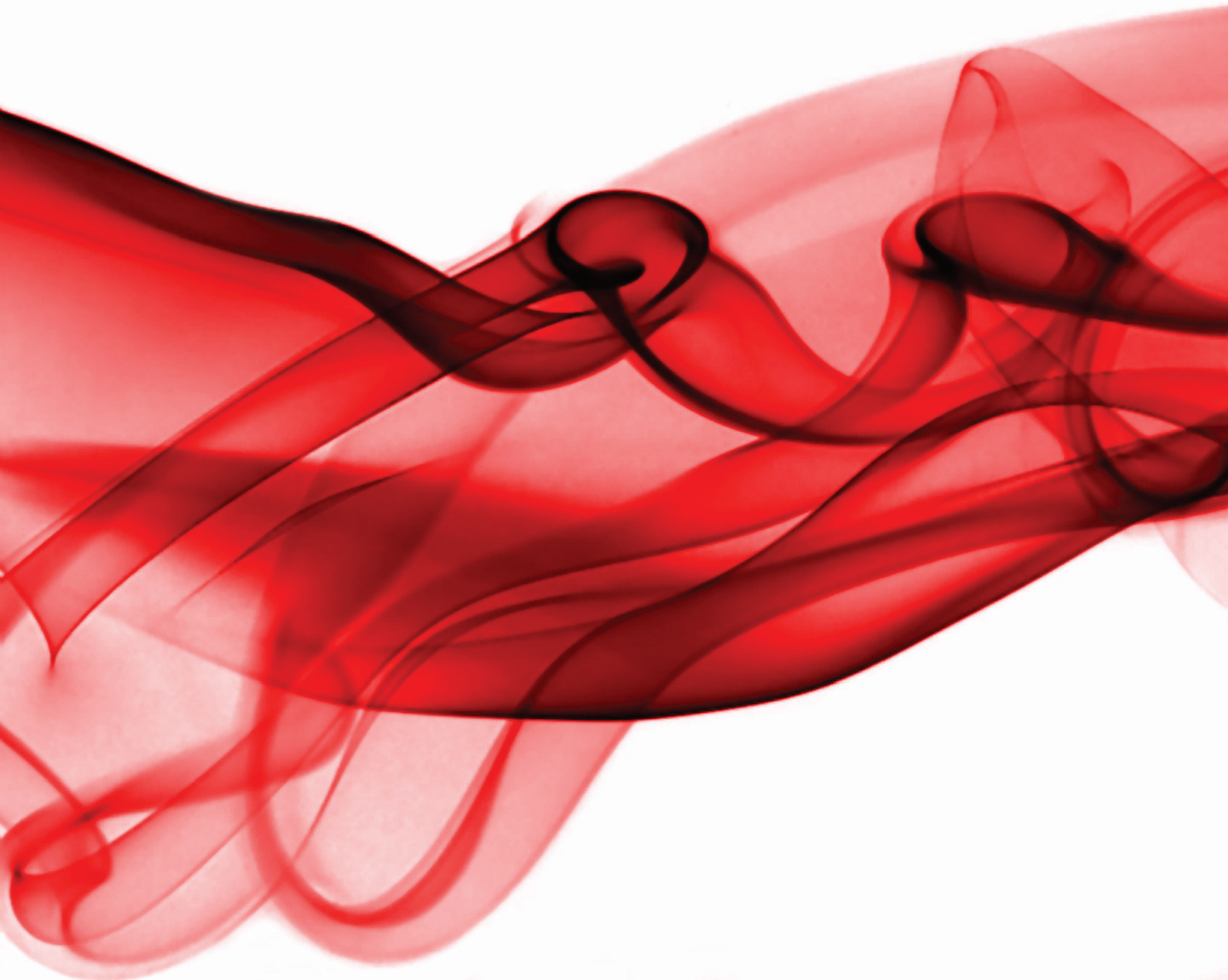


# Hearing Whispered Voices

Advocating for change in youth sexual assault services in the Northern Territory



*Community-Based Project Report 2010 Youth Minister's Round Table of Young Territorians*

*Eun Ju Kim-Baker*



Please note: The Youth Minister's Round Table of Young Territorians is an independent advisory council. The views expressed in this report are those of the authors and are not necessarily those of the Office of Youth Affairs or the Northern Territory Government

### **Significance of the Title**

At the time of writing, many strong voices dominate public discussion of youth sexual assault. The title of this report, "Hearing Whispered Voices," refers to two groups whose contributions are often overpowered, overlooked or lost. The first belongs to those on the frontline: the expertise and opinions of service providers. Their tremendous caseloads mean that the time and labour needed to pierce discussion is often elusive. The second belongs to the victims themselves. In navigating the treacheries of anonymity, confidentiality, and emotional and physical trauma, their powerful stories are sometimes the easiest overwhelmed. For meaningful change to occur, these voices cannot continue to be muted.

'Hearing Whispered Voices' also refers to the stigmatisation of sexual assault. We must make our community a safe forum in which this pervasive force can be named and openly addressed. This is not a subject for murmurs or hushed comments. Sexual assault is not a cultural norm. It is a crime. It requires strong and confident voices from us all.

### **Images**

'Texture from parachutes in dandelion clock' image obtained from <http://www.sxc.hu/photo/1016759>

'old veins of minne' image obtained from <http://www.sxc.hu/photo/361291>

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Copies of all community-based project reports submitted by the 2010 Youth Minister's Round Table of Young Territorians are available on the Office of Youth Affairs website at [www.youth.nt.gov.au](http://www.youth.nt.gov.au)

### **Suggested Citation**

E. Kim-Baker (2010), *Hearing Whispered Voices: Advocating for change in youth sexual assault services in the Northern Territory*, 2010 Youth Minister's Round Table of Young Territorians, Northern Territory Government of Australia, Darwin

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1 December 2010

The Hon. Rob Knight MLA  
Minister for Youth  
Parliament House  
State Square  
Darwin NT 0800

Dear Minister,

I am pleased to present my community-based project report, pursuant to the mandate of the 2010 Youth Minister's Round Table of Young Territorians. As directed, I have identified an issue of great concern to young people and compiled a list of recommendations on the matter.

This report examines the efficacy of youth sexual assault services. It calls for a shift in focus from an emphasis on sexual offenders to supporting the young people they victimise. It is my profound hope that this report will help ease, in some way, the difficult journeys of my peers. I can only add another voice to the chorus calling for deep reform.

Yours sincerely,



Eun Ju Kim-Baker  
Author and Researcher  
Member, 2010 Youth Minister's Round Table of Young Territorians

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*For the sexual assault service providers of the Northern Territory—may this report help transform your whispers into booming sirens.*

*For the countless and often nameless young people who continue the struggle against sexual assault—your courage and strength is the antidote to this social contagion.*

*Inter-generational change starts now.*

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# Acknowledgements

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A community-based project report such as this is nothing without its namesake – the community and its voices. The insight and support of the following individuals and organisations made my work possible.

I thank the Minister for Youth, *the Hon. Rob Knight MLA*, for giving young people this valuable platform. My thanks goes also to the staff of the Office of Youth Affairs, particularly *Ngaree Ah Kit, Greg Broadfoot* and *Vicki Schultz* and *Gemma Benn*. I am grateful for the input of my round table peers but especially for that of our Chairman, *Lauren Moss*. Lauren's zeal and untiring thirst for knowledge spurred me on whenever our workload seemed crushing.

Service providers are the bedrock of this report. Their impassioned views and precious time form its foundations. My vague understandings would never have matured into evidence-based analyses without their selfless contributions of expertise, encouragement and precious time. Service providers are the footsoldiers of social progress.

As my first and my most treasured guide to the labyrinth of sexual assault services, my heartfelt thanks to *Detective Senior Constable Christina O'Connor*. I have met few, if any, who are more dependable and kind. I cannot express my gratitude.

A titan in the world of children's advocacy and dearest friend, thank you to *former Children's Magistrate Barbara Holborow (OAM)*. The transformative power of her love for all children defies articulation. There is no greater gift.

For steering the researcher through the disillusioning world of sexual assault towards hope and a sense of justice, my thanks to *Stipendiary Magistrate Greg Cavanagh*.

For the tremendous strength of his convictions, courage in speaking out as a survivor and powerful vision for the future of adult service provision, I thank *Senior Sergeant Geoff Bahnert*. I also thank *Amy* and the two unnamed survivors who contributed to this report. You inspire me daily.

For her acumen, wit and fearless progression of victims' rights, my thanks also to *Nannette Hunter*, former Coordinator of the Witness Assistance Service Northern Territory and Public Officer on the Management Committee of Dawn House Inc.

Collaboration with the unsurpassable staff of National Association for Prevention of Child Abuse and Neglect (NAPCAN) was invaluable. *Lesley Taylor, Nadia Albert, Angela Walsh* and the NAPCAN team have developed Love BiTES into a tour-de-force in prevention education. These women have much to be proud of.

My warmest thanks to my team of editors: *Alice Bleby* and the membership of her 2009/10 Presidency of the United Nations Youth Association of Australia, *Desktop Publisher Brooke Ottley*, *2009 Round Table Project Manager Elise Moo*, *Joanne Sadler*, *Lynley Baker*, *Dr. Marion Davey*, *Associate Professor Tess Lea* and *Vivienne Hayward*.

Thanks, *Taylor Rau*, for ensuring I pause to breathe amidst the mania of report-writing. Thanks to Dad, *Mark Baker*, for cooking whenever I often and magically 'ran out of time.' Thanks also, *Matthew James*, for his enduring patience with an often absent girlfriend, who spent most of her time at home wiggling out anyway.

Most importantly, thank you to the *young people of the Northern Territory* who refuse to accept sexual assault as tolerable, cultural or inevitable. You are my peers. This is for you.

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# Glossary

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**Aboriginal** refers to Australian Indigenous persons of Aboriginal or Torres Strait Islander descent. As a further point of reference, the NT *Care and Protection of Children Act 2007* defines an 'Aboriginal' person as:

- (a) a descendant of the Aboriginal people of Australia; or
- (b) a descendant of the indigenous inhabitants of the Torres Strait Islands<sup>1</sup>

Reference in this report is also made to other published materials, such as those from the Indigenous Justice Clearing House, North Australian Aboriginal Justice Agency and Australian Bureau of Statistics. Unless otherwise stated, these sources also conform to the above definition of 'Aboriginal.' Where the term 'Indigenous' is used, the same definitional boundaries apply.

**At-risk** describes young people whose economic, physical, psychological or academic needs are unmet or inadequately met by social or educational services. This inadequate attention creates barriers to personal development. As such, 'at-risk' young people demonstrate higher than average rates of exiting school systems early, underachieving, committing and becoming victims of crime and low standards of living. 'At-risk' young people enter this category due to factors outside their control, such as inadequate parenting/guardianship, unsupported or poorly supported disabilities and low socio-economic brackets.

Examples of at-risk youths include but are not limited to, "homeless young people, children living in poverty, or in families receiving welfare or whose parents are incarcerated, children leaving juvenile detention or foster care, young parents, and girls and young women under protective services care."<sup>2</sup> It can also include young people who willingly and freely describe themselves as 'at-risk.'

In the context of the Northern Territory, many young people in rural and remote areas have high likelihoods of becoming 'at-risk' due to the lack of services in those areas, which contributes to trends in anti-social behaviour.

**Child** is a person under the age of 18.

**Child Impact Analyses** are a proposed formal mechanism intended for adoption by the Northern Territory Government. Their purpose is to ensure the impact on the child of major changes in government policy, operations, procedure, legislation and other areas of relevance is constructively evaluated.

**Child Impact Statements** are a proposed formal mechanism intended for adoption by the Northern Territory Government. Their purpose is the provision of a meaningful process through which children's opinions on the impacts on their lives of governmental changes in policy, operations, procedure, legislation and other areas of relevance can be expressed. The form of such statements can and should be developmentally appropriate, such as receiving paintings and poems from young children rather than conventional written submissions.

**Consultation** refers to more than the transfer of information and advice between stakeholders and policy officers, or a larger body and its constituents. It is the meaningful and sustainable collaboration between participants and administrators that creates community and/or industry ownership of initiatives. It refers to a thorough, well-paced and consistent process in which stakeholders are active members during, before and after implementation of the initiative in question.

Stakeholders should also receive a report back upon completion of the initiative outlining the influence of their specific contributions, what eventuated from their contributions and why. Consultation refers to a process where community members/service providers/individuals are given ample time and guidance to respond to requests and avoid 'consultation fatigue.' It refers to a truly representative process in which, as far as practicable, the diversity of stakeholders' interests and opinions are fairly reflected.

**Environmental Impact Statement** details the “anticipated environmental effects of a development on the environment. The aim of the Environmental Impact Statement process is to reduce, offset or prevent significant negative environmental impacts of a development.”<sup>3</sup>

**Formal contributions** are submissions by individuals or organisations received by this report that are quoted or explicitly referred to.

**Growing them Strong, Together Report** refers to the “Growing them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory’s Children Report of the Board of Inquiry into the Child Protection System in the Northern Territory in 2010.”

