including for deliberation and responsive funding, where applicable).567

Cultural Safety

A culturally safe environment is one where there is no assault, challenge or denial of a person’s identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.568

Cultural Security

Cultural security imposes stronger obligations on those who work with Aboriginal peoples to not only be aware of cultural needs, but to actively ensure that cultural needs are met for individuals.569 This may involve the inclusion of actions in policies that promote cultural competency or safety.

Custodial Correctional Facility or Prison

A facility in which persons convicted of crimes are forcibly confined and denied freedoms of citizenship under the authority of the state.

Custodial Order

A judicial sentence mandating that a person be taken into custody, either into prison or into some other supervised educational, rehabilitative or therapeutic institution.

Custody

The state of being kept in prison, which may include the period of time a person is waiting to go to court for a trial or hearing.

Declaration

Statements made by the world’s governments. They do not create legally binding obligations but they do carry political weight.

Detainee

A youth lawfully detained in a detention centre, in accordance with section 5, subsection 1 of the Youth Justice Act 2005 (NT).

Detention Centre

A place where young offenders under the age of 18 years are detained while under the supervision of the relevant department (e.g. Territory Families in the NT) on remand or during a sentenced detention period.

Diversion

A term used to refer to a range of strategies that aim to reduce a person’s contact with and progression through the criminal justice system, and to reduce the risk of reoffending. Diversion can occur at any point along the continuum of criminal justice responses; pre-arrest, pre-trial, pre-sentence, post-sentence and pre-release.

It is also the pathway of sentencing in which the criminal offender enters a rehabilitation program to remedy the behaviour leading to the original offence, to avoid a recorded conviction.
**Equivalised Gross Weekly Household Income**

The economic resources available to each member of a household. It can be used for comparing the situation of individuals, as well as comparing the situation of households.\(^{570}\)

**Finalised Defendant**

A finalised defendant is a person for whom all charges relating to the one case have been formally completed so that the charges cease to be an item of work to be dealt with by the court.

**Homelessness**

Homeless people include those living in improvised dwellings, tents, or sleeping out; people in supported accommodation for the homeless; people staying temporarily with other households; people living in boarding houses; people in other temporary lodgings; and people living in ‘severely’ crowded dwellings.

**Justice Order Breach**

A justice order is any order or direction handed down by a court of Australia. A justice order breach occurs where the subject of the order does not comply with the conditions of the order. For example, breaching bail conditions is considered a justice order breach.

**Lodgement**

The bringing of a charge or a formal accusation against someone (often in a court of law).

**Maltreatment**

All forms of physical and/or emotional ill treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the person’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

**Miscellaneous offences**

Offences involving the breach of statutory rules or regulations governing activities that are prima facie legal, where such offences are not explicitly dealt with under any other Division of ANZSOC. This includes defamation, libel and privacy offences; public health and safety offences; commercial/industry/financial regulation; and other miscellaneous offences.

**Monetary Order**

A judicial sentence imposing the payment of a fine or other pecuniary penalty.

**Offender**

A person aged 10 years or over who is proceeded against and recorded by police for one or more criminal offences.

**Parole**

A conditional release from imprisonment during which a prisoner promises to abide by certain conditions.

**Police proceeding**

A police-initiated legal proceeding, categorised either as a court action or non-court action. Note that this is not a count of offences nor a count of offenders. An offender can be proceeded against multiple times during the reference period, and so can appear multiple times in the police proceedings population.

**Principal Offence**

Where multiple offences are committed within the same incident on a single date by an offender, the offender is assigned a principal offence using the ABS National Offence Index (NOI), a ranking system of the offence categories of ANZSOC according to their level of seriousness.
Prior imprisonment

Prior record of imprisonment is, for each prisoner, a count of all previous terms of imprisonment across the life-course of that individual. Prisoners who have had a previous term of imprisonment in another state or territory may not be counted as someone who has previously been imprisoned.

Recidivism

The rate at which released prisoners return to prison within a two-year period.

Remand

Alleged offenders may be held in custody before and during their trial (on criminal charges) by order of a court. This is called being on remand. An alleged offender is remanded in custody by a court if they:

- have not applied for bail
- have been refused bail
- cannot meet bail or provide a surety
- are unable or unwilling to meet the conditions set out in the bail bond.

Remanding an offender in custody ensures that the alleged offender attends their next court date and/or trial.

Royal Commission into Aboriginal Deaths in Custody

A Royal Commission established in 1987 by the Australian Government pursuant to the Royal Commission Act 1902 (Cth) to inquire into Aboriginal deaths in custody and make recommendations that would prevent such deaths in the future.

Royal Commission into the Protection and Detention of Youth in the Northern Territory

A Royal Commission established in 2016 by the Australian Government pursuant to the Royal Commissions Act 1902 (Cth) to inquire into and report upon failings in the child protection and youth detention systems of the Northern Territory Government.

Social Determinants of Health

The conditions in which people are born, grow up, live, work and age. These circumstances are shaped by the distribution of money, power and resources at global, national and local levels. The social determinants of health are mostly responsible for health inequities - the unfair and avoidable differences in health status seen within and between countries.

Special Measure

An action that advances a particular disadvantaged group and is not considered discriminatory.

Summons

An order to appear before a judge.

Surety

A person who takes responsibility for the performance of an undertaking, for example their appearance in court or the payment of a debt owed.

Treaty

A binding agreement made between governments. Treaties create binding legal obligations under international law. Treaties can also be called covenants, conventions or protocols. Treaties can also be made between governments and Indigenous peoples; the Treaty of Waitangi between New Zealand and the Maori is an example.

Unemployment

Includes all those of working age who, during a given period, were not in employment, who carried out activities to seek employment and who were available to take up employment if given the opportunity.
Unsentenced Prisoner

An unsentenced prisoners is a person held in prison for longer than three months without a sentence. The unsentenced prison population are prisoners who have been placed on bail, remanded in custody, or convicted and awaiting sentence.

Victim

Victims are persons impacted directly by the following offences: ‘homicide and related offences’; ‘assault’; ‘sexual assault’; ‘abduction and kidnapping’; ‘robbery’; ‘blackmail and extortion’; ‘unlawful entry with intent/burglary’, ‘break and enter’; ‘motor vehicle theft’; and ‘other theft’.

