

Aim Two

Engage and support Aboriginal leadership



4.1 The importance of leadership

Improved justice outcomes for Aboriginal people will only be achieved if the NT Government works in partnership with Aboriginal people to implement the Aboriginal Justice Agreement. Aboriginal leadership is pivotal to efforts to improve justice responses and services, and to reduce the rates of offending and reoffending.

Research indicates that there is a direct correlation between strong local Aboriginal leadership and positive community outcomes.³⁵⁰ Aboriginal leaders are more likely to display the values and exhibit the characteristics necessary to create change and understand local concerns and priorities. Aboriginal leaders can assist to build trust and ownership within local communities, increase community participation in programs and promote the delivery of initiatives in a culturally competent manner.³⁵¹

Put simply, when Aboriginal Territorians are respected, supported and empowered to make decisions, then responses to community safety and justice issues are more likely to succeed. The overwhelming response from the NTAJA consultations is that Aboriginal voices need to be heard and Aboriginal experience and expertise needs to shape law reform, policy and services at all levels.

4.2 Overcoming past legacies



What we were told:

There was once – when the local Aboriginal community councils operated – a sense of empowerment in communities but that has been taken away.³⁵²

Councils aren't involved in community affairs: community needs to own issues through a law and justice group so we can reclaim authority.³⁵³

We feel disempowered because our culture and authority isn't recognised anymore.³⁵⁴

Elders feel disempowered because youth don't show us any respect or support.³⁵⁵

Some communities felt that Elders are considered Elders in title only, and that those with real leadership skills and qualities may not get an opportunity to display them.³⁵⁶

Aboriginal Territorians have consistently emphasised that many past policies and practices have actively undermined their capacity to lead and influence local decision-making.³⁵⁷ This has resulted in a breakdown of social structures and kinship systems, loss of languages, access to land and waters and the ability to undertake cultural practices, as well as the gradual fracturing or erosion of Aboriginal rights, roles and responsibilities. It has undermined trust and partnerships between Aboriginal people and governments.

It works if we get back together. We need our voices to be heard, not dominated.³⁷³

While many Aboriginal children and young people grow up in a safe home and a safe community, many have not been afforded this opportunity.

Aboriginal people want to partner and take responsibility for behaviours.³⁶⁹

Examples frequently raised during the NTAJA consultations included:

- the ongoing impact of colonisation and a succession of policies reducing autonomy in Aboriginal families and communities
- the removal of children from families over many generations
- the range of measures that occurred as part of the NT Emergency Response
- the replacement of Community Councils with Shires
- the introduction of the BasicsCard and income management policies
- changes to work for the dole, CDEP and CDP programs
- the continuing experiences of unconscious bias, discrimination, racism, and unfair treatment
- the passive approach to consultation with Aboriginal people whose concerns and comments fail to be heard or supported
- failing to engage the entire community in consultations and instead relying only on the voices of a small number of Aboriginal people to influence and inform government policy.³⁵⁸

During the NTAJA consultations, many Aboriginal Territorians described how past and current policies have intergenerational impacts and continue to affect the health and wellbeing of Aboriginal people.³⁵⁹ Many people had experienced ongoing, undiagnosed and untreated psychological distress, intergenerational grief and trauma.³⁶⁰ Some Aboriginal Territorians identified that each year they would attend up to 14 funerals, many for close and young family members lost to suicide or chronic preventable medical conditions. The legacy of past policies and practices cannot be denied and is reflected in many indicators, including poor life expectancy, unemployment, school attendance, contact with child protection, hospitalisation and homelessness rates, mental health, suicide rates and contact with the criminal justice system.³⁶¹

In this context it is particularly important to recognise the strength and potency of Aboriginal leadership, and the resilience of Aboriginal people, despite the ongoing impact of government policies. Through all these challenges, many Aboriginal Territorians have worked tirelessly, often without recognition, to try and keep families and their communities safe and strong.³⁶²

During consultations, some Aboriginal people expressed the view that in some instances, community leaders did not represent their expectations of strong leadership.³⁶³ Over time, the traditional values and behaviours of individuals in communities that helped maintain safe and strong communities have been under intense pressure, impacting on the norms in communities. While many Aboriginal children and young people grow up in a safe home and a safe community, many have not been afforded this opportunity. Disempowerment creates the ideal environment for social dysfunction to develop, increasing the likelihood of community members engaging in substance misuse and anti-social or criminal behaviours.