**Informal contributions** are submissions by individuals or organisations received by this report which are not quoted or explicitly referred to. They include generalised contributions on the topic of sexual assault, helping frame and inform its investigations. They also include specific contributions, such as those received from survivors of sexual assault whose personal details have been omitted to protect their identity. Hence, informal contributions include both named and anonymous sources.

**Intrafamilial sexual abuse** occurs “within the family...a family member involves a child in (or exposes a child to) sexual behaviours or activities. The family member may not be a blood relative, but could be someone who is considered ‘part of the family,’ such as a godparent or very close friend.”<sup>4</sup>

**Juvenile offender** is a person under the age of 18 who has been convicted of a criminal offence.

**Little Children are Sacred Report** refers to “Ampe Akelyernemane Meke Mekarle ‘Little Children are Sacred’: Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse 2007.”

**Neglect** “generally refers to the failure—usually by the parent—to provide for a child’s basic needs, including failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention.”<sup>5</sup>

**Paraprofessionals** are trained workers operating in professions in which they are not formally certified and/or for which they do not hold a tertiary qualification. Paraprofessionals have varying degrees of responsibility and duties in the workplace. Some are closely supervised by a professional in their field and mostly assist that person, an example being teaching assistants. Others assume senior roles on the basis of notable experience, an example being policy officers with in-depth cross-cultural understandings of a remote community.

**Service providers** are organisations, departments/units or individuals that provide professional, paraprofessional and/or volunteer services to the community. Service providers are often responsible for the regular operational support, labour and skills required to respond to specific needs. These needs may include domestic violence counselling, community legal aid, responding to child abuse and neglect notifications, prevention and community education and medical care. Service providers can operate in any tier of government or the non-government sector.

**Sexual assault** is any behaviour “of a sexual nature that makes a person feel uncomfortable, frightened, intimidated or threatened. It is sexual behaviour that a person has not agreed to; where another person uses physical or emotional force against them. It can include anything from sexual harassment to life-threatening rape. Some of these acts are serious indictable crimes. There are many sexual offences, including willful exposure, indecent acts, sexual assault, unlawful sodomy, unlawful carnal knowledge and rape.”<sup>6</sup>

Sexual assault does not require formal substantiation, such as reporting and/or laying charges against the assailant, to be considered a sexual assault by this report.

**Soft** refers to purposefully designed facilities that cater for the needs of vulnerable victims and witnesses. Such clients may include children and victims/witnesses of sexual assault. “Soft” facilities are characterised by furnishing such as armchairs and lounges, rather than office chairs and desks. Their aesthetic elements typically include warmly painted walls rather than cement or neutral colours, artwork and toys for children. Appropriate amenities should be easily accessible, such as kitchens and bathrooms. They should create a

comforting and private environment, where any necessary security measures or equipment is unobtrusive. Above all, they must put victims and witnesses at ease.

**Victim of crime** conforms to the definition provided by the *1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*:

*“Victims” means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.*

*A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.<sup>7</sup>*

**Victim Impact Statement** is, “a document presented by a victim to the Judge or Magistrate before sentencing. This legal mechanism affords victims the opportunity to explain the effect of the crime on their welfare and thus partake in the judicial decision-making process. It may be submitted by primary and in some cases secondary victim.”<sup>8</sup>

**Victims of sexual assault** are all persons who have suffered sexual assault(s), regardless of whether the sexual assault(s) were formally substantiated through means such as reporting or laying charges against the assailant. The definitional boundaries of “victim” are extended in three ways.

**Primary victims** directly experience the sexual assault(s) through physical, psychological or other means.

**Secondary victims** have strong and personal ties to the sexual assault(s) but are not the primary victims. Examples include witnesses, family and close associates.

**Tertiary victims** are peripherally connected to the sexual assault(s) but do not have strong close and personal ties. Examples include service providers and the wider community.

**Youth Round Table** refers to the 2010 Youth Minister’s Round Table of Young Territorians in the Northern Territory.

**Youth/young people** are persons between 12 and 25 years of age.



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# Acronyms

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<b>ABS</b>	Australian Bureau of Statistics	<b>NT</b>	Northern Territory
<b>ACC</b>	Australian Crime Commission	<b>NTER</b>	Northern Territory Emergency Response
<b>ACSA</b>	Adults Surviving Child Abuse	<b>NTPFES</b>	Northern Territory Police, Fire and Emergency Services
<b>ACSSA</b>	Australian Centre for the Study of Sexual Assault	<b>ODPP</b>	Office of the Department of Public Prosecutions
<b>AWC</b>	Australian Women's Coalition	<b>OYA</b>	Office of Youth Affairs
<b>BSC</b>	Barkly Shire Council	<b>PMC</b>	Peter McCauley Centre
<b>CALD</b>	Culturally and Linguistically Diverse	<b>RGDCAR</b>	Ruby Gaea Darwin Centre against Rape
<b>CBD</b>	Central Business District	<b>ROGS</b>	2010 Report on Government Services
<b>CIA</b>	Child Impact Analysis/Analyses	<b>SARC</b>	Sexual Assault Referral Centre
<b>CIS</b>	Child Impact Statement(s)	<b>SASN</b>	Sexual Assault Services Network
<b>COAG</b>	Council of Australian Governments	<b>TAFE</b>	Technical and Further Education
<b>CPI</b>	Consumer Price Index	<b>TEWLS</b>	Top End Women's Legal Services
<b>CRC</b>	Criminology Research Council	<b>UNYAA</b>	United Nations Youth Association of Australia
<b>CVSU</b>	Crime Victims Support Unit	<b>UNYAA RET</b>	United Nations Youth Association of Australia's Regional Engagement Tour
<b>DET</b>	Department of Education, Employment and Training	<b>VAW</b>	Volunteer Victim Assistance Worker
<b>DH</b>	Dawn House Inc.	<b>VIS</b>	Victim Impact Statement
<b>DHF</b>	Department of Health and Families	<b>VOCNT</b>	Victims of Crime Northern Territory
<b>DOJ</b>	Department of Justice	<b>WAS</b>	Witness Assistance Service
<b>EIS</b>	Environment Impact Statement	<b>YWCA</b>	Young Women's Christian Association
<b>IJCH</b>	Indigenous Justice Clearing House		
<b>KPI</b>	Key Performance Indicators		
<b>LGBTQI</b>	Lesbian, gay, bisexual, transgender, queer and intersex		
<b>MAPPS</b>	Male Adolescent Program for Positive Sexuality		
<b>NAAFVLS</b>	North Australian Aboriginal Family Violence Legal aid Service		
<b>NAAJA</b>	North Australian Aboriginal Justice Agency		
<b>NAPCAN</b>	National Association for the Prevention of Child Abuse and Neglect		
<b>NASASV</b>	National Association for Services against Sexual Violence		
<b>NGO</b>	Non-Government Organisation		

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# Executive Summary

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Sexual assault is universally recognised as a traumatic experience for individuals and communities<sup>1</sup>. It is a complex entity that requires a multifarious response, not only from victims and their service providers but from all tiers of government and all members of the public. Sexual assault represents an intolerable trespass on human dignity, for which every effort must be expended in preventing, diverting and rehabilitating. This report outlines a range of recommendations that significantly enhance the quality of sexual assault service provision for young people; in turn enhancing their quality of life and the collective welfare of our community.

Primarily, research reveals an imbalance in our societal preoccupation with offenders in comparison to victims. Without reversing this distressing trend until concern for both parties reaches equilibrium, efforts for meaningful reform will continue to struggle.

In Australian society, the sexual assault of young people is endemic. Literature finds that one in three women and one in six men report unwanted sexual experiences in childhood<sup>2</sup>. In 2003, the Australian Bureau of Statistics' *Recorded Crime Survey* found that 41 percent of all recorded sexual assault victims were committed against children under the age of 15<sup>3</sup>. Furthermore, the 2007 *Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, commonly referred to as the *Little Children are Sacred Report*, estimated that "only 10-20% of all [offences] are reported and a smaller number again are the subject of prosecutions."<sup>4</sup> A founding assertion of this report is that young people have unique and heightened vulnerabilities. Therefore, whilst the precise magnitude of youth sexual assault is unknown, its severity is well-documented and a powerful call to action.

It is within this national context of the pervasion of youth sexual assault that the case for changing service provision in the Northern Territory (NT) is constructed. Compared with its interstate counterparts, the NT has a relatively young population, spread across a large jurisdiction, experiencing exceptional rates of sexual crimes<sup>5</sup>. This criminal landscape is further typified by the disproportionate representation of Aboriginal youth, as both victims and offenders<sup>6</sup>. Moreover, this over-representation expresses only one aspect of chronic Aboriginal disadvantage: the degree and proportion of which is unparalleled in other Australian jurisdictions<sup>7</sup>. These factors combine to create a highly challenging service delivery environment. Intense demands are placed on social service providers, whose successes or failures are pivotal to the wellbeing of communities. Simply put: sexual assault is inherently difficult for everyone. For young people, it is particularly onerous. For young people in the Northern Territory, the hardships are incomparable.

The contents of this report are specific to the Northern Territory of Australia. This is in relation to both its research purview and its recommendations. An age-inclusive and social services-inclusive approach was adopted. Accordingly, agencies specialising in youth sexual assault services are evaluated in partnership with the many intersecting social services that victims of all ages access. Casting this wide diagnostic net was necessary to map the interrelation between different services; such as community legal aid, prevention education and emergency shelter; through the common lens of the victim's journey.

A range of research strategies were used. The primary method was 23 in-person interviews conducted with service providers, experts and victims/survivors. Additional methods included rural and remote fieldwork, focus groups with Ruby Gaea Darwin Centre against Rape, quarterly youth forums, co-authorship of a chapter with National Association for Prevention of Child Abuse and Neglect and literature reviews.

The following report is encased in four 'parts,' each of which thematically addresses shortcomings in service provision. *Part I* it finds that the paucity of prevention services, especially in terms of respectful relationships education for young people, requires immediate rectification. It further finds the scarcity of rehabilitation programs for juvenile sexual offenders and diversion programs for potential juvenile offenders to be of grave concern.

*Part II* recommends the reform of NT Government practices in resource allocation, as these practices frequently exacerbate the already numerous impediments to service delivery. Also, the lack of a single representative body with the capacity to facilitate networking and collaboration in the sexual assault service sector must be remedied.

*Part III* emphasises that children's welfare must be better considered by policy-makers and that their inclusion in governmental decision-making processes is paramount. Two mechanisms are proposed to help achieve this: Child Impact Analyses and Child Impact Statements.

*Part IV* recounts the experiences of victims who pursued assaults through the judicial system, hence outlining calls to soften the reporting experience. Key elements of this softening are the building of an interview annex at the Peter McCauley Police Centre and the improvement of victims' facilities in the Courts of the Northern Territory.

The premise of this report is hope. The confounding and frequently horrifying extent of sexual violence is a justified cause for despair. However, it must be remembered that frustration can fuel us but it cannot sustain us. Anger can drive us but it cannot inspire us. Only a positive focus on the way forward will illuminate constructive responses.

Essentially, this report expresses a vision shared by the author/researcher, service providers, victims/survivors and young people who contributed. It is profoundly believed that our society can and will demonstrate an equal concern for the welfare of victims and offenders; that it can and will empower all to speak freely and safely about sexual assault; that it can and will prevent sexual assault so exhaustively, its occurrence is reduced to a disturbing peculiarity rather than a normalised reality; that it can and will change the way we listen to service providers, victims and survivors, until their whispers become sirens in public discussion; and that it can and will compel government to implement lasting, comprehensive policy responses that achieve the full intent of this report, and more.

If we only pause to listen to service providers on the front line, to victims and survivors at the coalface of suffering, to children who are dependent on our empathy and to communities who are best at understanding their needs, we will find that the what must be done becomes clear.

- 
- 1 The United Nations General Assembly, (1979), *Convention on the Elimination of Discrimination against Women*, United Nations Office of the High Commissioner for Human Rights, Geneva
  - 2 The Australian Institute of Family Studies (2010), *Background of Service Provision: the prevalence of sexual violence, and barriers to reporting and disclosure*, Australian Centre for the Study of Sexual Assault, accessed on 27 November 2011, <[http://www.aifs.gov.au/acssa/pubs/issue/i6pdf/acssa\\_i6\\_background.pdf](http://www.aifs.gov.au/acssa/pubs/issue/i6pdf/acssa_i6_background.pdf)>
  - 3 Australian Bureau of Statistics (2003), *Recorded Crime – Victims*, cat. no. 4510.0, Australian Bureau of Statistics, Canberra
  - 4 R. Wild & P. Anderson (2007), *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Northern Territory Government of Australia, Darwin, p.114
  - 5 In 2009, the NT's imprisonment rate was three times the national average. - Australian Bureau of Statistics (2009), *2008-09 Crime Victimisation Australia*, cat. no. 4530.0, Australian Bureau of Statistics, Melbourne, p.3
  - 6 Australian Bureau of Statistics (2003), *Recorded Crime - Victims*, cat. no. 4510.0, Australian Bureau of Statistics, Canberra
  - 7 Aboriginal children also represent 77 percent of all children notified to child protection and 74 percent of children in out-of-home care. - Bamblett, H. Bath & R. Roseby (2010), *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children. Summary Report of the Board of Inquiry into the Child Protection System in the Northern Territory*, the Northern Territory Government of Australia, Darwin, p.3

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# Recommendations

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These recommendations broad summaries that encapsulate only selected elements of their related chapters. A full and accurate understanding of their intent, reasoning and supporting research cannot be achieved without reading the report in its entirety.