Whole-of-Government

Whole-of-government refers to public service agencies working across portfolio boundaries to achieve shared goals and an integrated government response to particular issues. Approaches can be formal and informal. They can focus on policy development, program management and service delivery.

Youth

In accordance with s 6 (1) of the Youth Justice Act 2005 (NT), the term ‘youth’ refers to persons under 18 years of age. This term is used interchangeably with ‘child’ and ‘young person’ throughout this document.

In all Australian states and territories children aged under 10 years cannot be charged with a criminal offence.
Appendices

Appendix 1. List of consultations for the draft Northern Territory Aboriginal Justice Agreement

Table 4. List of NTAJA consultation locations and dates

<table>
<thead>
<tr>
<th>Region</th>
<th>Meeting</th>
<th>Date</th>
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<tbody>
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<td>Darwin</td>
<td>Aboriginal Peak Organisations of the Northern Territory (APO NT) Meeting</td>
<td>2 March 2017</td>
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<tr>
<td>Darwin</td>
<td>United Nations Special Rapporteur</td>
<td>23 March 2017</td>
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<tr>
<td>Tiwi</td>
<td>Snake Bay</td>
<td>24 March 2017</td>
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<td>East Arnhem</td>
<td>Ramingining</td>
<td>31 March 2017</td>
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<tr>
<td>Darwin</td>
<td>North Australia Aboriginal Justice Agency (NAAJA) Board Meeting</td>
<td>11 April 2017</td>
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<td>East Arnhem</td>
<td>Ramingining</td>
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<td>Barkly</td>
<td>Central Land Council Full Council Meeting</td>
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<td>Darwin</td>
<td>Elders Visiting Program Forum</td>
<td>17-18 May 2017</td>
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<tr>
<td>East Arnhem</td>
<td>Ramingining</td>
<td>22 May 2017</td>
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<td>Katherine</td>
<td>Northern Land Council Full Council Meeting</td>
<td>29 May 2017</td>
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<td>Alice Springs</td>
<td>Office of the Commissioner for Public Employment Aboriginal Employment Forum</td>
<td>31 May-1 June 2017</td>
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<td>Darwin</td>
<td>NAAJA Board Meeting</td>
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<td>Belyuen Shire</td>
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<td>Alice Springs</td>
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<td>Darwin</td>
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<td>Darwin</td>
<td>Palmerston Indigenous Village</td>
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<tr>
<td>Central/Barkly</td>
<td>Elders Visiting Program Forum</td>
<td>20 September 2017</td>
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<td>26 September 2017</td>
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<tr>
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<td>Minjilang</td>
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<td>Warruwi</td>
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<td>Saltwater Region</td>
<td>Elders Visiting Program Forum</td>
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<td>Darwin</td>
<td>Crime Victims Advisory Committee</td>
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<td>Maningrida</td>
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<td>Alice Springs Youth Detention Centre</td>
<td>15 December 2017</td>
</tr>
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<td>Meeting</td>
<td>Date</td>
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<td>Wadeye (Port Keats)</td>
<td>20 December 2017</td>
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<td>Darwin</td>
<td>Don Dale Youth Detention Centre</td>
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<td>Alice Springs Youth Detention Centre</td>
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<td>Alice Springs Correctional Centre</td>
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<td>Grandmothers Group</td>
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<td>Angurugu</td>
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</tr>
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<td>Umbakumba</td>
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<td>Aboriginal Justice Agreement NTG staff Workshop</td>
<td>12 April 2018</td>
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<td>3-4 May 2017</td>
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<td>Angurugu</td>
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<td>Barunga Festival</td>
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<td>13 June 2018</td>
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<td>Katherine Show</td>
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<td>Areyonga</td>
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<td>Numbulwar</td>
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<tr>
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<td>Alpurrurulam (Lake Nash)</td>
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<td>29 October 2018</td>
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<td>Gunyangara (Ski Beach)</td>
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<td>East Arnhem</td>
<td>Datjala Work Camp</td>
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<td>East Arnhem</td>
<td>Datjala Work Camp</td>
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### Appendix 2. Northern Territory Government Workshop Participants

#### Table 5. NTAJA Government Workshop 12 April 2018

<table>
<thead>
<tr>
<th>Northern Territory Government Agency</th>
<th>Name/ Position/ Organisation</th>
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<tbody>
<tr>
<td>Aboriginal Areas Protection Authority</td>
<td>Sophie Creighton, Director Sacred Sites Research and Information Unit</td>
</tr>
<tr>
<td>Department of the Attorney-General and Justice</td>
<td>Craig Smyth, Acting Deputy CEO</td>
</tr>
<tr>
<td></td>
<td>Leanne Liddle, Director Aboriginal Justice Unit</td>
</tr>
<tr>
<td></td>
<td>David Hollinsworth, Adjunct Professor University of the Sunshine Coast, Facilitator</td>
</tr>
<tr>
<td></td>
<td>Gail Carnes, Senior Project Officer Aboriginal Justice Unit</td>
</tr>
<tr>
<td></td>
<td>Douglas Lovegrove, Project Support Officer Aboriginal Justice Unit</td>
</tr>
<tr>
<td></td>
<td>Calvin Deveraux, Cultural Broker Aboriginal Justice Unit</td>
</tr>
<tr>
<td></td>
<td>Carolyn Whyte, Director Criminal Justice Research and Statistics Unit</td>
</tr>
<tr>
<td>Department of the Attorney-General and Justice (Correctional Services)</td>
<td>Rosanne Lague, Director Programs, Services and Improvement</td>
</tr>
<tr>
<td></td>
<td>Tracy Luke, Executive Director NT Community Corrections</td>
</tr>
<tr>
<td>Office of the Commissioner for Public Employment</td>
<td>Neil Pommert, Advisor Aboriginal Employment and Career Development</td>
</tr>
<tr>
<td>Corporate Information and Services</td>
<td>Doug Cooke, Senior Director Digital Policy and Telecommunications</td>
</tr>
<tr>
<td>Department of the Chief Minister</td>
<td>Mischa Cartwright, Acting Executive Director Office of Aboriginal Affairs</td>
</tr>
<tr>
<td></td>
<td>Natasha O’Connell, Policy Officer Office of Aboriginal Affairs</td>
</tr>
<tr>
<td>Department of Education</td>
<td>Robert Picton, Director Community Engagement and Local Decision Making</td>
</tr>
<tr>
<td></td>
<td>Susan MacPherson, Senior Director School Education</td>
</tr>
<tr>
<td>Department of Health</td>
<td>Christine Connors, General Manager Primary Health Care, Top End Health Service</td>
</tr>
<tr>
<td></td>
<td>Margaret Rajak, Manager Patient Travel, Accommodation and Transport Service</td>
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<tr>
<td></td>
<td>Nicole O’Reilly, Director Primary Health Care Service</td>
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<tr>
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<td>Sharna Deveraux, Principal Policy Officer</td>
</tr>
<tr>
<td>Department of Housing and Community Development</td>
<td>Adrian Curry, Director Community Development</td>
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<tr>
<td>Department of Infrastructure, Planning and Logistics</td>
<td>Paula Timson, Acting Director Legislation and Reform</td>
</tr>
<tr>
<td></td>
<td>Glenda Thornton, Director Road Safety and Compliance, DriveSafe Program</td>
</tr>
<tr>
<td></td>
<td>Claire Manalo, Acting Director Motor Vehicle Registry</td>
</tr>
<tr>
<td>Northern Territory Police, Fire and Emergency Services</td>
<td>Stephen Martin, Commonwealth Engagement, Airwing and Special Projects Division</td>
</tr>
<tr>
<td>Power and Water Corporation</td>
<td>Chantal Bramley, Manager Community Engagement, Solar SETuP Program</td>
</tr>
<tr>
<td></td>
<td>Donna McMasters, Senior Project Officer Regional and Remote Water and Sewer Services</td>
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<tr>
<td>Department of Tourism and Culture</td>
<td>Phillip Leslie, Executive Director Sport and the Arts</td>
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<td>Territory Generation</td>
<td>Hieu Nguyen, General Counsel and Company Secretary</td>
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<tr>
<td>Territory Families</td>
<td>Jeanette Kerr, Deputy CEO</td>
</tr>
<tr>
<td></td>
<td>Kelly Cooper, Senior Director Community Youth Programs</td>
</tr>
<tr>
<td>Department of Trade, Business and Innovation</td>
<td>Jason Howe, Executive Director Business and Innovation</td>
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<tr>
<td></td>
<td>Karen Lindsay, Director Workforce Programs</td>
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### Appendix 3. NTAJA Targeted Stakeholder Workshop Participants