The NTAJA consultations showed that the trauma experienced by previous Aboriginal generations continues to affect the health and wellbeing of Aboriginal children and young people.³⁶⁵

The RCPDCNT identified that trauma can be passed on through parenting practices, behavioural problems, violence, harmful substance misuse and mental health issues.³⁶⁶ Participants in the NTAJA consultations expressed frustration at the current high rates of crime, including acts of family and domestic violence and alcohol and drug misuse. Participants in the consultations also expressed the view that Aboriginal Territorians are willing, able and ready for the opportunity to determine the solutions to fix the problems with support from, and in partnership with, government.³⁶⁷



What we were told:

*The rules of the community should work to protect and strengthen community but if the rules are being openly disobeyed then the deterrence effect is neutralised and cultural authority begins to erode.*³⁶⁹

*Elders need to lead meetings and influence decisions to regain cultural authority.*³⁷⁰

*Recognising cultural authority will restore leadership.*³⁷¹

*We [Elders] would like support from police so people in community know that the cultural authority of Elders is supported by the government.*³⁷²

*When community does not help community, you are breaking your mother's soul.*³⁷³

*Aboriginal people need to stop blaming each other – it's the law, you broke it.*³⁷⁴

*Community members want to take control of their communities. They recognise that they need to stop blaming others, but they are not sure how to process the trauma and negative emotions. Investment in partnerships will pay dividends.*³⁷⁵

Racism and discrimination experienced by Aboriginal Territorians as an everyday part of life is linked to the loss of agency, intergenerational trauma and the disruption of cultural authority and decision-making processes.³⁷⁶ The experience of discrimination and racial abuse can alienate individuals from society and feed a sense of disillusion and disempowerment. Research has highlighted how these issues significantly impact the development and life prospects of children and young people, which, when left unaddressed, may lead to depression, suicide, poor school attendance, behavioural issues, substance misuse and offending.³⁷⁷

The NTAJA places significant emphasis on Aboriginal leadership as fundamental to achieving the aims of the Agreement and ensuring the safety and well-being of Aboriginal families and communities. Acknowledging and learning from past legacies is important, and aligns with the aims of the Agreement.

For these reasons, Aboriginal people have sought a renewed partnership with government; a partnership that does not start from a deficit position, but instead adopts a strengths-based approach. As expressed during the NTAJA consultations, working in partnership rather than in isolation is critical to achieving the aims of the Agreement.³⁷⁸

4.3 Partnering



What we were told

Often the same people – the leaders in the community – are frequently asked to assist many government agencies when there is trouble in the community, but more often than not, they are not paid or respected for their skills that they contribute in this role.³⁷⁹

People don't ask us if people should come back to the community when they come out of prison, they just bring them back. This makes it hard to reassert leadership and values for our community.³⁸⁰

Community should own the process of educating our mob about domestic and family violence and how to repair our relationships. Aboriginal people should be helping Aboriginal people because we understand each other.³⁸¹

Cultural camps need to be used as a reward rather than a system to control behaviour. Where's the reward for doing things the right way in a community?³⁸²

Community members should [sign the agreement] - nobody outside knows what's happening in community, we need to talk with community and family members and take responsibility for community.³⁸³

Community Elders need to take responsibility for the problems in community, no excuses – we have to show responsibility.³⁸⁴


Partnerships are at the heart of the NT Aboriginal Justice Agreement and are fundamental to its success.³⁸⁵

Historically, government attempts at partnerships have fallen short of community expectations and contributed to undermining local authority and leadership. While there are numerous issues that have contributed to these failings, the reality is that genuine partnerships are difficult to both initiate and maintain.

Partnerships require more than a desire to co-operate. Effective partnerships require mutual respect, shared responsibility and a commitment to ongoing dialogue and cooperation.

The NT Government's commitment to bringing about genuine partnerships is outlined in the eight principles for partnering contained in the Agreement.³⁸⁶ These principles include upholding standards of accountability and transparency, and empowering and honouring Aboriginal leadership. They have provided the basis for the consultative approach to developing the draft Agreement, and will form the foundation for the Agreement's future implementation.

The consultations on the Agreement to date have endeavoured to be as inclusive as possible. They have been conducted in line with best practice standards of cultural competency to ensure that the voices of Territorians have been heard and are reflected directly in the content of the Agreement. The consultation approach has set the tone for how the NT Government will continue to partner with Aboriginal Territorians to implement the Agreement.



An important aspect of the partnering process involves respectful, effective and ongoing communication between government, Aboriginal Territorians and other stakeholders.