They are offered to the Minister for Youth with the deep conviction that sexual assault is not a cultural norm. It is a crime. Every effort must be exhausted in preventing, diverting and rehabilitating sexual assault: for the sake of our young people and our society's collective welfare.

# Part I: Widening the Spectrum of Care: Prevention, Diversion and Rehabilitation

## Recommendations

### Chapter 1: Prioritising Prevention - the Love BiTES Education Model

1. That the Northern Territory Government:
  - (a) shift its intervention-focussed approach to youth sexual assault services by committing equally to prevention strategies
  - (b) broadly deliver all prevention social services in accordance with best-practice standards
  - (c) specifically implement all sexual assault prevention education in full accordance with *National Association for Services against Sexual Violence* standards.
2. That the Northern Territory Government:
  - (a) expand the Love BiTES education model to operate on a *whole of school* methodology that provides universal and age-appropriate respectful relationships education to all year levels in all schools
  - (b) allocate resources supporting this expansion in 3 year funding cycles at minimum.
3. That the Northern Territory Government:
  - (a) extensively trial and implement adaptations of the Love BiTES program in non-school based forums including:
    - i. youth hubs
    - ii. recreational centres
    - iii. juvenile detention facilities and
    - iv. other relevant settings.
4. That the Northern Territory Government:
  - (a) develop and implement tailored Love BiTES programs that cater for the needs of youth in rural and remote communities including:
    - i. delivery in both school and non-school based sessions
    - ii. direction by the community receiving the adaptation in collaboration with NAPCAN NT\* and relevant service providers
    - iii. emphasis on the unique needs of Aboriginal young people
    - iv. accommodation of atypical school formats, such as those of Schools of the Air and Group Schools
5. That the Northern Territory Government support Love BiTES in their continued positive inclusion of men as both participants and facilitators.
6. That outside of the Love BiTES program, the Northern Territory Government resource consistent and widely accessible parental educations programs for young parents.

\*NAPCAN NT – *National Association for Prevention of Child Abuse and Neglect, Northern Territory*

# Recommendations

## Chapter 2: Diverting and Rehabilitating Juvenile Offenders

7. That the Northern Territory Government invest appropriate funds and resources into the provision of universal and consistent programs that:
  - (a) rehabilitate the behaviour of juveniles convicted of sexual assault
  - (b) divert the behaviour of juveniles cautioned in regard to sexual assault.
8. That the Northern Territory Government ensure the capacity of programs outlined in *Recommendation 3* accommodate the needs of the following categories of juveniles:
  - (a) Indigenous, non-Indigenous and culturally and linguistically diverse
  - (b) female and male
  - (c) those with special needs or learning difficulties
  - (d) those accessing either centralised urban services and or outreach rural/remote services as appropriate
  - (e) those remaining in supportive home environments and those, as determined by the appropriate bodies, requiring a proportionate degree of extraction from detrimental home environments.
9. That the Northern Territory Government further ensure the capacity of programs outlined in *Recommendation 3* accommodates:
  - (a) the inclusion of the immediate family or primary support group of juveniles
  - (b) variations of programs in accordance with the number, severity and consistency of assaults juveniles are either convicted of or cautioned in regard to
  - (c) age-appropriate programs with content that progresses with juveniles' ages
  - (d) strategies for assisting juveniles turning 18 years old and entering the 'adult' bracket
  - (e) exit programs and after-care services
  - (f) evaluation of programs' effectiveness on an ongoing basis and the implementation of any necessary changes
  - (g) accommodation of any other elements identified by comprehensive consultation with stakeholders and consultants.
10. That the Northern Territory Government further:
  - (a) resource and fund all rehabilitation and diversion programs on a 3 year funding cycle at minimum
  - (b) commission further detailed study into the development and refinement of models, pilot-programs and associated structures that includes:
    - i. comprehensive consultation with stakeholders, policy-makers, consultants and inter-state and international best-practice models
    - ii. investigation into the positive inclusion of victims, such as engaging victims in decision-making processes determining the program(s) juveniles access
    - iii. other methods of restorative justice
    - iv. integration with Aboriginal traditional law.

## Part II: Optimising Resources and Strengthening Communication

### Recommendations

#### Chapter 3: Reforming Resource Allocation

11. That the NT Government reform its methods allocating resources to sexual assault services by:
  - (a) comprehensively funding victim support organisations that deliver proven and effective services
  - (b) ensuring resource allocation expands proportionally with growth in workload, with such growth measured by increases in population, increases in rates of crime and other social indicators
  - (c) allocating all funding in 3 year cycles at minimum
  - (d) streamlining and simplifying funding application and acquittal processes
  - (e) ensuring full remuneration packages are provided for services contracted to non-government organisations that include long service leave, parental leave, rental assistance and other standard benefits
  - (f) funding the immediate expansion of the the non-government agencies of Victims of Crime Northern Territory, Adult Survivors of Child Abuse and Ruby Gaea Darwin Centre against Rape; in addition to victims' services as deemed appropriate by consultation with the service-sector.
12. That the Northern Territory Government address the skills shortage in sexual assault services by:
  - (a) providing ongoing professional development for volunteers and paraprofessionals
  - (b) creating comprehensive supervision and support services for non-professionals working in service delivery
  - (c) ensuring the development of these and other service provision agencies is premised upon an holistic approach, such as the approach adopted by the Witness Assistance Service Northern Territory service model.
13. That the Northern Territory Government improve sexual assault service provision to rural and remote communities by:
  - (a) prioritising the establishment of offices and funded positions in rural and remote communities for victims' support agencies, such as Victims of Crime Northern Territory and Witness Assistance Service Northern Territory
  - (b) acting urgently to streamline referral protocols and substantially accelerate emergency responses to reports of incidents such as attempts at suicide and child abuse or neglect
  - (c) installing 24 hour video links in rural and remote service centres that allow local service providers and clients access to experts and other agencies/resources as needed
  - (d) ensuring there is community ownership of services and programs, especially for rural and remote communities—the degree of community ownership is to be indicated by factors such as community engagement, youth participation, adaptation to local needs, consultation and collaboration and dissemination of information through the stages of planning, implementation and review.



# Recommendations

## Chapter 4: Creating a Sexual Assault Services Network

14. That the Northern Territory Government adequately fund and resource the formation of a Sexual Assault Services Network (SASN) that encompasses the following non-exhaustive list of features:
  - (a) lodging of funded secretarial position(s) responsible for the network's creation and administration with an existing non-governmental organisation in the sexual assault service sector
  - (b) facilitation of residential Annual General Meetings that map, connect and create directories of services amongst other agenda items
  - (c) support for members to meet regularly with peers in their geographic bloc by ensuring the availability of office spaces, teleconferencing technology and other requested infrastructure/equipment
  - (d) coordination with existing networks such as the Darwin Domestic Violence Network, the Family Pathways Network and the Northern Territory Mental Health Coalition that minimises repeated information for multi-network members and unifies cross-sectoral efforts to achieve common goals
  - (e) ongoing evaluation of the format, structure and operation of SASN by its attached non-governmental organisation, in conjunction with members and other stakeholders
  - (f) consistent funding for SASN that is allocated in 3 year cycles at minimum
  - (g) all other needs, as determined by extensive consultation with the sexual assault service sector.

## Part III: Listening to the Voice of the Child

### Recommendations

#### Chapter 5: Creating Child Impact Analyses and Statements

##### Child Impact Analyses

15. That the Northern Territory Government undertake extensive consultation and commission significant research into the development of Child Impact Analyses (CIA)—this consultation and research is to be conducted in the knowledge that the purpose of CIA is to mandate constructive evaluations of the impact on children’s lives of major developments in policy, operations, legislation and other areas of relevance—research and consultation should consider:
- (a) whether CIA should be attached to all major developments as listed above, or if they are should only be attached to developments that directly impact the lives of children—if it is to be the latter, consideration should be given to what criteria/processes will be developed that measure this ‘direct impact’
  - (b) if mandating CIA for some or all developments should extend to non-governmental organisations receiving Northern Territory Government funding
  - (c) how the composition of CIA will be regulated and how responses will be managed if CIA reveal detriments to children’s welfare
  - (d) what actions will be undertaken to address existing issues of concern, such as the low number of young people accessing financial assistance for violent crimes and the low number of young Aboriginal children living in safe and adequate housing
  - (e) any and all issues requiring thoughtful study and are uncovered by research and extensive and ongoing consultation with stakeholders.

##### Child Impact Statements

16. That the Northern Territory Government undertake extensive consultation and commission significant research into the development of Child Impact Statements (CIS)—this consultation and research is to be conducted in the knowledge that the purpose of CIS is to provide direct and formal interfaces between decision-makers and children, through which children’s opinions on the impacts of major developments in policy, operations, legislation and other areas of relevance on their lives are directly expressed—such research and consultation should consider:
- (a) whether calls for/quotas of CIS should be mandatory for every area of government or if they should only be applied when developments directly impact children’s lives— if it is to be the latter, consideration should be given to what criteria/processes will be developed that measure this ‘direct impact’
  - (b) if mandating CIS for some or all developments should extend to non-governmental organisations receiving Northern Territory Government funding
  - (c) the form of CIS and their capacity to accommodate children’s developmental stages—age-appropriate mediums such as paintings and poems should be encouraged and accepted as equally valid as conventional written submissions
  - (d) how assessments of current practices concerning Victim Impact and Environmental Impact Statements can be transposed to CIS
  - (e) the capacity to receive and regulate CIS submissions from groups of informally associated young people (such as classes) and independent youth organisations (such as Multicultural Youth NT) as opposed to individuals

- (f) how to ensure the specific skill-set and professional development required to facilitate and interpret CIS-making from children is supplied
- (g) how bodies receiving CIS will respond and provide feedback to those who submitted CIS, along with how those bodies' initiatives will alter in accordance with the impacts uncovered
- (h) any and all issues requiring thoughtful study and are uncovered by research and extensive and ongoing consultation with stakeholders.

## Part IV: Softening the Reporting Experience

### Recommendations

#### Chapter 6: Building an Interview Annex at the Peter McCauley Centre

17. That the Northern Territory Government build or convert current building(s) into an annex of interview rooms for victims and witnesses adjoining the Peter McCauley Centre (PMC) which contains:
- (a) multiple soft\*, sound-proofed interview/statement rooms
  - (b) one interview room specially designed for child forensic interviews at minimum
  - (c) appropriate technology and equipment, such as computers and video-recording technology
  - (d) a private entrance and separate carpark that ensures victims/witnesses need not be escorted through secure police areas
  - (e) kitchen and bathroom amenities
  - (f) other relevant facilities as determined by consultation with stakeholders and consultants.

\*see *Glossary* for definition

### Recommendations

#### Chapter 7: Improving Facilities at the Courts of the Northern Territory

18. That the Northern Territory Government provide the following facilities at the Courts of the Northern Territory:
- (a) a separate and private entrance for victims/witnesses and their support groups/staff at the Supreme Court and the Magistrate's Court
  - (b) separate facilities for victims and their support group/staff in a number proportionate to traffic in court, including:
    - i. kitchen facilities and amenities
    - ii. well-furnished waiting areas (furnished with couches, artwork and other elements of soft\* points of contact)
  - (c) video-conferencing technology in the Supreme Court for all witnesses/victims giving testimonials and a separate building from which all victims and witnesses may make these testimonies that is within walking distance

19. That the Northern Territory Government provide Witness Assistance Service Northern Territory with the means to supply after-care services for all victims and witnesses after exiting the judicial system.

\*see *Glossary* for definition

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# Introduction and Context

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Sexual assault is universally recognised as a traumatic experience for individuals and communities<sup>1</sup>. It is a complex entity that requires a multifarious response, not only from victims and their service providers but from all tiers of government and all members of the public. Regardless of the criterion used to stratify society; whether it is age, sex, ethnicity or socio-economic bracket; none are invulnerable to its harms<sup>2</sup>. The founding assertion of this report is that all rational persons consider sexual assault an intolerable trespass on human dignity; that all regard its injuries to the body and mind as intolerable; that all support expending every effort in preventing, diverting and rehabilitating these crimes.

## The Extent of the Problem

In Australian society, sexual assault is pervasive. Literature demonstrates that one in three women and one in six men report unwanted sexual experiences in childhood<sup>3</sup>. Furthermore, young women are more likely to be assaulted than individuals in any other age-bracket. In 2006, a survey conducted by the Australian Institute of Criminology found that 19 percent of women under the age of 25 experienced sexual violence in the past 12 months. This was compared with 6.8 percent of women aged 34-44 and 1.2 percent of women aged 55 and over<sup>4</sup>. The Australian Bureau of Statistics' (ABS) *2003 Recorded Crime Survey* stated that,

*...despite a lack of quality information about the sexual assault of children due to the sensitivity in collecting such information, it is clear that children and young people are disproportionately over-represented as the victims of sexual assault.*<sup>5</sup>

The same survey also found that 41 percent of all recorded sexual assaults were committed against children under the age of 15<sup>6</sup>.

