

National Health Leadership Forum

Commissioners' Mick Gooda and Margaret White AO
Royal Commission into the Protection and Detention of Children in the Northern Territory
GPO Box 4215
Kingston ACT 2604

Email: ChildDetentionNT@royalcommission.gov.au

24 May 2017

Dear Commissioners,

National Health Leadership Forum submission

On behalf of the National Health Leadership Forum (NHLF), I am providing this letter-submission to the Royal Commission to inform your important inquiry into the *Protection and Detention of Children in the Northern Territory*.

The NHLF was established in 2011 as the national representative health forum for Aboriginal and Torres Strait Islander peak bodies who provide advice on health. The NHLF has become an influential collective of Aboriginal and Torres Strait Islander peak health bodies who have negotiated with successive Australian governments on Aboriginal and Torres Strait Islander health. A list of our member organisations is attached (see Attachment A).

Our members are also the leading member organisations of the Close the Gap Campaign Steering Committee.

The NHLF Position

The NHLF supports the purpose of the Royal Commission's inquiries into the now very public failings in the child protection and youth detention systems in the Northern Territory. While these failings clearly impact every child that comes into the contact or responsibility of the system, our particular interest is the disproportionately high representation of Aboriginal and Torres Strait Islander children and the specific issues they face in a failing protection and detention system. We note in the Royal Commission's Interim Report (March 2017) that this disproportionate representation is also a focus of the Commission in its inquiry.

Several NHLF member organisations have already provided written submissions to the Royal Commission directly with information specific to their particular expertise. The NHLF endorses and highlights the contributions from The Healing Foundation and The Lowitja Institute towards this inquiry.

The NHLF emphasises three elements in particular that should be considered in any reform to the provision of youth protection and detention services, as they relate to the needs of Aboriginal and Torres Strait Islander children and their communities:

- 1) Addressing the intersection between Health and Justice – a social and cultural determinants understanding;

- 2) The introduction of Justice targets; and
- 3) Ensuring Aboriginal and Torres Strait Islander communities, through their leaders, are involved in determining the solutions to the issues of juvenile detention and out of home care for Aboriginal and Torres Strait Islander children.

These elements are central to improving the way youth detention and protection of young Aboriginal and Torres Strait Islander people is managed.

The Intersection of Justice and Health

From a health perspective, a holistic, cross-sectoral approach to justice and protection is needed to meet the needs of Aboriginal and Torres Strait Islander children. Regarding health services specifically, this means acknowledging that the concept of ‘health’ for Aboriginal and Torres Strait Islander peoples involves:

‘...not just the physical well-being of an individual but the social, emotional and cultural well-being of the whole Community in which each individual is able to achieve their full potential as a human being.’¹

The social and cultural determinants have a real and significant effect on health outcomes. Indeed, the National Aboriginal and Torres Strait Islander Health Plan 2013-2023 notes that, ‘[b]etween one third and one half of the life expectancy gap may be explained by differences in the social determinants of health.’²

While health is clearly impacted by issues of justice, conversely, the state of a person’s health can be a major determinant of their coming into contact with the justice system. As the Royal Commission’s own Interim Report recognises, mental health, Foetal Alcohol Spectrum Disorders (FASD) and the effects of trauma are just some of the health issues that may be contributing factors in a person coming into contact with the justice system.³

As a result, closing the gap in health inequality necessarily involves addressing the socio-historical and structural factors underpinning outcomes for Aboriginal and Torres Strait Islander peoples, including the continuing effects of colonisation and dispossession.

The social and cultural determinants of health – many of which lie beyond the redress of the health sector alone – mean that addressing health inequity also requires a cross-sectoral approach spanning education, employment, justice and the rights of women and children, among others.

The Inquiry should closely consider the connections between health services and other services including social housing and family and community services and their impact on the justice sector.

Justice Targets

The NHLF, as the senior Aboriginal and Torres Strait Islander leaders of the Close the Gap Campaign, has long called for the Council of Australian Governments (COAG) to develop additional *Closing the Gap Targets* in relation to incarceration rates and community safety.⁴

We also note the Change the Record Campaign’s *Blueprint for Change* as a quality resource for the Royal Commission’s inquiry. The principles outlined in the *Blueprint* are an excellent starting point for how justice targets should be considered in the context of a wider program of change to the systems that lead to youth detention.

Underpinning any efforts to reform the youth detention system in the Northern Territory and in the other jurisdictions should be a COAG government commitment to reduce incarceration, supported by significant investment in justice reinvestment and early intervention programs. Locking up Aboriginal and Torres Strait Islander children must be the absolute last resort and should be managed in a way that ultimately assists and supports the child.

Aboriginal and Torres Strait Islander leadership

Finally, any recommendations that are to come from the inquiry of the Royal Commission must, at their heart, have Aboriginal and Torres Strait Islander community leadership and involvement.

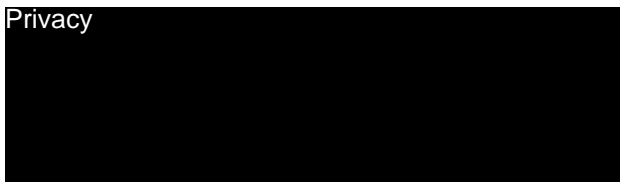
The engagement of Aboriginal and Torres Strait people in the solutions to the issues of over-representation in the justice system is essential. The NHLF members are also signatory-members of the Redfern Statement that has called for a new relationship between Australia’s First peoples and governments at all levels. Both the justice and health community controlled sectors and their peak representative organisations must be supported and engaged on the design and implementation of the necessary solutions.

The NHLF would welcome any future opportunity to contribute to the Royal Commission’s considerations and we ask to be notified of the outcomes of Inquiry.

I can be reached on **Privacy**, or alternatively arrangements for a meeting can be made through Paul Wright, NHLF Executive Officer on **Privacy**, **Privacy** or paul.wright@humanrights.gov.au

Yours sincerely

Privacy



Richard Weston
Chair, National Health Leadership Forum
CEO, The Healing Foundation

ATTACHMENTS:

ATTACHMENT A National Health Leadership Forum Member Organisations:

- Aboriginal and Torres Strait Islander Healing Foundation;
- Australian Indigenous Doctors' Association;
- Australian Indigenous Psychologists' Association;
- Congress of Aboriginal and Torres Strait Islander Nurses and Midwives;
- Indigenous Allied Health Australia Inc.;
- Indigenous Dentists' Association of Australia;
- The Lowitja Institute;
- National Aboriginal and Torres Strait Islander Health Workers' Association;
- National Aboriginal Community Controlled Health Organisation;
- National Aboriginal and Torres Strait Islander Leadership in Mental Health
- National Association of Aboriginal and Torres Strait Islander Physiotherapists; and
- Torres Strait Regional Authority.
- Expert Advisor – A/Professor Ted Wilkes, Indigenous Drug and Alcohol

¹ National Aboriginal Community Controlled Health Organisation, Submission to External Reference Group advising the National Primary Health Care Strategy, *Towards a National Primary Health Care Strategy*, 2009, 6.

² Department of Health, *National Aboriginal and Torres Strait Islander Health Plan 2013-2023* (2013) Australian Government. At <<http://www.health.gov.au/natsihp>> (viewed 7 February 2017).

³ Interim Report (March 2017) Royal Commission into the Protection and Detention of Children in the Northern Territory: <https://childdetentionnt.royalcommission.gov.au/about-us/Documents/RCNT-Interim-report.pdf>

⁴ 2016 Close the Gap Campaign Progress and Priorities Report - <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/close-gap-progress>