Further information about the partnership approach underpinning the Agreement is outlined in section 6 on Governance.

4.4 Empowering local decision-making

The RCPDCNT found that ‘governments have not allowed or empowered Aboriginal people to lead in decision-making’.³⁸⁷ As was observed by the Commission, it is insufficient for Aboriginal Territorians to simply be informed or consulted. Aboriginal leaders must be empowered and supported as substantive decision-makers.³⁸⁸ Aboriginal Territorians have long argued for improved engagement with government in relation to decisions that will ultimately shape Aboriginal people’s lives.³⁸⁹ The NTAJA will provide a platform for empowering Aboriginal decision-making on local law and justice issues.

Strengthening Aboriginal leadership and capacity to address justice issues at a local level was a recurring theme in the NTAJA consultations. Law and Justice Groups (LJGs), and similar local cultural authority groups, were identified as necessary to deliver on these tasks. LJGs are recognised as an important means of reasserting cultural authority and promoting community-driven responses that can improve Aboriginal justice outcomes and keep communities safe.³⁹⁰

The Lajamanu Kurdiji Law and Justice Group is one example of several existing LJGs across the NT. Kurdiji takes an active leadership role in promoting respect for law and justice within the community, by providing input into criminal court sentencing matters through reference letters and advice to the judge on local cultural matters. Kurdiji works to manage and defuse conflict, violence and alcohol and drug misuse in the community.³⁹¹

...We have been showing the way, showing that a strong Aboriginal group running things the way it wants for itself, can make a big difference in the community. We feel that supporting groups like ours will do a lot more to solve these problems...³⁹²

Law and Justice Groups have the ability to empower local community leaders to participate in the justice system, and to restore and maintain cultural authority including ways of resolving conflicts that arise in the community.³⁹³ The strengthening of Aboriginal leadership through LJGs and similar local cultural authority groups will reinforce and model the kinds of values and behaviours that Aboriginal people want adopted, particularly by younger generations.

It is insufficient for Aboriginal Territorians to simply be informed or consulted. Aboriginal leaders must be empowered and supported as substantive decision-makers.³⁹³



What we were told:

We want the chance to determine our own future on our land, and our place in society.³⁹⁴

We want and need justice groups to support a community court, develop pre-sentencing reports, and provide advice to the judges about circumstances in the community that may be relevant to the sentencing process.³⁹⁵

We try to tell people and they don't listen - we hope you mob listen.³⁹⁶

There is a need for a cultural base where the family can make the decision on how the offender can be rehabilitated.³⁹⁷

We need a grandmothers group in every community to support those who are struggling.³⁹⁸

Law and Justice Groups have the potential to fulfil a number of important roles envisaged under the NTAJA including developing and implementing local action plans with place-based strategies to address community safety and justice issues. They are also well-placed to advise courts on matters relevant to the sentencing of local Aboriginal people, including cultural information, significant traumatic events or incidences that may have affected the offender, victims, witnesses or families and potential options for rehabilitation.³⁹⁹ LJGs can impart unique knowledge about Aboriginal defendants that court officials and other parties may not have access to.⁴⁰⁰

Aboriginal participants in the consultations also expressed the view that LJGs would allow local ideas and concepts to be tested and validated, and provide an effective platform for two-way respectful dialogue between government and Aboriginal Territorians.⁴⁰¹

The NT Government recognises that resourcing and supporting LJGs is necessary for the NTAJA's success. The provision of local data and evidence to inform LJG decisions, and monitoring and evaluation to gauge the extent to which they are making a difference is critical.

The NT Government remains committed to developing and implementing new models which effectively engage and support local Aboriginal leadership through local place-based approaches and whole-of-government policies. The Local Decision Making (LDM) framework is a clear example. The LDM framework transfers control of government service delivery, where possible, to Aboriginal Territorians and organisations based on community aspirations.⁴⁰² To date, seven agreements have been signed between government and NT communities.⁴⁰³ LDM provides opportunities for government to transform its way of working, and coordinate across all levels of government to provide direction and support behavioural change, as well as implementing funding and accountability arrangements which promote realistic, Aboriginal-driven and co-designed outcomes.