Moreover, these statistics concerning reported crimes reflect only the minority of offences. In 2007, the Northern Territory *Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, otherwise known as *the Little Children are Sacred Report*, observed that, "only 10-20% of all [offences] are reported and a smaller number again are the subject of prosecutions."<sup>7</sup> Whilst the precise magnitude of sexual assaults experienced by youth is unknown, its unquestionable severity is a powerful call to action.

Additionally, the long-term repercussions of youth sexual assault on survivors' health are tremendous. The 2004 Australian Component of the *International Violence against Women Survey* found that women who were sexually and/or physically abused as children are approximately twice as likely to experience partner violence later in life<sup>8</sup>. Survivors are also 18 times more likely to have a significant risk of suicide and 49 times more likely to suffer a fatal drug overdose<sup>9</sup>.

Financially, the Australian Women's Coalition's (AWC) *Happy, Healthy Women, Not Just Survivors Report* found that, "the total cost of sexual assault to the Australian community in the previous 12 months to 2005 was estimated to be \$720 million."<sup>10</sup> The AWC's literature review also commented that sexual assault is,

*often associated with reproductive and sexual health problems, lifetime mental health disorders, other chronic physical health, problems, and substance abuse and dependence.*<sup>11</sup>

The cost of out-of-home-care alone (for children removed from their primary carers) was 34.8 million in the Northern Territory (NT) in 2008-09<sup>12</sup>. Thus, not only does youth sexual assault have withering consequences for the long-term health of many survivors; it also represents a heavy financial burden. As the AWC observes, "trauma is transmitted when it is not treated."<sup>13</sup> Its ongoing rigours can shape the lives of individuals many years after the fact, with secondary influences for survivors' children and close associates. Assessing the effectiveness of social services in this area can only help mitigate the suffering of the innumerable Australians recovering from these crimes.

## The Local Context

The above data must be filtered through an analysis of youth sexual assault in the context of the NT. In 2009, the NT's imprisonment rate generally was three times the national average<sup>14</sup>. In the same year, the rate of recidivism was 44.6 percent, which was 7.1 percent higher than the national average<sup>15</sup>. The NT Government's increased focus on mandatory reporting has resulted in the number of child protection reports to NT Families and Children to almost treble between 2004/05 and 2008/09<sup>16</sup>. According to the *NT Police, Fire and Emergency Services Annual Report of 2009*, there were 5224 major "offences committed upon victims within a report incident offences against the person"<sup>17</sup> which are typified by crimes such as manslaughter, neglect of a person under care and robbery. Of these crimes, 46 percent were domestic/family violence related<sup>18</sup>, often included sexual assault. These figures demonstrate that young people in the NT experience far higher rates of victimisation, imprisonment and recidivism for sexual crimes than their peers interstate.

The low population density and high Aboriginal residency of the NT is also particularly notable. The NT accounts for 1 percent of Australia's total population<sup>22</sup> that is spread over almost a fifth of its total land mass<sup>23</sup>. In 2010, approximately 50,000<sup>24</sup> residents lived outside the concentrated population bases of Darwin, Palmerston, Katherine, Alice Springs and Tennant Creek; inhabiting an area larger than South Africa<sup>25</sup>. Some 85 percent<sup>26</sup> of people living remote or rural are Aboriginal and just under half (48 percent) of all young people aged 12-24 reside in these areas<sup>27</sup>. Finally, in 2009, the NT had the highest proportion of Aboriginal people of all Australian states and territories. 67,441 Aboriginal persons comprised 30.2 percent of the total population<sup>28</sup>, the closest state after being Tasmania with 3.9 percent<sup>29</sup>.

Furthermore, in relation to other jurisdictions, the NT's population is relatively young and typified by chronic Aboriginal disadvantage. In 2009, 22 percent of all residents were aged between 12 and 25 years<sup>30</sup>. Almost one in two children (43.3 percent) under the age of 17 identified themselves as being of Aboriginal or Torres Strait Islander descent<sup>31</sup>. Aboriginal children are also vastly over-represented in social services. They comprising 77 percent of all child protection notifications and 74 percent of all children in out-of-home care<sup>32</sup>. These statistics are of grave concern and have directed this report's investigations.

What can be surmised from these statistics is that generally, sexual assault is widespread in Australian society. Both its short and long term effects of sexual assault are inherently damaging for individuals and societies. Specifically, the efficacy of sexual assault service provision in the NT is critical and its conditions of delivery are unlike any other. The NT has a young population, spread across a large jurisdiction, experiencing exceptional rates of sexual crime. It is further typified by the deprivation of Aboriginal youth.

This reported operates on the assumption that sexual assault service provision is a specialised skill-set and that services interacting with Aboriginal clientele must have strong cross-cultural understandings. It also asserts that due to their developmental stage, young people have heightened vulnerabilities comparative to adults. In this context, the role played by social services in ensuring the prevention, intervention and rehabilitation of sexual assault for victims and offenders is pivotal in the NT. Bluntly put: sexual assault is fundamentally difficult for everyone. For young people, this is especially so. For young people in the NT, its hardships are incomparable.

## Format and Content

The following report assumes a conventional format. It is encased in four 'parts,' each of which thematically addresses shortcomings in service provision. *Part I* finds that the paucity of prevention services, especially in terms of respectful relationships education for young people, requires immediate rectification. It further finds the scarcity of rehabilitation programs for juvenile sexual offenders and diversion programs for potential juvenile offenders to be of grave concern.

*Part II* recommends the reform of NT Government practices in resource allocation, as these practices frequently exacerbate the already numerous impediments to service delivery. Additionally, the lack of a single representative body with the capacity to facilitate networking and collaboration in the sexual assault service sector must be remedied.

*Part III* emphasises that children's welfare must be better considered by policy-makers and that their inclusion in governmental decision-making processes is paramount. Two mechanisms are proposed to help achieve this: Child Impact Analyses and Child Impact Statements.

Finally, *Part IV* recounts the experiences of victims who pursued assaults through the judicial system and hence outlines calls to soften the reporting experience. Key elements of this softening are the building of an interview annex at the Peter McCauley Police Centre and the improvement of victims' facilities in the Courts of the Northern Territory and notably, the Supreme Court and the Magistrates Court.

## One Part of a Community Approach

Youth sexual assault is a multi-faceted entity. Of all possible avenues through which its effects may be investigated, service provision has been focussed on for three major reasons. Firstly, services form clear inroads via which systematic anti-social behaviour can be compartmentalised and addressed. The individual foci of agencies on tasks such as community legal aid naturally quantify elements of broader social dysfunction. Secondly, the breadth of current service-gaps suggested by initial research warranted in-depth exploration. Thirdly, social services are core to the wellbeing of young people, such as their access to healthcare and education.

However, it is acknowledged that safe and healthy communities are not built by social services alone. The Australian commentariat has spoken extensively from this perspective. It is widely acknowledged that only by combining effective services and the responsibility of individuals can community cohesion be achieved. In *the Weekend Australian*, Noel Pearson observed that,

*the overwhelming focus of Australian governments on service delivery will not produce development. Man needs services, but he cannot live by the hand of government alone.*<sup>33</sup>

Mr Pearson elucidates this article that the 'intangible engines of human motivation' such as self-interest, belonging and a sense of duty cannot be captured by an outcomes-driven service plan. The Council of Australian Government's (COAG) also stated in its *National Framework for Protecting Australia's Children* that,

*just as a healthy system is more than hospitals, so a system for the protection of children is more than a statutory child protection service.*<sup>34</sup>

Also, the Coordinator General for Remote Services in the Northern Territory, Robert Beadman, commented that,

*governments could be doing everything perfectly, but without local people exercising responsibility for their own well-being, all of this effort will come to naught.*<sup>35</sup>

Finally, two recent Inquiries in the Northern Territory, one concerning the protection of Aboriginal children from sexual abuse<sup>36</sup> and the other concerning the child protection system<sup>37</sup>, stressed that caring for children is 'everyone's business.' The common thread connecting these themes; capturing human interest, exercising personal responsibility and our shared duty to protect children; is that the social services cannot resolve inbuilt social problems. Communal issues require communal responses. Youth sexual assault is no exception to this rule.

Similarly, it is recognised that this report is not the first nor the most comprehensive of its kind. The body of knowledge concerning youth sexual assault, held locally, nationally and internationally, is staggering. Often, this report can do no better than reiterate the research and analyses of others. The cross-sectoral problems uncovered and recommendations generated are by no means revelations to those working in the service sector. Research consistently demonstrates that whilst the knowledge of the problems is extensive, of equal significance are understandings of how to reduce them. The principles adopted by the Coordinator General for Remote Services first bi-annual report of 2009 are also applied here,



*Readers should be mindful that if I have become aware of an issue, then it is likely that so too has government. Action might be underway to address the issue on the merits of the case, or maybe because a high level of interest has been shown. In either case, the fact need not rule out me taking the matter to the next level. Many of the endemic issues in the Northern Territory have had action planned, or underway, for decades, but they are still problems.<sup>36</sup>*

As stated in its opening letter, this report can only add another voice to the chorus calling for deep reform in the systems meant to safeguard the welfare of youth.

## Perspective and Position

This report has been produced by the largely volunteer efforts of its sole author/researcher. It has depended on the in-kind support of service providers, young people and victims/survivors. Its incentive was a responsibility to the community keenly felt by the author/researcher, who worked simultaneously full-time and part-time in unrelated occupations during its compilation. In a field dominated by reports from highly qualified teams mostly external to their demographics of concern, such the *Growing them Strong, Together Report*, the perspective of a young person reporting on young people's needs holds particular value. The spotlight on how policies and procedures installed by the highest tiers of government see and feel for service providers on the ground is also a defining element. Whilst substantiated by copious research, this report's primary purpose is to trumpet service providers' opinions from the grassroots and to emphasise the lessons contained by victims' and survivors' stories.

The stance assumed is a positive, forward-looking one. It aligns closely with that of the *Growing them Strong, Together Report* in this manner and agrees that,

*...the challenges facing the NT are enormous but so are the opportunities...what is palpable...is the vigour, toughness and energy of a resilient and diverse population...<sup>37</sup>*

Regularly, the frustration and disappointment relayed by services providers; intensified by the sheer size of the task at hand; manifested as a sense of futility in the author/researcher. This report is only the beginning of the work that must be done and we must certainly do better for young people. Despite this, there is already a wealth of goodwill and hard-work driving the social services sector. The numerous shortcomings uncovered was dispiriting but the heart and aptitude of individuals redeemed the author/researcher's faith that change will occur. We must simply lobby hard enough.

This report is not an inflammatory damnation of current practices or a blame-assigning exercise. It is an exploration into constructive paths forward, framed by the deep belief that services can and will change for the better.

A cornerstone of this report's perspective is its appreciation of the imbalance in our societal focus on offenders over victims. Shifting this focus is essential to revitalising the service sector and rehabilitating the wellbeing of victims and survivors. The following three sources summarise many of the contributions received. The first comes from a service provider with a background in practising law, who responded to the question, "Do you feel there is a discrepancy between our focus on the victim and the offender?" with the following,

*Absolutely. Our legal system was designed by men, for men, in a time before the law recognised the equality of women. It was designed to deal with crimes committed between males in public and the plain sight of others. Thus, the central tenets of the judicial system are ill-suited to women pursuing private crimes - private in the sense that there are rarely witnesses. A large part of these crimes are domestic violence, sexual assault and child abuse. Vast amounts of information cannot be put forward, due to the archaic constraints of patriarchal evidence rules and burdens of proof that no longer reflect the values of a modern society.*

*As lawyers, we operate on the principle that individuals are innocent until proven guilty. The logical converse of this axiom is that all victims are assumed false in their accusations until they definitively prove otherwise. This leads to an incredibly unfair challenge for traumatised victims, who are often re-traumatised by the judicial process...many of these marginalised victims in the NT already represent the most vulnerable members of our society, such as young Aboriginal children.<sup>38</sup>*

The retired Coordinator of the Witness Assistance Service Northern Territory, Nannette Hunter, responded to the same question as follows,

*Yes, things are more heavily weighted towards the offender. No question about it...We [in the victim support service sector] have spent decades trying to change that. In the twenty odd years I have worked in the area, legislation has changed, facilities have changed, and the attitudes of the judiciary and lawyers have changed. This reflects the beginnings of the necessary transition away from offenders and towards victims. The pendulum is swinging. It hasn't swung far enough, in my opinion, but it is swinging...*

*Yet, the fact that we have come a long way is of no help to victims here and now...It would be no use for me to tell a young client, "Well, it might have taken six months for your matter to go through the courts now but a decade ago, it could have taken two and a half years." That's no use to them. Six months is a huge period of time for a young person, and that's the court process alone. Those six months do not include the period of time during which the young person was assaulted, which is sometimes systematically over many months or years. It also does not include whatever gap there may have been between assaults and their reporting, which also varies anywhere between days and years. This can become a saga that engulfs a young person's childhood or adolescence. It is a continuing battle.<sup>39</sup>*

Finally, a literature review found that Senior Deputy Crown Prosecutor of New South Wales, Margaret Cuneen, delivered the following in the 2005 Sir Ninian Stephen Lecture at the University of Newcastle Law School,

*What must not be lost in the rhetoric of criminal law...is that every time a guilty person is acquitted, the law...has failed the community it exists to protect... What good does it do a person, in 2005, to avoid the consequences of a serious crime? There is no remorse, no introspection, no rehabilitation...[their] respect for the criminal law is only lowered, having seen it fail and being emboldened by its defeat.<sup>40</sup>*

The discordance between our societal preoccupation with offenders and our severely lacking concern for victims is plainly articulated by research, consultations and literature.