#### Table 6. NTAJA Workshop 1: 18–19 October 2018

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>Thalia Anthony</td>
<td>Associate Professor</td>
<td>University of Technology Sydney</td>
</tr>
<tr>
<td>Harry Blagg</td>
<td>Professor</td>
<td>University of Western Australia</td>
</tr>
<tr>
<td>Alan Cass</td>
<td>Professor</td>
<td>Menzies School of Health Research</td>
</tr>
<tr>
<td>Steven Guthridge</td>
<td>Professor</td>
<td>Menzies School of Health Research</td>
</tr>
<tr>
<td>Leanne Liddle</td>
<td>Director</td>
<td>Aboriginal Justice Unit</td>
</tr>
<tr>
<td>Douglas Lovegrove</td>
<td>Project Support Officer</td>
<td>Aboriginal Justice Unit</td>
</tr>
<tr>
<td>David McDonough</td>
<td>Director of Policy</td>
<td>Territory Families</td>
</tr>
<tr>
<td>Clare Parsons</td>
<td>Royal Commission Coordinator</td>
<td>NAAJA</td>
</tr>
<tr>
<td>Tamika Williams</td>
<td>Acting Legal Advisor</td>
<td>Menzies School of Health Research</td>
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#### Table 7. NTAJA Workshop 2: 1–2 November 2018

<table>
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<td>Thalia Anthony</td>
<td>Associate Professor</td>
<td>University of Technology Sydney</td>
</tr>
<tr>
<td>Harry Blagg</td>
<td>Professor</td>
<td>University of Western Australia</td>
</tr>
<tr>
<td>Phillip Brown</td>
<td>General Manager Workforce and Partnerships</td>
<td>Catholic Care NT</td>
</tr>
<tr>
<td>Alan Cass</td>
<td>Professor</td>
<td>Menzies School of Health Research</td>
</tr>
<tr>
<td>Chris Cunneen</td>
<td>Professor</td>
<td>University of Technology Sydney</td>
</tr>
<tr>
<td>Antoinette Gentile</td>
<td>Director</td>
<td>Koori Justice Unit (Vic)</td>
</tr>
<tr>
<td>Russell Goldflam</td>
<td>Principal Legal Officer</td>
<td>NT Legal Aid Commission</td>
</tr>
<tr>
<td>John Guenther</td>
<td>Associate Professor</td>
<td>Charles Darwin University</td>
</tr>
<tr>
<td>David Hollinsworth</td>
<td>Adjunct Professor</td>
<td>University of the Sunshine Coast</td>
</tr>
<tr>
<td>Warren Jackson</td>
<td>Superintendent</td>
<td>NT Police</td>
</tr>
<tr>
<td>Leanne Liddle</td>
<td>Director</td>
<td>Aboriginal Justice Unit</td>
</tr>
<tr>
<td>Douglas Lovegrove</td>
<td>Project Support Officer</td>
<td>Aboriginal Justice Unit</td>
</tr>
<tr>
<td>Caleb Mattiske</td>
<td>Project Support Officer</td>
<td>Aboriginal Justice Unit</td>
</tr>
<tr>
<td>Wendy Morton</td>
<td>Executive Director</td>
<td>Northern Territory Council of Social Service (NTCOSS)</td>
</tr>
<tr>
<td>Colleen Rosas</td>
<td>Community Representative</td>
<td>N/A</td>
</tr>
<tr>
<td>Adelajda Soltysik</td>
<td>Senior Policy Officer</td>
<td>Territory Families</td>
</tr>
<tr>
<td>Bill Toy</td>
<td>General Manager Community Engagement</td>
<td>Tiwi Islands Regional Council</td>
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<tr>
<td>Brent Warren</td>
<td>General Manager Youth Justice</td>
<td>Territory Families</td>
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<tr>
<td>John Wilson</td>
<td>Chair</td>
<td>Tiwi Land Council</td>
</tr>
<tr>
<td>David Woodroffe</td>
<td>Principal Legal Officer</td>
<td>NAAJA</td>
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Appendix 4. Interim Aboriginal Justice Agreement Reference Committee

The AJARC was established in early 2017 to provide governance and guidance in the development of the NTAJA. The AJARC initially comprised 16 members selected from relevant peak bodies, community NGOs and local government (see Table 8), and additional or substitute members have been appointed on an as-needs basis. The AJARC convened six times during the 2017-18 period.