The LDM framework facilitates a shift in decision-making and control that acknowledges the capacity of leadership within communities in the Northern Territory. For example, through LDM, the NTG has entered into a ten-year agreement with the Anindilyakwa Land Council. The Groote Eylandt Archipelago LDM Agreement outlines Anindilyakwa people's priorities to transition service delivery to community control, with respect to housing, economic development, law, justice, rehabilitation, education, health services and local government. The Groote Eylandt agreement aims to increase the involvement and leadership of Anindilyakwa people in the justice system, including the formation of a Law and Justice Group, and access to rehabilitative services by establishing, owning and assisting in the management of a facility in the Groote Archipelago.⁴⁰⁴

LDM agreements, like the Groote Eylandt agreement, are significant because they are founded on mutual trust and respect. They recognise the long established and strong systems of governance and leadership by Aboriginal people, and empower local leaders to set the agenda, pace, and ways of working for government and stakeholders. LDM agreements recognise that both female and male voices must be heard and that strong governance is necessary to ensure that the Aboriginal people drive, own, take responsibility and are accountable for solutions to complex problems.

4.5 Role modelling and mentoring



What we were told:

My role models are my mothers and my grandparents, they are the ones that I look up to. They still do OK in this community - not footballers that just leave when they get picked up by a club.⁴⁰⁵

Mentors should be part of the process, not outsiders like footballers. They don't cope with the issues that we do on a day-to-day basis, but our local mob do and they are still coping well.⁴⁰⁶

Most of the young fathers have had minimal or no father figure in their lives to lead by example as a role model because alcohol has been an intergenerational problem within family units.⁴⁰⁷

Many kids witness aggressive behaviours and grow up with a lack of respect for their community.⁴⁰⁸

We need Elders who are role models to support emerging leaders.⁴⁰⁹

She [community member] wants to change but she can't because there are many people who will not support her.⁴¹⁰

I'll return to my community but it's hard when you get out and you aren't supported to stop drinking by your family or your community - it's too hard to stay off the grog when everyone is drinking.⁴¹¹

There's a mentality that people shouldn't share their worries so when someone's problems gets worse they don't look to family for support- they just abuse alcohol and drugs and cut themselves off from their family and friends.⁴¹²

Many young people stated that it was their grandmothers or sisters that they looked up to as these were the people that provided them with food, clothing and shelter because they had employment and a stable living environment.⁴¹³

Youth detainees identified that they do not feel much, if any, shame for being caught engaging in criminal behaviour (if any shame is felt, it is for their mother/grandmother).⁴¹⁴

Role modelling and mentoring are central components of strong leadership to improve justice outcomes for Aboriginal Territorians.

In a combined submission to the 'Doing Time - Time for Doing' inquiry into Indigenous youth and the criminal justice system, representatives from Aboriginal legal services noted that:

*It is life experience from early childhood that builds an understanding of what is acceptable behaviour, and what is not. Normative values are essentially learnt from direct, repeated exposure to a child's immediate social environment. They are influenced by the values and the behaviours of parents, peers, immediate community and the wider society. They are shaped by people who are respected and admired and by those who exercise authority.*⁴¹⁵

The influential role that important members of an individual's community or social network perform in determining social norms, values and behaviours was reflected during consultations. Mentors and role models were a recurring feature in success stories for many Aboriginal people, including family, culture, education, employment,⁴¹⁶ leadership and youth justice.⁴¹⁷

Despite the challenges facing many Aboriginal communities, including the legacy of past policies and practices as discussed in section 4.2, local role models and mentors continue to have a positive presence and play a vital role in strengthening families and communities throughout the NT. The contribution and impact of local leaders is often unrecognised, under-valued and unsupported. Through the provision of resources, training and other kinds of practical support, local leaders will be better equipped and able to drive greater change and influence at the local level.⁴¹⁸

A number of participants in NTAJA consultations stated that the most effective role models and mentors are people who are part of everyday community or family life. Some participants expressed the view that there is an over-reliance on sports people such as footballers and other well-known personalities from interstate as mentors and role models for Aboriginal people. High-profile Aboriginal people can help raise awareness of key issues, but they are unlikely to be as influential as those from within the community who have lived through local challenges themselves and helped find shared solutions over time. The use of local mentors and role models reflects traditional 'kin and skin' relationships and aligns with the cultural obligations that remain embedded within Aboriginal culture.⁴¹⁹

The NTAJA consultations highlighted the need to invest in and support our local leaders to achieve the aims of the Agreement. In particular, Aboriginal girls and young women need local female role models to inspire success, build confidence and empower women's leadership. Empowering both local women and men, young and old, benefits the community by restoring and rebuilding strong values and behaviours and strengthening the social fabric of communities.