## The Dollar Issue

Many of this report's recommendations cost not only significant sums of money but they also cost time and labour. Their common foundation is the need for elongated time-frames that facilitate comprehensive responses to service gaps. Concerning the financial burden of reforming services, the *Little Children are Sacred Report* rightly noted that,

*...in individual households, we must live within our means; so must the governments and communities.<sup>42</sup>*

The cost of servicing a small population dispersed over great distances is deeply appreciated by this report. Yes, we must live within our means but we must also remember that in comparison to many, our means are expansive. The 2009/10 Budget recorded the NT Government's eighth consecutive operating surplus of \$536 million<sup>41</sup>. In the advent of what the NT Government itself termed, "the worst global recession in more than 70 years,"<sup>42</sup> the NT has emerged largely unscathed, even by resilient Australian standards.

One of the deepest lessons we must learn, as a society and as a government perpetually receiving reports, is that the body of knowledge is tremendous. The enormity of the information and knowledge contained by Australian literature is staggering. Often, the money exists, the problems are well documented and moves towards solutions have been extensively researched. What is missing is the full commitment of the only bodies capable of installing the depth of reform required: governments. Governments must do more than respond to the needs articulated by its constituents. They must lead. Taking this initiative entails more than

committing resources. It requires the continuous evaluation of whether those resources are achieving their intent. The many contradictions between policy and practice are a disturbing theme in this report's research findings.

The *Little Children are Sacred Report* identified the sexual abuse of Aboriginal children as symptomatic of the greater breakdown of Aboriginal culture and society<sup>43</sup>. Similarly, this report identifies the stigmatisation of youth sexual assault as a greater element of the devaluation of victims' outcomes in the face of overwhelming attention given to offenders. Concerns over financial expenditure are necessary and justified but when the funding is abundant, monetary concerns cannot obstruct efforts to arrest this declining social narrative.

## Easy Answers are Plentiful

It is often espoused by documents focussed reforming responses to underlying social problems that there are no 'quick fixes'. Examples are the *Little Children are Sacred Report*, the *Growing them Strong, Together Report*, the *Coordinator General of Remote Services' Bi-annual Reports*, and the *White Ribbon Foundation's Assault on our Future Report*. Each of these documents contend for their issues of relevance; whether it is the sexual abuse of Aboriginal children, the child protection system of the NT, the efficacy of remote service provision or the impact of violence on young Australians; that there are no simple answers. They uniformly request fundamental and enduring change.

This report concurs with the above ideological standpoint. Similarly, like its above counterparts it does not advocate that its recommendations will resolve its of concern, which in this case is the sexual assault of youth. Instead, what this report highlights is how to refine methods of response through outlining simple solutions to close service gaps. Whilst there is no single 'answer' to sexual assault, improving service provision by funding universal prevention education; developing consistent diversion and rehabilitation programs; funding service providers comprehensively rather than frugally; establishing a sexual assault services network; creating a directory of services; and providing appropriate facilities for victims who report; are exact and achievable tasks. It is true that a deep paradigm shift is needed to change the broader narrative of all victims' suffering but in the smaller story of young victims of sexual assault in the NT, small changes to service provision can accrue massive returns.

The bigger picture of sexual assault is impossible for government to resolve alone. However, improving victims' experiences by reforming its service components is manageable and more than that: it is imperative.

## A Shared Vision

The following report encapsulates the shared vision of the author/researcher, service providers, victims, survivors and young people who contributed for long-term, comprehensive policy responses to youth sexual assault. It is framed by the hope that lasting change is possible and that the suffering caused by sexual assault can be ameliorated by well-considered and exhaustive service frameworks. As stated in *Acknowledgements*, it has been written for the young people in the NT who reject sexual assault as tolerable, cultural or inevitable. It has also been written for our impassioned workforce of service providers, whose dedicated efforts improve the lives of youth each and every day. It is this vision that has sculpted its perspective and driven its efforts.

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- 1 The United Nations General Assembly, (1979), *Convention on the Elimination of Discrimination against Women*, United Nations Office of the High Commissioner for Human Rights, Geneva
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# Structure

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This report's content and recommendations have been thematically split into four 'parts'. Each 'part' is crafted as a stand-alone section, which may be read in isolation of the other three. An overview of each 'part' is included in the *Executive Summary* on page 1.

Each of the four 'parts' is further split into chapters. These chapters examine the existing service provision situation in detail, review literature and present consultation findings. Chapters conclude with a list of recommendations for the Northern Territory Government.

To assist readers' navigation of topics and areas of interest, each 'part' may be identified by its unique cover image and coloured header.

A consolidated list of recommendations can be found after the *Executive Summary*.



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# Scope and Limitations

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## Jurisdiction

The contents of this report are specific to the Northern Territory (NT) of Australia. This is both in terms of its research purview and all proposals. Whilst informed by interstate contributions and drawing from national research, its recommendations are restricted to the Northern Territory.

## Specificity of Recommendations

This report aims to be as extensive in its research and specific in its recommendations as possible. However, it is neither definitive nor comprehensive. The author/researcher went to great lengths to engage a broad range of consultations and methods of research. However, processes were restricted by the length of the Youth Round Table term (one year), the resources available and the skill-sets required. I, the author/researcher, am neither a professional working in the field nor possess relevant tertiary qualifications. Given these limitations, an assessment of sexual assault services in their entirety was an impossible task. The contributions gathered, whilst diverse, represent only a cross-section of a much larger body of victims, service providers and operational problems.

This report's aim is the mapping of relatively simple courses of action that will help close current service gaps and resolve short-comings. This is complemented by highlighting areas where the Northern Territory Government should reconsider its approach by commissioning further study. Consequently, in some sections this report provides clear and specific recommendations. In others, tangible solutions could not be distilled, such as the alleviation of the current skills-shortage, as outlined in *Chapter 3*. This subject is not easily compartmentalised into concise recommendations but its importance for service provision cannot be dismissed.

## An Age-Inclusive Approach

During research, it became clear that very few of the organisations providing sexual assault services in the Northern Territory specialise or cater exclusively for youth. Most services integrate the training needed to engage this age-bracket into broader policy and procedures. Therefore, recommendations which improve the journeys of young people often assist all ages. As detailed in *Chapter 3*, increasing strategic funding of government and non-governmental bodies undoubtedly benefits young people but by proxy, advantages all clientele. Many recommendations have this a universal focus, in which youth are ultimately one of many beneficiaries.

Nevertheless, where possible research has prioritised a youth perspective. This is reflected by *Chapter 1 Prioritising Prevention: the Love BiTES Education Model*, and other sections in which young people are the primary stakeholders.

## Timelines and Accountability

A clear implementation schedule for these recommendations has not been provided. Whilst research indicated that the current state of affairs demands immediate action, it is appreciated that community development is a gradual and cumulative process. This report calls for the full force of financial, community and industry support, along with the creation of community-owned services which are developed by exhaustive consultation. These are time-consuming processes. Building skills in the workforce, embedding new mechanisms into government processes, and significantly expanding support systems for remote services takes time. Meaningful and sustainable reform does not come quickly.

Furthermore, without access to the necessary government records and personnel, it was beyond the author/researcher's capacity to provide constructive timelines. Similarly, no mechanisms for measuring the



NT Government's progress through key performance indicators or other mechanisms have been provided. Instead, it is trusted that the NT Government receives this report in the spirit of genuine youth consultation. If so, the urgency of the responses needed should not reasonably be denied.

## Responsibility for Content

The author/researcher is grateful for the insights provided by the numerous individuals and organisations who contributed. However, the author/researcher accepts final responsibility for the form of this report's written material. Unless otherwise prefaced by disclaimers, this is the work of Eun Ju Kim-Baker alone.

All reasonable care has been taken in the preparation of this report. Nevertheless, the 2010 members of the Youth Minister's Round Table of Young Territorians, its support staff and the report's contributors do not warrant or represent that it is free from errors or omission.

For further comments on accountability, please see the disclaimer and citation information on *page ii*.

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# Research Methodology

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All research was conducted by Eun Ju Kim-Baker. A number of strategies were adopted to ensure data collection from urban, rural and remote regions of the Northern Territory. These may be separated into the categories below.

Qualitative;

- interviews and focus groups with service providers,
- consultations with victims and survivors and
- collaboration with a non-government organisation.

Quantitative;

- remote and rural fieldwork,
- quarterly youth forums and
- literature reviews.

Contributions to this report are stratified into two types. The first type is *formal contributions* which categorise submissions by individuals or organisations that are quoted or directly referred to within the text. They have taken the form of in-person interviews, written submissions and other means of recorded procedure. *Key Interviews with Service Providers* provides many examples of formal contributions.

The second type is *informal contributions*, which refer to generalised input and discussion from contributors which is not quoted or explicitly referred to. Examples include conversations with stakeholders who have declined to be named or have their detailed opinions reiterated and the forums outlined in *Quarterly Youth Conferences*.

For further details on these two categories, see *Glossary*.

## Key Interviews with Service Providers

The principal method of research was in-person interviews with service providers. The pool of interviewees who both specialised in sexual assault service provision and were available to the researcher was limited. Those focussed exclusively on youth assaults were even scarcer. Thus, services with the potential rather than sole intent of reaching young victims were approached, in addition to primary service providers. These services include emergency shelter, counselling, legal aid, financial assistance for victims of violent crime(s), advocacy, prevention-based services and community education.

Pragmatism aside, there were ideological reasons why this approach was chosen. It may be constructive to compartmentalise systemic anti-social behaviour into acts such as sexual assault, domestic violence, stalking, emotional abuse and the like and to then slice these by age and demography. However, sexual assault is a universal issue; the effects of which transcend these delineations. Young people are by no means the only primary victims or only perpetrators. Also, assaults rarely occur in isolation to other crimes. As Penny Taylor, a solicitor for the Top End Women's Legal Service (TEWLS), observes,

*Usually, the areas of crime in which we help clients apply for compensation is multifaceted. Clients can have complex family law problems, tenancy problems, debt arising from violence... there is a web of legal issues that surrounds their lives.<sup>10</sup>*

This multiplicity of causal factors and results means a single victim often comes into contact with many services. Agencies such as Victims of Crime Northern Territory (VOCNT) and the Top End Women's Legal Service (TEWLS), as a part of their core business, provide constant referrals for clients. In this way, focussing only on services specific and limited to youth sexual assault would have been a disservice; not only to the breadth of young people's experiences but also to the many adult survivors who re-enter the system.

Furthermore, the authors of the *Inquiry into the Protection of Aboriginal Children from Sexual Abuse* (2007), otherwise known as the *Little Children Are Sacred* report, found that, “the high level of child sexual abuse and other violence in Aboriginal communities is a marker for the high levels of underlying community dysfunction.”<sup>11</sup> The authors of the *Inquiry into the Child Protection System in the Northern Territory* (2010), otherwise known as the *Growing them strong, Together* report, also accepted

*...that a system aiming to achieve the safety and wellbeing of children does not operate in isolation and is affected by the quality and availability of all inter-connecting services including housing, health, justice, education, sport and recreation.*<sup>12</sup>

In other words, sexual assault is not a socially isolated syndrome, but a condition of society’s capacity to effectively respond to more widespread public issues, such as drug and alcohol abuse or child protection.

In total, 22 interviews with service providers were conducted. The demography of these providers was purposefully varied. Some interviewees spent the body of their work in the Northern Territory and/or in the sexual assault service field. Others were relatively new to the Northern Territory and/or transitioning from different occupations such as teaching or caring for those with a disability. Interviewees included both men and women; Indigenous and non-Indigenous persons; professionals, paraprofessionals and volunteers; young and mature persons; emergency and non-emergency services; government and non-government organisations; and rural, remote and urban providers. For the full listing of interviewees, see *Appendix A*.

## Focus Groups with Ruby Gaea Darwin Centre against Rape

Two formal consultations with Ruby Gaea Darwin Centre against Rape (RGDCAR) were facilitated. These took the form of focus groups, in which discussions were triggered by a series of focus questions. Each discussion group ran for approximately 90 minutes. The first was facilitated by the author/researcher and the second by NT Coordinator of RGDCAR, Samantha Bowden. For the details of both focus groups and their participants, see *Appendix A*.