Table 8. Members of the interim Aboriginal Justice Agreement Reference Committee

<table>
<thead>
<tr>
<th>Committee Member</th>
<th>Organisation</th>
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</thead>
<tbody>
<tr>
<td>Mathew Bonson</td>
<td>APO NT, Southern Representative &amp; Central Australian Aboriginal Legal Aid Service</td>
</tr>
<tr>
<td>Samantha Bowden</td>
<td>Making Justice Work</td>
</tr>
<tr>
<td>Phillip Brown</td>
<td>Catholic Care NT</td>
</tr>
<tr>
<td>Samuel Bush-Blanasi</td>
<td>Northern Land Council</td>
</tr>
<tr>
<td>Alan Cass</td>
<td>Menzies School of Health Research</td>
</tr>
<tr>
<td>Priscilla Atkins</td>
<td>NAAJA</td>
</tr>
<tr>
<td>Russell Goldflam</td>
<td>Northern Territory Legal Aid Commission</td>
</tr>
<tr>
<td>Olga Havnen</td>
<td>Danila Dilba Health Service</td>
</tr>
<tr>
<td>Charlie King</td>
<td>Australian Broadcasting Corporation</td>
</tr>
<tr>
<td>Wendy Morton, Co-chair</td>
<td>NTCOSS</td>
</tr>
<tr>
<td>Colleen Rosas</td>
<td>Aboriginal Interpreter Service</td>
</tr>
<tr>
<td>Marion Scrymgour</td>
<td>Tiwi Islands Regional Council</td>
</tr>
<tr>
<td>Jared Sharp</td>
<td>Jesuit Social Services</td>
</tr>
<tr>
<td>John Wilson</td>
<td>Tiwi Land Council</td>
</tr>
<tr>
<td>David Woodroffe, Co-chair</td>
<td>NAAJA and APO NT Northern Representative</td>
</tr>
<tr>
<td>Tony Wurramarrba</td>
<td>Anindilyakwa Land Council</td>
</tr>
</tbody>
</table>

Throughout the development of the NTAJA, the AJARC has:

- advised on contemporary Aboriginal society, customs and traditions, and the historical and social factors underlying the disadvantaged position of Aboriginal Territorians
- contributed insights into customary law and cultural practice in relation to trials and sentencing of Aboriginal offenders
- provided guidance on communication and cultural factors critical to effective community engagement
- advised on the partnership framework and related strategies to enable NTG agencies and Aboriginal Territorians to address the array of complex issues that underlie the disadvantage faced by Aboriginal Territorians
- guided and supported the AJU’s work to address Aboriginal over-representation in the criminal justice system in the NT, particularly regarding the high rates of Aboriginal incarceration and recidivism
- advised on options for the role of traditional leadership in local court decision making processes
- provided expertise in the development of management processes for implementing, monitoring and evaluating the implementation of the NTAJA
- provided advice in relation to pilot project proposals against relevant program criteria.
### Appendix 5. Aboriginal Justice Agreements in Australia’s states and territories, 2000–2019

#### Table 9. Summary of Australian state and territories status of Aboriginal Justice Agreements

<table>
<thead>
<tr>
<th>State / territory</th>
<th>Year</th>
<th>Agreement</th>
<th>Status</th>
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<tr>
<td>Victoria</td>
<td>2000</td>
<td>The Victorian Aboriginal Justice Agreement Phase 1</td>
<td>Expired 2006, renewed</td>
</tr>
<tr>
<td></td>
<td>2006</td>
<td>The Victorian Aboriginal Justice Agreement Phase 2</td>
<td>Evaluated in 2012, renewed</td>
</tr>
<tr>
<td></td>
<td>2013</td>
<td>The Victorian Aboriginal Justice Agreement Phase 3</td>
<td>Evaluation due 2018, renewed</td>
</tr>
<tr>
<td></td>
<td>2018</td>
<td>The Victorian Aboriginal Justice Agreement Phase 4</td>
<td>Commenced mid-2018*</td>
</tr>
<tr>
<td>New South Wales</td>
<td>2003</td>
<td>NSW Aboriginal Justice Agreement</td>
<td>Expired 2003</td>
</tr>
<tr>
<td>Western Australia</td>
<td>2010</td>
<td>Aboriginal and Torres Strait Islander Justice Agreement 2010–13</td>
<td>Expired 2013</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>2015</td>
<td>Aboriginal and Torres Strait Islander Justice Partnership 2015–18</td>
<td>Expired 2018*</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>2019</td>
<td>Not yet adopted. Final NTAJA to be released in 2020.</td>
<td>Under development</td>
</tr>
<tr>
<td>Tasmania</td>
<td>n/a</td>
<td>Not adopted</td>
<td></td>
</tr>
<tr>
<td>South Australia</td>
<td>n/a</td>
<td>Not adopted</td>
<td></td>
</tr>
</tbody>
</table>

Table and content derived from Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2018) 499. **Note:** Although the Justice Partnership has not been renewed, the ACT Government is seeking to design a range of justice-related actions with a number of justice agencies to sit within a broader whole-of-government agreement titled the Aboriginal & Torres Strait Islander Agreement 2019-2028. Due for release in 2019, the broader agreement is not specifically justice focused, but has a wider range of focus areas similar to Closing the Gap. The ACT Aboriginal & Torres Strait Islander Agreement is being developed following the expiry of an initial whole-of-government agreement implemented from 2015-2018.
Endnotes

1 The spelling of Arrarnta in this context is specific to the Western Arrarnta people of Central Australia.
3 As a mark of respect, Elders takes a capital E.
4 The RCIADIC recommended the establishment of AJACs as part of a broader aim to establish a framework for negotiating with ATSNI communities. AJACs were subsequently created in all states and territories, except for Tasmania.
6 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017) 18.
12 Consultation issue no.1009.
13 Consultation issue no.978.


59.3% involve domestic violence.

Table 4.34. The involvement of alcohol in a domestic violence offence is determined by the NT Police at the and Torres Strait Islander Peoples.

Police. The involvement of alcohol was not known in 14% of offences.

Northern Territory Government, Overcoming Indigenous Disadvantage: Key Indicators 2016 (2016) Table 8A.7.2

Productivity Commission, Overcoming Indigenous Disadvantage: Key Indicators 2016 (2016) Table 8A.7.28


Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 429 [13.1].


Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 430 [13.8].

Northern Territory Government, Northern Territory Crime Statistics Data through December 2018 (2018) 34, Table 4.34. The involvement of alcohol in a domestic violence offence is determined by the NT Police at the time of the offence. Of DVF offences that included assault, 59.3% involved alcohol. Of all assault offences, 59.3% involve domestic violence.

These figures are based on offences where the involvement of alcohol, or lack thereof, was noted by police. The involvement of alcohol was not known in 14% of offences.


Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 352 [11.20].

Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2018), 77 [2.86].


Commonwealth, Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Final Report (2017) vol 1, 32.


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70 Consultation issue no.793.
71 Consultation issue no.785.
72 Consultation issue no.794.
76 Australian Institute of Health and Welfare, The Health and Welfare of Australia’s Aboriginal and Torres Strait Islander People, (2015), Determinants of Health, Chapter 4, 71 [4.4].
77 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 77 [2.86].
78 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 352 [11.20].
79 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 352 [11.21].
80 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 351 [11.19].
81 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 362 [11.58].
82 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 373 [11.91].
83 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 371 [11.88].
84 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 353 [11.25].
85 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 375 [11.110].
86 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 376 [11.104].
97 Children in this data refers to persons under 18 years of age.


103 Northern Territory Government, Department of the Attorney-General and Justice, Correctional Services, Programs, Services and Improvements, Prisoners held in custody under Part IIA of the Criminal Code Act 1983 (NT) (2018), internal, unpublished data.


109 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report No 133 (2017), 496 [16.12].


112 ABS 4517.0 Prisoners in Australia 2018 Snapshot at 30 June 2018.

113 Australian Bureau of Statistics, Corrective Services, Australia December Quarter 2018 (2018), cat. no. 4512.0.

114 Australian Bureau of Statistics, Corrective Services, Australia December Quarter 2018 (2018), cat. no. 4512.0.

115 Australian Bureau of Statistics, Corrective Services, Australia December Quarter 2018 (2018), cat. no. 4512.0.


121 Productivity Commission, Report on Government Services 2017-2018 (2019) Volume C: Justice, Correctional Services, Chapter 8, Table 8A.17 and Volume F: Community services, Youth Justice Services,
Chapter 17, Table 17A.20. Note: for adult offenders, this includes total net operating expenditure and capital costs.


127 Consultation issue no. 993.

128 Consultation issue no. 216.

129 Consultation issue no. 901.

130 Consultation issue no. 50.

131 Consultation issue no. 52.

132 Criminal Justice Research and Statistics Unit, Number of breach bail apprehensions by status and Aboriginality. (2018) unpublished data.


139 Australian Law Reform Commission, Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples, Report no 133 (2017), 457 [14.41].

140 Consultation issue no. 108.

141 Consultation issue no. 180.

142 Consultation issue no. 239.

143 Consultation issue no. 202.


180 Australian Bureau of Statistics, Criminal Courts, Australia 2016-17 (2018), cat. no. 4513.0, Table 12. This finding is derived from ABS data on the number of defendants finalised. For this data set, a finalised defendant is defined as ‘a person or organisation for whom all charges relating to the one case have been formally completed so that the defendant ceases to be an item of work to be dealt with by the court’.  
181 Australian Bureau of Statistics, Criminal Courts, Australia, 2012-13 to 2016-17 (2014-18) cat. no. 4514.0, Table 12 (2018); Table 12 (2017); Table 11 (2016); Table 9 (2015); Table 9 (2014).  
182 Australian Bureau of Statistics, Criminal Courts, Australia, 2012-13 to 2016-17 (2014-18) cat. no. 4514.0, Table 12 (2018); Table 12 (2017); Table 11 (2016); Table 9 (2015); Table 9 (2014).  
184 Criminal Justice Research and Statistics Unit, Number of breach bail apprehensions by status and Aboriginality (2018) unpublished data.  
185 See glossary for explanation of ANZSOC.  
186 Department of the Attorney-General and Justice, 2018, Criminal Courts Lodgements by Australia and New Zealand Standard Offence Classification (ANZSOC) and Indigenous Status, Supreme Court; Local Court; Children’s Court, 2013-2018, Northern Territory Government, unpublished.  
187 Department of the Attorney-General and Justice, 2018, Criminal Courts Lodgements by Australia and New Zealand Standard Offence Classification (ANZSOC) and Indigenous Status, Supreme Court; Local Court; Children’s Court, 2013-2018, Northern Territory Government, unpublished.  
188 Consultation issue no. 866.  
189 Consultation issue no. 280.  
190 Consultation issue no. 876.  
191 Consultation issue no. 886.  
193 For the ABS Criminal Courts, Australia data set, if a person is a defendant in a number of criminal cases dealt with and finalised separately within the courts during the reference period, this person is counted more than once within that reference period.  
196 Australian Bureau of Statistics, Criminal Courts, Australia, 2016-17 (2018) cat. no. 4513.0, Explanatory Notes, no. 6 & no. 29 <http://www.abs.gov.au/AUSSTATS/abs@.nsf/4513.0>. In line with the finalised defendant data provided previously these figures includes all defendants who have been a proven guilty finalisation in Higher, Magistrates’ or Children’s Courts during the reference period. Where a defendant is proven guilty in a number of criminal cases dealt with and finalised separately within the courts during the reference period, this person is counted more than once within that reference period.  
198 A proven guilty finalisation is an outcome of criminal proceedings in which a court accepts that a charge is proven through a guilty plea entered by a defendant or the defendant is found guilty by the court. See Australian Bureau of Statistics, Criminal Courts, Australia, 2016-2017 (2018) Glossary: ‘Proven Guilty’. The ABS, in their Criminal Courts, Australia data set, categorise these alternatives into custodial and non-custodial orders. If the court hands down a custodial order, convicted persons may receive ‘custody in a correctional institution’, ‘custody in the community’, or a ‘fully suspended sentence’. <http://www.abs.gov.au/AUSSTATS/abs@.nsf/MainFeatures12016-17/OpenDocument>.  
200 Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, Mandatory sentencing data (2019) internal, unpublished data.  
201 Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, Mandatory sentencing data (2019) internal, unpublished data.  
204 Australian Law Reform Commission, ‘Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples’, Report No 133 (2017), 41 [1.17].  
Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, *Number of persons held for fine default only, by Aboriginal status* (2018) internal, unpublished data.