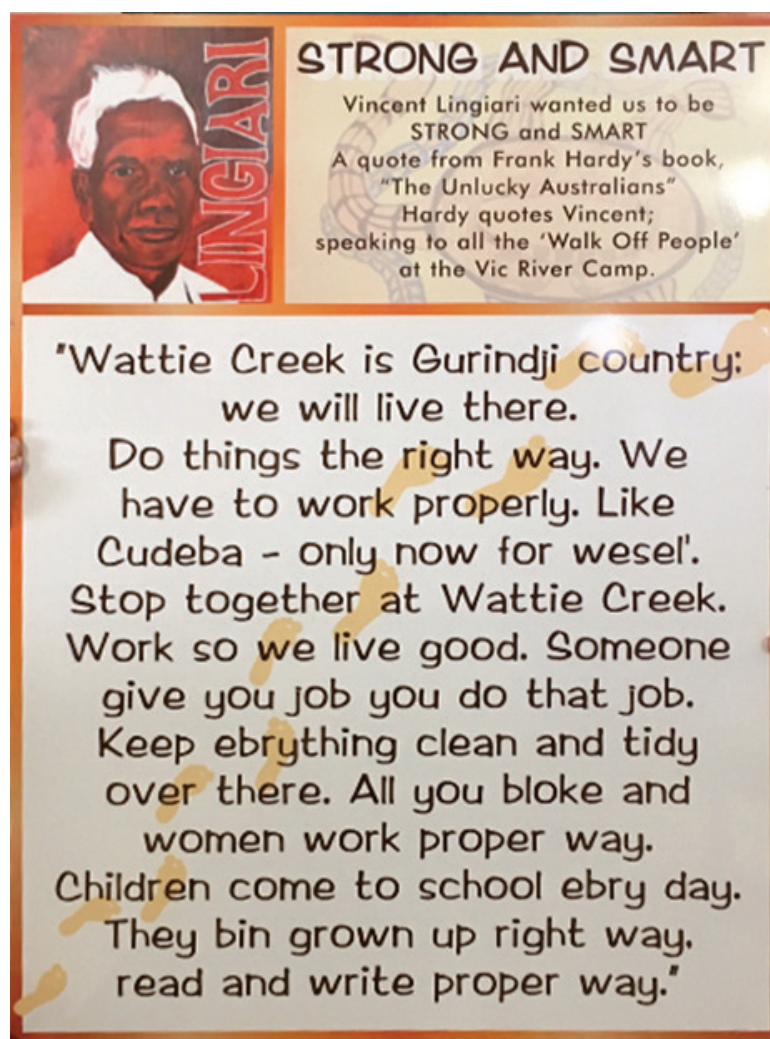


We need to celebrate the contribution and rich legacy of Aboriginal Elders and leaders...and the countless Aboriginal people who each and every day put the needs of the community above their own to build better futures for everyone.

We need to celebrate the contribution and rich legacy of Aboriginal Elders and leaders, like Pat Turner, Dr Miriam Rose Ungunmerr-Bauman, Veronica Dobson, Margaret Kemarre Turner, and those passed; Albert Namatjira, Vincent Lingiari and Charlie Perkins. We should also include the countless Aboriginal people who each and every day put the needs of the community above their own to build better futures for everyone. We need to acknowledge current successes, such as Anangu women represented by the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council who like so many, lead and guide their communities every day, often without recognition or reward.⁴²⁰ It includes the young Arrernte women at the Akeyulerre Healing Centre who run their own bush medicine social enterprise. It includes countless other men and women of all ages, who throughout the NT continue to lead and inspire, often unsupported and unrecognised.

The Aboriginal Justice Agreement will build pride and recognition of the achievements and changes brought about by Aboriginal leadership to strengthen communities and reduce social problems and offending. This will help restore the values that Aboriginal people said in the NTAJA consultations are missing, suppressed, disguised or driven by only a few. This will help create a safer and more cohesive Territory for everyone.