## Consultation with Victims/Survivors of Youth Sexual Assault

The input of four survivors of youth sexual assault in this report is greatly appreciated. The confidential and highly personal nature of sexual assault makes it difficult to identify victims, let alone pinpoint individuals comfortable with revisiting the issue. Additional numbers were limited because the researcher lacked the professional skills to properly approach victims on a larger scale.

Two survivors have made formal submissions. Geoffrey Bahnert was the only survivor to contribute openly and by his true name. Mr Bahnert is also the only survivor to be working professionally in the sexual assault field, as both a Senior Sergeant with the NT Police, Fire and Emergency Services (NTPFES) and the NT Branch Director of Adult Survivors of Child Abuse (ASCA). The second survivor has contributed under the pseudonym “Amy”. Both Amy’s and Mr Bahnert’s contributions were received via written submissions and in-person interviews with the researcher. Excerpts have been included in the report.

Two survivors contributed informally. As such, they remain anonymous. Their experiences are not directly referenced and their opinions are not explicitly quoted.

## Collaboration with National Association for Prevention of Child Abuse and Neglect

The researcher collaborated with staff members of National Association for Prevention of Child Abuse and Neglect (NAPCAN) in writing *Chapter 1 Prioritising Prevention Education: the LOVE BiTES Model*. Members from both the Northern Territory office and the national branch were involved. The section was co-authored with NT Program Coordinator for Love BiTES, Nadia Albert and NT Manager of NAPCAN, Lesley Taylor formally contributed. National Manager and Head Trainer of the Love BiTES program Angela Walsh consented to the study. These staff informed the researcher the program’s key aspects and shared their current understandings of Love BiTES’ future implementation in the Northern Territory.

## Remote and Rural Fieldwork

It was a critical for the researcher to use both primary and secondary sources for these areas. This is due to the rapid changes, limited literature and unique conditions of rural and remote service provision in the Northern Territory. Participation in the United Nations Youth Association of Australia's Annual Regional Engagement Tour (UNYAA RET) was the principal method through which first-hand research was conducted. This tour's primary function is the engagement of a broad array of consultations with both young people and their service providers.

In 2010, the UNYAA RET occurred from 22 May to 1 June 2010. The communities and regions visited included Alice Springs, Darwin, Elliott, Katherine, Larapinta Valley, Mt. Nancy and Tennant Creek. Seven educational institutions, three youth centres and numerous non-governmental organisations were consulted on a variety of issues. Sexual assault and abuse, for both adults and children, were significant subjects within these consultations.

Methods of engagement included;

- in-person interviews with key stakeholders,
- focus groups with youth and service providers,
- discussion groups with youth steering committees,
- public forums and
- schools-based workshops.

As the Executive Representative of UNYAA's Northern Territory branch, the researcher played an instrumental role in facilitating and recording these consultations. As such, they were privy to a broad sample of opinions on current service delivery. These encompassed both its reception in communities and its recommended changes. Existing strategies implemented by the Northern Territory Government and the Australian Government were reviewed in partnership with those from the non-government sector. The services evaluated ranged from mental and general health services, Shire Council services, schools-based and non-schools based education, emergency services, drug and alcohol rehabilitation, parenting programs, mentorship, juvenile justice, housing to Indigenous advocacy.

For the details of the formal contributions collected from this tour, see *Appendix A*. The bulk of consultations, for the purposes of this report, were informal. In this fashion, various anecdotes, professional analyses and community viewpoints have informed this report but are not explicitly referred to or quoted.

## Quarterly Youth Forums

An essential aspect of the 2010 Youth Minister's Round Table of Young Territorians (Youth Round Table) membership is quarterly, two-day conferences. A major component of these conferences are presentations by various authorities on youth-related issues, some of which touched or triggered discussion on sexual assault. These presentations were followed by free-flowing question and answer sessions with members.

Such opportunities have provided unfettered access to politicians, executives and notable members of society. This has been framed by vigorous and prolonged debate between 2010 Youth Round Table members for the duration of the year. Only Commissioner for Police, Fire and Emergency Services John McRoberts contributed formally. However, the insight of the remaining attendees greatly assisted the scope and development of this report. For a full list of these informal contributors, see *Appendix B*.

## Literature Review

A literature review of prominent research was conducted, comprising two approaches. The first drew from the efforts and resources of other recommendations-based documents, collated by various peak bodies. The second studied in-depth policy papers on areas of relevance, such as prevention education. Efforts were made to scrutinise documents specific to the Northern Territory in balance with inter-state and national papers. Documents reviewed included inquiries, legislation, best-practice standards, program models, policy

frameworks and case-studies. A lesser but important priority was the inclusion of various statistical data, mostly sourced from the *Australian Bureau of Statistics*.

This dual focus was critical in aligning this report's recommendations with the findings of existing programs, policies and campaigns. It was also crucial in identifying outstanding recommendations that, for a variety of reasons, have not been presented but not implemented by the Northern Territory Government.

Although a wide range of works have informed this report, particular documents have been highly influential. For a full listing of these influential documents, see *Appendix C*.

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# Research Findings

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*Part I: Widening the Spectrum of Care:  
Prevention, Diversion and Rehabilitation*



# Chapter 1: Prioritising Prevention - the Love BiTES Education Model

## Introduction

This chapter firstly establishes the value of prevention, in broad terms, for sexual and social services. Four points are considered in this evaluation: the personal experience of a victim, the fundamental limitations of intervention, its cost-effectiveness and supporting literature. Then, the Love BiTES education model is assessed. Key elements that differentiate Love BiTES from other programs are highlighted. Lastly, several expansions of Love BiTES are proposed. Firstly, a 'whole of school approach' is called for, in which all schools and all year levels receive the Love BiTES program. Secondly, expansion into non-school based forums are recommended, to ensure all young people have equal access to context-appropriate programs. Thirdly, analyses of three types of sexual assault service clientele reveals that their heightened vulnerability requires specialisations of Love BiTES and other programs, both within and outside of schools. These three groups are rural and remote youth, youth disengaged with the school system and young men and parents.

## Evaluating Prevention

### Amy's Story

The significance of prevention in the sphere of sexual assault is difficult to exaggerate. Amy is a young Northern Territorian girl who suffered various sexual assaults, including rape by a teacher, in recent years. Amy recounted in her Victim Impact Statement<sup>13</sup> that,

*... the impact of this offence on the direction of my life is both irreversible and exponential. I will never again find the same comfort in a warm embrace; extend the same trust towards those responsible for my care or exist without knowing the sharp edges of panic cutting into my throat.*

*It has not only been an attack on my body and mind but an assault against any confidence in my safety and any future intimacy. These things have been taken from me...The legal system can sentence nothing that will absolve my experiences.<sup>14</sup>*

In an interview, Amy contributed the following,

*If a prevention education program like Love BiTES had come to my school, maybe I would have been better equipped to deal with what happened. Maybe, I would have seen the warning signs. Maybe, just maybe, I would have had the support and courage to speak up. I'll never know what prevention could have done for me because it's too late now. I had to become a victim before I could get the information and services I needed.*

*So what about all the other young people out there, who will also lose their 'maybes' because 'maybe' isn't enough for the NT Government to do more?<sup>15</sup>*

On an anecdotal and deeply personal level, Amy's story demonstrates the ability of prevention education to reduce suffering. Similar sentiments were echoed by the other victims/survivors who contributed and by recounts from service providers.

### Fundamental Limitations of Intervention

Intervention must absolutely be funded and this report in no way recommends a reduction in that funding. However, intervention is fundamentally limited in what it can achieve. For sexual assault services, it is effective only after young people have been placed in danger. The perils of an intervention-driven approach, activated by only the most serious circumstances, have been well-documented in related social services such as child

protection. The *Inquiry into the Child Protection System of the Northern Territory* (2010), otherwise known as the *Growing them Strong, Together Report* found,

*...child safety and wellbeing concerns are reported to Northern Territory Families and Children on the basis that a child has suffered or is at risk of suffering harm... Only 20 percent of referrals to NTFC are substantiated and fewer than this may meet this criteria ... the remainder are triaged in a manner such that they may never cross the threshold for action unless a further notification is made and investigated. There needs to be a better way.<sup>16</sup>*

Manager of NAPCAN Northern Territory and member of the *Growing them Strong, Together Expert Reference Group* Lesley Taylor worked for over twenty years in Child Protection with NTPFES before moving to the prevention sector. Ms Lesley stated,

*Child abuse is preventable. The early warning signs of parents experiencing stress or dysfunction in the family can be addressed if services are made available. Currently, services are only available to high-risk families or after abuse has occurred. Neither I nor NAPCAN can tolerate waiting until after a child has been abused to take action.<sup>17</sup>*

The repercussions of a late response have dire consequences for victims in later life. The 2004 Australian Component of the *International Violence against Women Survey* found that women who were sexually or physically abused as children were approximately twice as likely to experience partner violence later in life.<sup>18</sup> Thus, the intervention on Amy's behalf through the conviction of her assailant can do nothing to resolve the fact that she is twice as likely to experience similar assaults in adulthood. Amy is also 18 times more likely to have a significant risk of suicide and 49 times more likely to suffer an accidental fatal drug overdose<sup>19</sup>.

Intervention is pivotal to supporting sexual assault victims but it must be complemented with prevention-driven measures. If little is done to address the causal roots of sexual assault or provide early prevention<sup>20</sup>; if the focus remains on reacting to assaults after a young person's life has been consumed by sexual violence; young people will continue to suffer needlessly.

## Cost-Effectiveness of Prevention

The value of the welfare of our young people cannot be quantified by a dollar figure. However, a purely statistical evaluation of the cost-effectiveness of prevention comparative to intervention shows the former far outstrips the latter. For example, the 2010-2011 Northern Territory Government budget delivered, "the largest single budget boost to Child Protection measures"<sup>21</sup> through an allocation of 14.7 million dollars. This will go towards 76 extra child protection workers, an "improved case management system"<sup>22</sup> and the joint Child Abuse Task Force. According to the *2010 Report on Government Services*, the cost of out-of-home-care<sup>23</sup> for children removed from their primary carers in the Northern Territory in 2008-09 was 34.8 million<sup>24</sup>. The *Happy, Healthy Women, Not Just Survivors Report* from the Australian Women's Coalition (AWC) found that, "the total cost of sexual assault to the Australian community in the previous 12 months to 2005 was estimated to be \$720 million."<sup>25</sup> In the short term, it is clear that intervention is a costly method of dealing with youth sexual assault and its related issues.

In the long term, the ongoing suffering of survivors is also costly, both in terms of money and wellbeing. The same report from AWC found in its literature review that sexual violence is, "often associated with reproductive and sexual health problems, lifetime mental health disorders, other chronic physical health, problems, and substance abuse and dependence."<sup>26</sup> Thus, the hardships of sexual assault victimhood extend far beyond any initial physical and/or psychological traumatising. Its repercussions are multifarious and the secondary cost of these broad-spanning manifestations paid by the healthcare system and thus, the taxpayer, is considerable.

## Prevention in Social Services

The overriding need for prevention-focused approaches to not only youth sexual assault services but all social services is clearly outlined by topical Australian literature. The *Little Children are Sacred Report* iterates that, "the literature is clear: a focus primarily on crisis intervention and responding to abuse after the fact will

not be...effective."<sup>27</sup> Furthermore, the *Department of Health and Families'* submission to the *Growing them Strong, Together Report* stated that,

*It is critical that the NT moves away from the statutory system being the main, and at times only, door through which to receive and respond to concerns [of suspected child abuse and/or neglect or families in need of assistance]...The quality and coverage of existing services and the demand projection shows that the Government needs to reconstruct how it will deliver the range of prevention, early intervention and tertiary services to protect NT children into the future.<sup>28</sup>*

The *Growing them Strong, Together Report*, also formally recommended that investment in prevention, therapeutic and reunification services "should match or exceed the combined Northern Territory Families and Children expenditure in statutory child protection and out of home care"<sup>29</sup>. In terms of prevention in healthcare, the Coordinator General for Remote Service's bi-annual report in 2010 found that,

*...communities need to access effective primary and preventative medical services to improve their health and stop people dying young from chronic diseases.<sup>30</sup>*

On the low levels of employment for Indigenous persons, the Coordinator General also found that,

*What is of even greater concern [than current rates of unemployment] is the compounding effects into future generations. If the current school age group sees their parents not working, or not committed to a work ethic, then the consequent likelihood of them becoming gainfully employed is diminished, and the likelihood of inter-generational welfare dependency is increased. This is the world wide experience.<sup>31</sup>*

Finally, concerning the paucity in long-term care available to child sexual assault survivors, the AWC reported that, "existing interagency protocols in Australia are inadequate in that they only address acute and crisis care responses."<sup>32</sup> It is clear that any intervention-driven approach to youth sexual assault must be broadened to include a greater focus on prevention. This is because if, in any circumstance, the irrefutable cost to victims and society caused by sexual assault can be prevented, it must be whole-heartedly pursued.