Australian Law Reform Commission, ‘*Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*’, Report No 133 (2017), 268 [7.152].


See, eg, Consultation issue no. 312; Consultation issue no. 314; Consultation issue no. 319; Consultation issue no. 334; Consultation issue no. 866; Consultation issue no. 876; Consultation issue no. 879.


Sentencing Act 1995 (NT) ss 78DI, 78DH (2).


Consultation issue no. 257.

Consultation issue no. 39.

Consultation issue no. 1.

Consultation issue no. 579.

Consultation issue no. 26.

Consultation issue no. 326.


Australian Law Reform Commission, *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Report No 133 (2017), 236 [7.23].


See, eg, Consultation issue no. 3; Consultation issue no. 26; Consultation issue no. 39; Consultation issue no. 55; Consultation issue no. 165; Consultation issue no. 194; Consultation issue no. 225; Consultation issue no. 337; Consultation issue no. 338; Consultation issue no. 345; Consultation issue no. 389; Consultation issue no. 435; Consultation issue no. 500; Consultation issue no. 511; Consultation issue no. 586; Consultation issue no. 668; Consultation issue no. 821; Consultation issue no. 874; Consultation issue no. 934.


See, eg, Consultation issue no. 39; Consultation issue no. 119; Consultation issue no. 295.


See, eg, Consultation issue no. 72; Consultation issue no. 183; Consultation issue no. 793.

See, eg, Consultation issue no. 165; Consultation issue no. 412.

See, eg, Consultation issue no. 312; Consultation issue no. 322; Consultation issue no. 345.

Consultation issue no. 930.

Consultation issue no. 221.

Consultation issue no. 203.

Consultation issue no. 697.

Consultation issue no. 213.

Consultation issue no. 56.

Consultation issue no. 203.


Consultation issue no. 360.


Consultation issue no. 372.

Consultation issue no. 915.

Consultation issue no. 13.

Consultation Issue no. 201.

Consultation issue no. 201.

See, eg, Consultation issue no. 13; Consultation issue no. 196; Consultation issue no. 201; Consultation issue no. 263; Consultation issue no. 293; Consultation issue no. 359; Consultation issue no. 600; Consultation issue no. 702; Consultation issue no. 795; Consultation issue no. 915; Consultation issue no. 977.

Consultation issue no. 947.

Consultation issue no. 151.

Consultation issue no. 181.

Consultation issue no. 45.


Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, *Number of domestic violence victims of matters finalised in Alice Springs court by age, sex and Aboriginality* (2018), internal unpublished data.

Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, *Number of domestic violence victims of matters finalised in Alice Springs court by age, sex and Aboriginality* (2018), internal unpublished data.

Consultation issue no. 24.

Consultation issue no. 35.

Consultation issue no. 142.

Consultation issue no. 255.

Consultation issue no. 665.

Consultation issue no. 239.

Consultation issue no. 60.

Consultation issue no. 44.

Consultation issue no. 802.

Consultation issue no. 615.

Consultation issue no. 804.


Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, *Northern Territory Correctional Services Annual Statistics*, 2012 through 2016, Table 15 of each report.

Consultation issue no. 282.


Australian Institute for Health and Welfare, *Youth Justice in Australia 2017-18* (2019) cat no. JUV 129, Table 2.1, 5 <https://www.aihw.gov.au/getmedia/f80cfcb3-c058-4c1c-bda5-e37ba51fa66b/aihw-juv-129.pdf?inline=true>. Note: this holds true regardless of whether supervision is measured on an average day or over the span of a year.
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306 Consultation issue no. 933.
307 Consultation issue no. 186.
308 Consultation issue no. 932.
310 Northern Territory Government, Department of the Attorney-General and Justice, Criminal Justice Research and Statistics Unit, *Northern Territory Correctional Services and Youth Justice Annual Statistics, 2016-17*, Table 16.
311 See, eg, Consultation issue no. 186; Consultation issue no. 202; Consultation issue no. 225; Consultation issue no. 316; Consultation issue no. 318; Consultation issue no. 330; Consultation issue no. 343; Consultation issue no. 349; Consultation issue no. 874; Consultation issue no. 875; Consultation issue no. 877; Consultation issue no. 879; Consultation issue no. 932; Consultation issue no. 933; Consultation issue no. 947; Consultation issue no. 1011.
312 Consultation issue no. 186.
313 Consultation issue no. 325.
314 Consultation issue no. 318.
315 *Parole Act 1971 (NT)* s 5.
319 Consultation issue no. 332.
320 Consultation issue no. 1005.
321 Consultation issue no. 829.
322 Consultation issue no. 1009.
323 Consultation issue no. 225.
325 Consultation issue no. 401.
326 Consultation issue no. 404.
327 Consultation issue no. 999.
328 Consultation issue no. 1.
329 Consultation issue no. 343.
330 Consultation issue no. 929.
331 Consultation issue no. 930.
332 Consultation issue no. 337.
333 Consultation issue no. 937.
334 Consultation issue no. 319.
335 See, eg, Consultation issue no. 119; Consultation issue no. 236; Consultation issue no. 336; Consultation issue no. 339; Consultation issue no. 866.
337 This is consistent with the ALRC’s recommendation: see Australian Law Reform Commission, *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*, Report No 133 (2017), Recommendation 9-1.
339 Consultation issue no. 943.
340 See, eg, Consultation issue no. 113; Consultation issue no. 145; Consultation issue no. 179.
341 Consultation issue no. 771.
342 See eg, Consultation issue no. 492; Consultation issue no. 928.
344 Consultation issue no. 878.
345 Consultation issue no. 236.
Consultation issue no. 55.
Consultation issue no. 238.
Consultation issue no. 874.
Consultation issue no. 325.
"Consultation issue no. 55; Consultation issue no. 238; Consultation issue no. 874; Consultation issue no. 325."
Consultation issue no. 642.
Consultation issue no. 443.
Consultation issue no. 953.
Consultation issue no. 294.
See, eg, Consultation issue no. 544; Consultation issue no. 525; Consultation issue no. 641.
See, eg, Consultation issue no. 23; Consultation issue no. 73; Consultation issue no. 105; Consultation issue no. 116; Consultation issue no. 121; Consultation issue no. 169; Consultation issue no. 187; Consultation issue no. 199; Consultation issue no. 277; Consultation issue no. 329; Consultation issue no. 331; Consultation issue no. 361; Consultation issue no. 386; Consultation issue no. 387; Consultation issue no. 409; Consultation issue no. 431; Consultation issue no. 441; Consultation issue no. 470; Consultation issue no. 497; Consultation issue no. 498; Consultation issue no. 516; Consultation issue no. 542; Consultation issue no. 552; Consultation issue no. 672; Consultation issue no. 682; Consultation issue no. 694; Consultation issue no. 732; Consultation issue no. 757; Consultation issue no. 793; Consultation issue no. 807; Consultation issue no. 824; Consultation issue no. 828; Consultation issue no. 922; Consultation issue no. 954; Consultation issue no. 982; Consultation issue no. 995; Consultation issue no. 1011.
Consultation issue no. 121.
See, eg, Consultation issue no. 790; Consultation issue no. 969.
See, eg, Consultation issue no. 544; Consultation issue no. 525; Consultation issue no. 641.
See, eg, Consultation issue no. 668; Consultation issue no. 708; Consultation issue no. 978.
See, eg, Consultation issue no. 2; Consultation issue no. 35; Consultation issue no. 113; Consultation issue no. 175; Consultation issue no. 234; Consultation issue no. 255; Consultation issue no. 261; Consultation issue no. 278; Consultation issue no. 327; Consultation issue no. 329; Consultation issue no. 343; Consultation issue no. 347; Consultation issue no. 379; Consultation issue no. 413; Consultation issue no. 433; Consultation issue no. 464; Consultation issue no. 517; Consultation issue no. 526; Consultation issue no. 547; Consultation issue no. 579; Consultation issue no. 620; Consultation issue no. 634; Consultation issue no. 653; Consultation issue no. 655; Consultation issue no. 744; Consultation issue no. 785; Consultation issue no. 814; Consultation issue no. 930.
See, eg, Consultation issue no. 230; Consultation issue no. 723; Consultation issue no. 757; Consultation issue no. 828; Consultation issue no. 907; Consultation issue no. 978.
Consultation issue no. 219.
Consultation issue no. 783.
Consultation issue no. 783.
Consultation issue no. 650.
Consultation issue no. 788.
Consultation issue no. 669.
Consultation issue no. 585.
Consultation issue no. 585.
Aboriginal Peak Organisations of the Northern Territory, Submission to the Royal Commission into the