Figure 25. A poster in a council office showcasing the strength and resilience of a past Aboriginal Elder, Vincent Lingiari



4.6 Leadership and culture



What we were told:

Recognising cultural authority will restore leadership.⁴²¹

The community as a whole needs to be verbally informed of roles and expectations for government consultations in the future.⁴²²

Being taught culture is the reason that many of the community Elders believe that they never got into trouble with their law as it provides a source of strength and resilience.⁴²³

If we could have our own law then things would be different.⁴²⁴

Young people aren't listening to Elders and their parents as the family structure isn't there like it used to be – like it should be.⁴²⁵

We need to support family even when they are offending.⁴²⁶

Young boys think that they don't need formal education and that they have every right to do whatever they want once they are initiated.⁴²⁷

There is a need for a cultural base where the family can make the decision on how the offender can be rehabilitated.⁴²⁸

It starts with skin groups treating each other fairly and parents ensuring that kids are taught discipline.⁴²⁹

Police will need to respond to every call for help (big or small) in order to support the cultural authority of Elders in community and legitimise their own authority.⁴³⁰

The reason why people are in prison is because they never followed and were not allowed to do our law.⁴³¹

Payback is not fair – even when you haven't done anything wrong you could still get payback done to you if it was your family that did the wrong thing.⁴³²

One of the important ways in which Aboriginal people are leading and strengthening their families and communities is through the maintenance of Aboriginal language and culture, and passing it on to younger generations.⁴³³ During the NTAJA consultations many Aboriginal people saw this as a protective factor that was necessary to keep their families out of trouble.

There are so many elements to this critical work: caring for country, teaching the kinship system, maintaining ceremonies, grieving and mourning, maintaining traditional knowledge and practices, and teaching culture and language. It is about guiding children and young people, and by teaching and transferring these practices to children, they are strengthened and supported, both physically and emotionally, across all generations.

During the NTAJA consultations some people discussed how cultural practices can positively impact on the values and attitudes of young people, for example, the importance of ceremony in generating an ethos of respect, maturity, responsibility and reciprocal obligation.⁴³⁴ Elders particularly were concerned about their lack of influence and the erosion of cultural law and authority and how it can be strengthened and supported. Many Aboriginal people commented that without cultural authority and the embedded values of respect, honesty and integrity then leadership is hard to maintain. Aboriginal people called for decision makers to respect cultural authority and recognise its role in strengthening law and order and community cohesion.⁴³⁵ They also called for all Aboriginal people to be held responsible and be dealt with by community and cultural leaders, including Elders.⁴³⁶

Some difficult conversations about the role of 'payback' occurred as part of the NTAJA consultations. Although a range of views were expressed, the predominant view was that physical 'payback' is no longer appropriate in a modern context.⁴³⁷ The strengthening of cultural authority and leadership remains important and there are a range of ways aside from physical 'payback' that communities can demonstrate traditional obligations and lore. The potential for Aboriginal leadership to assist in the maintenance and return of community cohesion should not be underestimated or discounted.

4.7 Aboriginal Justices of the Peace and Commissioners for Oaths

The AJU has developed a program to increase the number of Aboriginal Justices of the Peace (JP) and Commissioners for Oaths (CO) in the NT. The overarching aim of the initiative is to assist Aboriginal Territorians in navigating and accessing key services that impact on a person's interaction with the justice system.⁴³⁸

JPs assist the public by administering oaths; witnessing affidavits and documents; certifying original documents, such as birth certificates and passports;⁴³⁹ and by issuing search warrants in the NT, where appropriate.⁴⁴⁰ JPs are appointed under section 5 of the *Justices of the Peace Act 1991* (NT) and must comply with the JP Code of Conduct and Handbook.⁴⁴¹ The *Oaths, Affidavits and Declarations Act 2010* (NT) provides for the appointment of COs who may administer oaths, witness affidavits and attest execution of any document.⁴⁴²

At present there is a limited number of JPs and COs in the Territory. As of November 2018, there were 216 registered JPs and 707 COs, of whom 11 and 17 were identified as Aboriginal respectively. Low participation in these roles by Aboriginal Territorians relates to some extent to poor communication about the roles and responsibilities associated with these positions and a failure to recognise the benefits of supporting local Aboriginal leadership.

Increasing the number of Aboriginal Territorians appointed to these roles has the potential to strengthen and broaden Aboriginal leadership and improve access to justice services, especially in remote Aboriginal communities. Aboriginal Territorians are more likely to seek the assistance of JPs and COs who are well known and trusted within communities.

There are some barriers to the implementation of this initiative, particularly in community settings. One concern is whether conflicts of interest may arise from the significant kinship and family obligations that may clash with the responsibilities of a JP or CO. To overcome such barriers, it will be beneficial to have more than one JP or COs based in any one community, as well as to support Aboriginal JPs and COs to work between a number of communities. Given the significant number of Aboriginal Territorians who also speak multiple Aboriginal languages, expanding the number of Aboriginal JPs and COs can only have a considerable positive impact on improving access to justice and other government services.