## **Focusing on Prevention Education**

There are many worthwhile avenues that must be pursued in the interests of a prevention-centred approach to youth sexual assault. However, for the purposes of scoping and due to the gaps found in delivery, prevention education on healthy relationships between young people is the focus of this section. On this topic, Detective Senior Constable Christina O'Connor of the Major Crime Unit with NTPFES stated,

*Education is central to the empowerment and protection of our young people. Youth sexual assault and sexual abuse is a pervasive force in our society. We have a moral duty to make full use of prevention-based education.<sup>33</sup>*

Equally, an article published in the *Australian Journal of Early Childhood* stated,

*The education of children is one of the most important tasks for any society, for on the success or failure of such education ultimately depend the survival of that society.<sup>34</sup>*

It is this perspective on the prevailing importance of prevention and specifically, prevention education, that frames the following study.

# A Study: the Love BiTES Education Model

*National Association for Prevention of Child Abuse and Neglect (NAPCAN)*

*The following section was co-authored by the report's author/researcher, Eun Ju Kim-Baker, and NT Program Coordinator for Love BiTES, Nadia Albert. NT Manager of NAPCAN, Lesley Taylor, also formally contributed. Much of the information concerning Love BiTES including its current priorities and plans for future expansion in the NT was sourced directly from staff members. As such, this section often does not provide formal citations for information on these matters. This study was published with the consent of Angela Walsh, the National Manager and Head Trainer of Love BiTES.*

## Current Services

LOVE BiTES is a national, prevention education program for young people. Its goal is “to break the cycle of physical and sexual abuse”<sup>35</sup> through teaching youth about respectful relationships. It was jointly developed by North Coast Area Women’s Health and the Sexual Assault Services branch of NSW Department of Health in 2004. It is based on best practice standards, as outlined by the *Australian Domestic and Family Violence Clearing House*. The program typically consists of a one-day workshop, aimed at youth between 14-16 years in school-based settings, with sessions before and after the day itself.

Since NAPCAN’s adoption of Love BiTES in 2008, it has successfully implemented Love BiTES in multiple states. These include New South Wales, Queensland and Tasmania. It was introduced in the Northern Territory in 2010. Current funding from an international foundation allows NAPCAN to run Love BiTES in the Northern Territory in 16 high schools and 4 out-of-school settings between July 2010 and July 2012. The NT Government, through the Department of Health and Families (DHF), has funded its community campaign aspect.

Prior to implementation, focus groups were facilitated by NAPCAN NT in Alice Springs and Darwin to adapt the program to local needs. In its first year, Love BiTES ran in various locations. In Alice Springs, 30 people were trained as facilitators for workshops at Centralian Senior Secondary College. In Darwin, 80 facilitators were trained, with the program running at Kormilda College and Taminmin High School. In Tennant Creek, 18 facilitators were trained and Barkly College received the program. In 2011, NAPCAN NT intends to continue supporting these regions as well as working with the Katherine and Nhulunbuy communities and extending the program to 4 non-school based settings.

Thus, the NT Love BiTES program has already formed strong partnerships with schools and communities, providing an ideal platform for reaching NAPCAN NT’s goal of universal prevention education for young people, which is shared by this report.

## Key Aspects of the Love BiTES Model

### Professional Development of Support Services

Love BiTES is structured on a community services development model. It aims to up-skill service providers from the local community in the delivery of prevention education. Trainees thus far have included male and female police officers, youth workers, women’s refugee workers, sexual assault services staff and educators from schools. There are many benefits to this community model. Firstly, its all-inclusive approach encourages networking and collaboration within each community’s service-sector. The cross-industry delivery of skills means that once Love BiTES training has been provided, young people disclosing sexual assaults are more likely to access providers who have been specifically trained in this area, no matter which service they approach. Secondly, facilitation by services providers has the additional benefit of building and deepening personal rapport between providers and students. This familiarity enhances the likelihood of young people accessing services because they may already know the person they are approaching. Finally, it ensures a holistic range of skills and service-perspectives inform Love BiTES’ interaction with young people.

## Integrating Feedback

An essential component of the Love BiTES program is its integration of feedback from participants and facilitators. As it is a pioneer program for the NT, it is constantly evolving and refining its content and methods of delivery. In response to reviews, workshops have expanded to include a greater focus on young people's understanding of their rights and responsibilities in respectful relationships. They have also expanded to provide further education on the role of the observer/bystander of sexual assault. Another expansion was its revisited focus on equipping young people with the skills to support friends in unhealthy relationships, such as identifying warning signs, accessing services and using prevention strategies.

## Flexibility

Love BiTES is a highly adaptable program, purposefully designed with the flexibility to accommodate for the needs and resources of each community and its young people. The typical program is run for 14-17 year olds in schools in mixed gender groups for a single day. However, Love BiTES has been run with different age groups, with students of varying literacy levels and of different cultural backgrounds, in separate gender groups and over several sessions rather than one. An example of its adaptation is the Barkly College program, which intends to run Love BiTES with 12-13 year olds. This approach was adopted because the local community identified the 12-13 age-group as particularly vulnerable to entering unhealthy relationships.

NAPCAN NT has an ongoing role in supporting communities to implement the program, with the capacity to create additional lesson plans and adapt resources as needed. This has occurred in NAPCAN NT's development of scenarios and myth-busting activities concerning jealousy, as requested by the Alice Springs community.

## Plain English Translations of Legislation

*Feedback from family and sexual violence workers has consistently expressed that sexual assault legislation in the Northern Territory is the most complex in the country.*

– Lesley Taylor, NT Manager of NAPCAN<sup>36</sup>

*There are the things you need to understand in the law but then there are just basic lessons about human interaction and treating people with respect that young people need to access.*

– Penny Taylor, Solicitor for the Top End Women's Legal Service<sup>37</sup>

The convolution of NT's sexual assault legislation creates a significant obstacle for youth who are affected by its operation. It is extremely difficult for young people, who typically do not hold tertiary qualifications or have specialised knowledge on the area, to understand and transpose legislation into everyday circumstances. Yet without this ability, young people are severely inhibited in their understanding and application of their rights when faced with sexual crimes. Plain-English translations of legal terminology that are complemented by education is essential to empowering to identify and respond to sexual assault in all its forms.

In bringing Love BiTES to the Northern Territory, NAPCAN pioneered local resource development in this area. In collaborating with a solicitor from a community legal aid agency, they compiled plain-English definitions for the first time. This filled a resource gap that even well-established providers, such as Sexual Assault Referral Centre (SARC), had not had the opportunity to bridge. As Nadia Albert, NT Program Coordinator for Love BiTES recounts, "the crucial interface between legal jargon and what comes through to victims or people trying to take prevention action before becoming victims, did not exist before Love BiTES."<sup>38</sup>

In illustrating the complexity of Northern Territory legislation, the Love BiTES program revealed that even the efforts of a well-qualified and practising lawyer required assistance. As definitions were received by a range of service providers, such as police, inconsistencies were identified and corrected. Ms Albert further noted that, "even adults, some of whom were experts in their field, struggled with clarity in understanding and applying these plain-English definitions."<sup>39</sup> The progression of Love BiTES in this manner highlights that



it is demanding for experienced service-providers, in a measured state of mind, to interpret legislation. The task confronting young victims, who are often psychologically and physically traumatised, is Herculean by comparison.

## Community Campaigns



Figure 1: Painting by a Love BiTES participant for a community campaign

The first half of the standard, one-day workshop provides education sessions on family violence and sexual assault. The second half facilitates creative workshops that include music, drama and art, that create campaign messages for the broader community. This community campaign aspect ensures that young people participate in preventing sexual violence place beyond the school environment. Examples of participants' work can be viewed at NAPCAN's website.<sup>41</sup>

Love BiTES has been funded by the Northern Territory Department of Health and Families (DHF) for this community campaign element. Love BiTES has collated young people's works into a Territory-wide campaigns, empowering them to reach the community by engaging print and radio media; staging drama performances; designing posters and coasters for pubs, schools and health agencies; and distributing other products such as t-shirts and bumper stickers.

## Evaluation

Mid-North Coast New South Wales Technical and Further Education (TAFE) ran an independent evaluation of Love BiTES in 2007<sup>42</sup>. Assessment was based on interviews with students who had completed the program. These included Year 10 students, six months after attending the workshop and Year 11 students, 18 months after participating.

This study found that 93 percent<sup>43</sup> of respondents' knowledge of sexual assault and domestic violence was improved. A further 75 percent<sup>44</sup> indicated they would now speak up if a friend was in an unhealthy relationship. The workshop was well received, with 70 percent<sup>45</sup> indicating that Love BiTES was an effective vehicle for healthy relationships education for youth. Perhaps one of the most important results was that of the 83 percent<sup>46</sup> of respondents who indicated they were aware of services, 52.5 percent gained this knowledge from Love BiTES<sup>47</sup>. NAPCAN are also currently working with Professor Michael Flood, an expert in the field, to develop more tools to evaluate the Love BiTES program with a variety of stakeholders, including facilitators.

In response to being asked what was learned during Love BiTES, two students offered the following in a radio interview:

*Female Student: ...One in three women gets sexually assaulted. I didn't know that. And that's pretty surprising because you don't really hear people talk about it a lot.*

*Male Student: If you're drunk and you force a girl to have sexual intercourse with you, you're still going to end up in the wrong.*

*George Roberts: Is that something you didn't realise before?*

*Male Student: I thought, like, if you're drunk, you know, you can go to court and say that you were drunk and couldn't control yourself.<sup>48</sup>*

Moreover, the accolades have been profuse. In 2009, then federal Minister for Women, Tanya Plibersek, said, "...the Love BiTES program is a very strong program and it's terrific to see it rolling out."<sup>49</sup> Since 2006, the achievements of Love BiTES have been recognised nationally by various awards, including a Certificate of Merit from the Australian Crime and Prevention Awards (AIC) 2006<sup>50</sup> and the 2010 NAB Schools First Award.

It is nearly impossible to statistically quantify the number of sexual assaults that do not occur due to prevention. However, in a criminal landscape where an estimated 85 percent<sup>51</sup> of sexual assaults are unreported, this program's results are unambiguously successful.

## Proposed Expansions of the Love BiTES Model

It is clear that Love BiTES is a successful program that does much for the welfare of young people, service providers and the community at large. However, the limitations of the current funding arrangement mean that too many young people miss out and consequently, too many potentially preventable sexual assaults occur. It is recommended that to address this, Love BiTES is extended to all year levels and all schools. This recommendation is outlined in the following *A Whole of School Approach* section.

Current funding also means that critical and at risk groups are not receiving the intensified attention they need. In complementing a whole of school approach, three target groups are identified by this report as needing specialised Love BiTES programs. Although the author/researcher recognises there are many more at risk groups, these three have been chosen due to the consistency with which they were identified by service providers as lagging in educational support. These groups are rural and remote youth, youth disengaged with the school system and young men and parents. This report is not the first to recommend focussing prevention education on specific groups. Similar concerns were raised in the fourth recommendation of the Australian Women's Coalition (AWC) report on ongoing care for adult survivors of child sexual assault. The AWC argued that governments should,

*Develop schools- based education programs that raise awareness of sexual violence, include respectful relationships and are gender- sensitive throughout the community, as well as appropriate and targeted programs for high risk groups (people with disability, Aboriginal and Torres Strait Islanders).<sup>52</sup>*

Current in-kind support from the NT Government is appreciated by NAPCAN but it is the opinion of the author/researcher, Eun Ju Kim-Baker, that this is insufficient. Developmentally, in-kind support generally and financial assistance for the community campaigns has been appropriate as Love BiTES was still establishing itself as a proven and sophisticated program. Now, after a year of positive feedback and engagement on the three tiers of young people, service providers and the community, Love BiTES has grown beyond this trial phase. The Northern Territory Government has been active and full-throated in its encouragement of Love BiTES, particularly via contributions from DHF. With this public acknowledgement of its value, the next logical step is the provision of funding that matches the program's growth. The potential to expand and create even greater successes with the Love BiTES educative model is clear. Comprehensive funding is needed so that its benefits reach all young people and no discrimination is made between schools and ages.

## A Whole of School Approach

Limited international funding for 2010-2012 allows Love BiTES to reach 16 schools out of the some 188 primary and secondary schools in the Northern Territory. This is complemented by financial assistance provided by DHF for the community campaign aspect. This is a far cry from the universal and long-term prevention education espoused by national standards as the most effective method of lessening youth sexual assault. Hence, it is proposed that current, schools-based education Love BiTES workshops are comprehensively funded to reach all schools and all year levels. This is what service providers term a 'whole of school approach'. One sexual assault service provider, who specialised in prevention education, recounted the essential elements of a 'whole of school' approach,

*... a whole of school based approach is not just someone coming to talk to students every five weeks about respectful relationships and consent. It's not just about sexual assault and why people do it and how to engage with it as a bystander. In a whole of school approach, the message about unacceptable,*



*disrespectful behaviour doesn't just come from these sessions. It comes continuously from the faculty of the school, peers trained up in the program, the media, the judiciary and the environment at home...it comes from everyone.*

*A whole-of-school and indeed, a whole-of-community approach to respectful relationships education permeates every inch of young people's lives. Young people have to be so saturated by the message that disrespectful behavior is not ok that it becomes ingrained in the next generation of society.<sup>53</sup>*

NAPCAN is currently developing a whole-of-school respectful relationships program with lesson plans spanning from preschool to Year 12. This is on both the local and national branch level. The Northern Territory Department of Education, Employment and Training (DET) had recognised that NAPCAN NT's work complements current curriculum in both Middle and Senior years. Best practice in prevention education<sup>54</sup> also mandates that respectful relationships education be covered in every year level, for both primary and secondary school, with follow up and additional training before and after the workshop itself.