378 See, eg, Consultation issue no. 409; Consultation issue no. 848.
379 See, eg, Consultation issue no. 790; Consultation issue no. 969.
380 Consultation issue no. 128.
381 Consultation issue no. 579.
382 Consultation issue no. 851.
383 Consultation issue no. 708.
384 Consultation issue no. 668.
385 See Partnership Principles on page 9 of the draft Northern Territory Aboriginal Justice Agreement.
386 See Partnership Principles on page 9 of the draft Northern Territory Aboriginal Justice Agreement.
392 Lajamanu Kurdiji Law and Justice Committee, Submission to the Royal Commission into the Protection of Children in the Northern Territory, March 2017, 1.
394 Consultation issue no. 382.
395 Consultation issue no. 915.
396 Consultation issue no. 971.
397 Consultation issue no. 26.
398 Consultation issue no. 494.
401 See, eg, Consultation issue no. 601; Consultation issue no. 659; Consultation issue no. 892; Consultation issue no. 915.
403 The Northern Territory Government have signed six Local Decision Making agreements with Aboriginal organisations. Further details available online at <https://ldm.nt.gov.au/home>.
405 Consultation issue no. 308.
406 Consultation issue no. 801.
407 Consultation issue no. 89.
Consultation issue no. 212.
Consultation issue no. 951.
Consultation issue no. 615.
Consultation issue no. 874.
Consultation issue no. 745.
Consultation issue no. 308.
Consultation issue no. 286.
Consultation issue no. 650.
Consultation issue no. 199.
See, eg, Consultation issue no. 540; Consultation issue no. 668; Consultation issue no. 921.
Consultation issue no. 219.
Consultation issue no. 485.
Consultation issue no. 615.
Consultation issue no. 635.
Consultation issue no. 26.
Consultation issue no. 240.
Consultation issue no. 650.
Consultation issue no. 666.
Consultation issue no. 633.
See, eg, Consultation issue no. 3; Consultation issue no. 17; Consultation issue no. 294; Consultation issue no. 310; Consultation issue no. 326; Consultation issue no. 354; Consultation issue no. 419; Consultation issue no. 668; Consultation issue no. 874; Consultation issue no. 901.
Consultation issue no. 128, Consultation issue no. 132, Consultation issue no. 290, Consultation issue no. 356, Consultation issue no. 650.
Consultation issue no. 668, Consultation issue no. 783, Consultation issue no. 788.
See, eg, Consultation issue no. 618; Consultation issue no. 633; Consultation issue no. 817; Consultation issue no. 917; Consultation issue no. 975.
Note that five new Aboriginal JPs are due to be appointed in June 2019.
Police Administration Act 1978 (NT) ss 117 and 120B.
139

442 Consultation issue no. 588.
443 Consultation issue no. 639.
444 Consultation issue no. 967.
445 Consultation issue no. 186.
446 Consultation issue no. 576.
447 Consultation issue no. 726.
448 Consultation issue no. 677.
449 Consultation issue no. 576.
450 Consultation issue no. 726.
451 Consultation issue no. 251; Consultation issue no. 405; Consultation issue no. 434; Consultation issue no. 486; Consultation issue no. 588; Consultation issue no. 603; Consultation issue no. 668; Consultation issue no. 726; Consultation issue no. 852.
452 Consultation issue no. 573; Consultation issue no. 874; Consultation issue no. 878.
453 Consultation issue no. 573.
454 Consultation issue no. 652.
455 Consultation issue no. 201.
456 Consultation issue no. 831.
457 Consultation issue no. 63.
458 Consultation issue no. 848.
459 Consultation issue no. 582.
463 Consultation issue no. 878.
464 Consultation issue no. 1012.
469 See, eg, Consultation issue no. 99; Consultation issue no. 251; Consultation issue no. 405; Consultation issue no. 434; Consultation issue no. 486; Consultation issue no. 588; Consultation issue no. 603; Consultation issue no. 668; Consultation issue no. 726; Consultation issue no. 852.
470 Commonwealth, Parliament of Australia, Senate Standing Committees on Finance and Public Administration, Aboriginal and Torres Strait Islander experience of law enforcement and justice services (2016) 3.29.
471 Commonwealth, Parliament of Australia, Senate Standing Committees on Finance and Public Administration, Aboriginal and Torres Strait Islander experience of law enforcement and justice services (2016) 3.31.
472 See, eg, Consultation issue no. 99; Consultation issue no. 141; Consultation issue no. 181; Consultation issue no. 251; Consultation issue no. 351; Consultation issue no. 376; Consultation issue no. 434; Consultation issue no. 576; Consultation issue no. 731; Consultation issue no. 741; Consultation issue no. 857; Consultation issue no. 871.
473 Commonwealth, Parliament of Australia, Senate Standing Committees on Finance and Public Administration, Aboriginal and Torres Strait Islander experience of law enforcement and justice services (2016) 3.11 – 3.12.
474 Consultation issue no. 370.
475 Consultation issue no. 470.
476 Consultation issue no. 62.
477 Consultation issue no. 848.
478 Consultation issue no. 582.
Consultation issue no. 199.
Consultation issue no. 497.
Consultation issue no. 682.
Consultation issue no. 847.
See, eg, Consultation issue no. 65; Consultation issue no. 141; Consultation issue no. 204; Consultation issue no. 205; Consultation issue no. 209; Consultation issue no. 258; Consultation issue no. 373; Consultation issue no. 380; Consultation issue no. 386; Consultation issue no. 655; Consultation issue no. 893; Consultation issue no. 1002.
Consultation issue no. 676.
Consultation issue no. 123.
Consultation issue no. 474; Consultation issue no. 533.
See, eg, Consultation issue no. 1; Consultation issue no. 83; Consultation issue no. 122; Consultation issue no. 164; Consultation issue no. 177; Consultation issue no. 200; Consultation issue no. 294; Consultation issue no. 320; Consultation issue no. 358; Consultation issue no. 403; Consultation issue no. 560; Consultation issue no. 576; Consultation issue no. 915; Consultation issue no. 931.
See, eg, Consultation issue no. 1; Consultation issue no. 83; Consultation issue no. 122; Consultation issue no. 164; Consultation issue no. 177; Consultation issue no. 200; Consultation issue no. 294; Consultation issue no. 320; Consultation issue no. 358; Consultation issue no. 403; Consultation issue no. 560; Consultation issue no. 576; Consultation issue no. 915; Consultation issue no. 931.
Consultation issue no. 105.
Consultation issue no. 549.
Consultation issue no. 966.
Consultation issue no. 755.
Consultation issue no. 36.
Consultation issue no. 57.
Consultation issue no. 96.
Consultation issue no. 363.
Consultation issue no. 724.
Consultation issue no. 995.
Consultation issue no. 209.
See, eg, Consultation issue no. 32; Consultation issue no. 96; Consultation issue no. 137; Consultation issue no. 181; Consultation issue no. 209; Consultation issue no. 321; Consultation issue no. 351; Consultation issue no. 907; Consultation issue no. 995.
See, e.g., Consultation issue no. 111; Consultation issue no. 205; Consultation issue no. 295; Consultation issue no. 331; Consultation issue no. 373; Consultation issue no. 399; Consultation issue no. 444; Consultation issue no. 508; Consultation issue no. 538; Consultation issue no. 686; Consultation issue no. 704; Consultation issue no. 724; Consultation issue no. 893; Consultation issue no. 994.
Consultation issue no. 710.
Consultation issue no. 473.
See, e.g., Consultation issue no. 181; Consultation issue no. 468; Consultation issue no. 571.
Northern Territory Government, Northern Territory Police, Fire and Emergency Services, Frequency of use for pre-recorded cautions (2018) internal unpublished data.
Consultation issue no. 958.
Consultation issue no. 871.
Consultation issue no. 331.
Consultation issue no. 629.
Consultation issue no. 958.
See, eg, Consultation issue no. 73; Consultation issue no. 277; Consultation issue no. 328; Consultation issue no. 329; Consultation issue no. 331; Consultation issue no. 542; Consultation issue no. 628;
Consultation issue no. 878; Consultation issue no. 1005.


521 Consultation issue no. 838.

522 Consultation issue no. 1006.

523 Consultation issue no. 438.

524 Consultation issue no. 590.

525 Consultation issue no. 554.

526 Consultation issue no. 369.

527 Consultation issue no. 838.

528 Consultation issue no. 571.


530 Consultation issue no. 892.

531 Consultation issue no. 840.

532 Consultation issue no. 571.

533 Consultation issue no. 691.

534 Consultation issue no. 72.

535 Consultation issue no. 199.

536 See, eg, Consultation issue no. 72; Consultation issue no. 223; Consultation issue no. 356; Consultation issue no. 762; Consultation issue no. 892.


538 Commonwealth, Parliament of Australia, Senate Standing Committees on Finance and Public Administration, Aboriginal and Torres Strait Islander experience of law enforcement and justice services (2016) 3.29.

539 Commonwealth, Parliament of Australia, Senate Standing Committees on Finance and Public Administration, Aboriginal and Torres Strait Islander experience of law enforcement and justice services (2016) 3.29.


542 Consultation issue no. 167; Consultation issue no. 413; Consultation issue no. 486; Consultation issue no. 498; Consultation issue no. 587; Consultation issue no. 632; Consultation issue no. 757; Consultation issue no. 945; Consultation issue no. 982.


545 See, eg, Consultation issue no. 352; Consultation issue no. 571.

546 See, eg, Consultation issue no. 379; Consultation issue no. 399; Consultation issue no. 571; Consultation issue no. 970; Consultation issue no. 986.


548 Consultation issue no. 169.

549 Consultation issue no. 169.


Consultation issue no. 81; Consultation issue no. 282; Consultation issue no. 308; Consultation issue no. 748.


Consultation issue no. 181.

Consultation issue no. 676.

Consultation issue no. 181.

Consultation issue no. 380.

See section 6.6, which provides a comprehensive list of roles and responsibilities of the proposed Aboriginal Social Justice Commissioner.


Australian Bureau of Statistics, *Australian and New Zealand Standard Offence Classification (ANZSOC)* (2011), Cat No 1234.0, Canberra, Division 02.

*Cultural Safety for Aboriginal Children Act (NT) s 13."