For some schools, this holistic approach is already being worked towards. At Centralian College, two fifty-minute sessions with Year 10 students revisited the "Myths and Healthy Relationships" activities of the initial workshop. To be fully beneficial, Love BiTES must expand into a multiple-session program that is encased within a whole-of-school approach. This lets teachers and students to develop a closer rapport and allows Love BiTES to draw upon and complement other personal development programs, such as youth leadership and drink-driving education, which are already in place in many schools. Lesley Taylor further explains:

*Every year, age-appropriate information needs to be disseminated. This provides building blocks for cumulative personal learning. Such an approach ingrains respectful relationship habits in our children from the very start and is part of national, best-practice standards. It is well-known that this is how inter-generational change occurs.<sup>55</sup>*

The need for such broad-ranging commitments to education and filling the knowledge gaps of young people are continuing issues of concern for service providers. One service provider's comment is included below,

*Across the board, there is not enough explaining to young people of what decisions they can make. There are publications, information campaigns and public education about your rights if you are accused of a crime. There's been very little ever done about your rights as a victim or a witness of crime...there is a terrible ignorance about these things.*

– Nannette Hunter, retired Coordinator of the Witness Assistance Service Northern Territory<sup>56</sup>

NAPCAN plans to integrate a whole of school approach into its second phase of development in coming years. However, the constraints of current funding and the lack of financial support from the NT Government raises the question of how this will proceed. By not only endorsing but by also funding NAPCAN's expansion, the NT Government would help provide young people with prevention education that can radically improve their quality of life.

## Rural and Remote Students

At the time of writing, the Love BiTES program reaches some rural and remote areas, such as Barkly College. However, as discussed, servicing some schools and not others does not comprise the universal and egalitarian model needed. The sheer proportion of youth residing in these regions means expansion is by no means a minor task. The 2006 Census found that 48 percent of all young people aged 12-24 in the Northern Territory live in rural and remote areas<sup>57</sup>. Thus, providing rural and remote education programs does not represent catering to a minority, as it may in other jurisdictions, but instead represents a response to the deep and clear educational needs of almost half our total youth.

Expansion in this manner requires comprehensive funding and government support. It is simply not viable to transpose urban programs to rural and remote communities without significant alteration to their

content and delivery. This was revealed by extensive consultations run by NAPCAN NT before Love BiTES' was introduced in the Northern Territory. NAPCAN NT found that adapting Love BiTES' content, in particular for remote communities, was both fundamental and a resource-intensive endeavour that was beyond the capacity of its initial implementation phase.

Besides the experience and consultations of NAPCAN, there are many well-documented reasons detailing why urban programs must be tailored to rural and remote communities. Research shows that in order for programs to be effective and acceptable in Aboriginal communities,

*...they must incorporate Aboriginal involvement at all levels, and be flexible, building on Aboriginal culture, experience, skills and prior knowledge.*<sup>58</sup>

Each rural or remote community requires individualised support as they have particular needs and varying demographic breakdowns. It is not appropriate to group remote and rural schools in a one-size fits all model. One such instance where a one-size fits all model would not be effective is Group Schools. These are single schools comprised of a network of smaller rural and remote satellite schools. The sheer diversity contained within each institution means the successes of programs in one satellite school are not necessarily transferrable to others.

Consider, for example, the case for Top End Group School (TEGS). The size and cultural composition of each of its numerous smaller schools varies widely. In 2010, Dundee Beach had fourteen students enrolled from Transition to Year 6. None of Dundee Beach's pupils are of Aboriginal or Torres Strait Islander descent and it is a single-teacher school<sup>59</sup>. In the same year, Milikapiti had 80 students enrolled from Transition to Year 9, all but one of whom was of Aboriginal or Torres Strait Islander descent. Milikapiti had five full-time staff.

Holistically, TEGS is a "very multi-culturally diverse group."<sup>60</sup> In 2009, over 800 students were enrolled, who were supported by over 150 staff. 87 percent of these students were Indigenous, with the remaining 13 percent composed of varying ethnicities and were "mainly speakers of English as their first language."<sup>61</sup> As a multi-campus school, TEGS in 2009 was spread across sixteen communities. Four schools were located on islands, two at research stations, one at a cattle station, one in a village on the Stuart Highway and one in a national park. Two serviced rural block owners and five were on Aboriginal land.<sup>62</sup> The map below illustrates its physical range as of 2010.



Figure 2: A map of the schools comprising TEGS in 2010<sup>63</sup>

There were five such Group Schools in the Territory as of 2009, with 65 satellite schools coming under this structure<sup>64</sup>. Each and every one of these satellite schools has a particular demography, staff and student population.

Furthermore, given the high rates of youth sexual assault in rural and remote communities<sup>65</sup>, they have much to gain from a program such as Love BiTES. The authors of the *Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, commonly referred to as *the Little Children are Sacred Report*, found that for these communities,

*The combined effects of poor health, alcohol and drug abuse, unemployment, gambling, pornography, poor education and housing, and a general loss of identity and control have contributed to violence and to sexual abuse in many forms.*<sup>66</sup>

Furthermore, standard education models delivered from rural and remote schools miss out on many Indigenous children as the *Inquiry* also found that,

*... even in the better functioning communities, school attendance was poor – often fewer than 50 percent of the eligible children were in attendance... [Indigenous youth were] less likely to have completed Year 12 at school – 29.5 percent report completing Year 8 or below... Given the size of the sexual abuse problem in the Territory, the failure to provide an appropriate universal personal safety curriculum for primary and secondary schools is concerning.*<sup>67</sup>

There is already a strong will from many remote communities to bring Love BiTES to their schools. NAPCAN NT has received expressions of interest from community members in Binjari (Katherine region), Yuendumu (Central Australia) and Galiwin'ku (Elcho Island). Due to their composition of almost half our youth population, their cultural diversity and their heightened needs, young people in rural and remote communities must have their own Love BiTES programs that respect their singular needs.

## Non-School based Forums

Whilst school-based education is effective, prevention education should by no means be limited to this forum. School-based approaches have advantages, such as centralised access to students and integration with curricula. However, many groups of youth are excluded by a school-based model, as school-based approaches do not engage youth outside or disinterested in the school system. Neither can generalised school-based programs effectively target at-risk groups. At-risk youth may include, "homeless young people, children living in poverty, or in families receiving welfare or whose parents are incarcerated, children leaving juvenile detention or foster care, young parents, and girls and young women under protective services care."<sup>68</sup> (see *Glossary*) In this report, it also includes young people who self-identify as at-risk. The poor rates of school attendance in rural and remote communities means that the use of schools as the sole vehicle for prevention education does not equate to its universal delivery.

Even young people who are not at-risk and engaged with the system school can be missed by standard approaches. For example, Schools of the Air, such as those in Katherine and Alice Springs, educate their pupils largely via correspondence. Although teachers may travel and visit students in-person, students and teachers rarely, if ever, physically gather as one school community able to receive workshops. Yet, pupils of Schools of the Air deserve and require prevention education as much their urban counterparts.

Even within schools of the typical format, there are limits to what can be achieved. The methodology of Love BiTES goes to great lengths to provide a safe and open space in which to discuss healthy relationships in schools. During workshops, students are encouraged to call teachers by first names, wear casual clothes and operate in an informal atmosphere. Admirable as these efforts are, service providers, including educators, contend that there will always be a need for this type of education to be delivered outside of schools as well. Leonie Jones, Principal of Top End Group School, said,

*The ability to deal with complex issues, such as youth sexual assault, is critical. Whilst it is true that there are aspects of the school curriculum that accommodate this, there are a range of reasons why this is not always viable. In some instances, teachers are not comfortable or do not have the appropriate*

*relationships with students to dispense this education. Also, some areas are extremely culturally sensitive. This calls for education to be delivered by locals or an external program that maintains close ties with the community. Lastly, the intricacies of skin groups and kinship systems mean that members of the community, who often work at the school, are not always able to provide the personalised support students need.<sup>69</sup>*

Another service provider relayed similar sentiments,

*There are school-based approaches but there's a limit to where that kind of education starts and ends. Not everyone goes to school or is interested in school-based forums. It's not always the correct context. It can be a very constrained and sometimes contrived environment in which to talk about what is important to you.<sup>70</sup>*

When asked about programs available for young people disengaged with the school system, one more service provider said,

*...it's a total blank in my knowledge and it's such an important area, particularly because some of these young people don't have a strong sense of purpose or self-esteem. This means they are especially vulnerable to anti-social behaviour or being subjected to anti-social behaviour, along with being abused, maltreated and falling into unhealthy sexual relationships.<sup>71</sup>*

The flexibility required to expand Love BiTES into non-school based settings is already integrated into its design. This is demonstrated by adaptations of it in New South Wales, where it has run in juvenile detention centres, community camps and youth centres<sup>72</sup>. NAPCAN NT is currently trialling four non-school programs. It is also in discussion with the Red Cross' Shak Youth Resource Centre, which independently identified the need for respectful relationships education for their clientele. NAPCAN NT is also liaising with Don Dale Juvenile Detention Centre in the interest of running program there in the near future.

The inter-agency collaboration between service providers shows the need for prevention education outside of schools is commonly understood. It also demonstrates that Love BiTES is ideal for filling this gap. What remains to be added is the full financial commitment of government, which would be a critical step in expanding the service spectrum. Schools-based education is only the beginning of the education needed to empower all young people to demystify sexual assault. The many at risk youth of the Northern Territory, both within and outside the school system, cannot continue be deprived of this essential education. The precarity of their positions calls for higher levels of education, not lower.

## Young Men and Parents

Love BiTES adopts a gender-inclusive approach, in which both males and females are included as facilitators and participants. It speaks to young men primarily as potential bystanders of sexual and other violence, rather than merely perpetrators of that violence. As such, it is not necessary to recommend that Love BiTES is expanded to include young men. Instead, it is recommended that the program, through its schools-based and non-school-based veins, continues to actively cater young men and is supported by NT government funding to do so.

There are many reasons why a male-inclusive approach is pivotal. Firstly, the engagement of young men and young fathers is vital to any effective prevention campaign. The White Ribbon Foundation's *An Assault on Our Future* report outlines several reasons why this is so:

- 1. Intimate partner violence is perpetrated largely by males*
- 2. Constructions of masculinity play a crucial role in shaping some boys' and men's perpetration of physical and sexual assault*

3. *Boys' and men's roles in preventing violence against women have been neglected, with responsibility for prevention placed entirely at girls' and women's feet*
4. *Boys and men have a positive role to play in helping end men's violence against women....violence is an issue of concern to women and men alike and men have a stake in ending violence against women*
5. *Actively involving boys and men in efforts to end violence against women enhances the effectiveness of this work and (young) men's sense of a personal stake in this project*<sup>73</sup>

It must be added that whilst the vast majority of sexual assault victims are female, young men are also victims. In 2005, 408 100 Australian men reported experiencing sexual assault(s) since the age of 15.<sup>74</sup> Their minority status demands further specialisation of services, rather than the application of generic or male-exclusive programs. Additionally, male peers have a commanding influence on youth-participation in sexual violence.<sup>75</sup> Peer support for violence is, "an important predictor of men's perpetration of sexual and physical abuse."<sup>76</sup> Young men are no exception to this rule. Nadia Albert contributed the following on the topic,

*The Love BiTES program is inclusive of young men because they are the key to social change. The model is adaptable and allows for separate gender groups if this is deemed appropriate or more effective by the community in question. Likewise, the Love BiTES team actively works with communities to create additional sessions if there are particular topics they identify as being of concern, such as education for young men.*<sup>77</sup>

Principal of Top End Group School (TEGS), Leonie Jones, recounted further reasons why the targeted education of young men is especially important for the Aboriginal and Torres Strait Islander population,

*Of the Aboriginal and Torres Strait Islander community, it is the role of men that has changed the most significantly in recent history. These men are in the midst of navigating a new sense of who they are; what it is to be a good father; a good uncle; a good brother and a good man. This is due to various socio-cultural issues but the fact remains that they require dedicated prevention support.*<sup>78</sup>

In the delivery of respectful relationships education focussing on male participation, it is important to capitalise on existing community campaigns. One such campaign is run by White Ribbon Day Australia, in the interests of ending violence "against women by encouraging men and boys to take positive action to create change."<sup>82</sup> 18 of the 20 original Youth Ambassadors for the White Ribbon campaign come from Port Macquarie, where Love BiTES originated and has been run for around 8 years.

Love BiTES pedagogy recognises that male-orientated prevention efforts must be extended beyond the passivity of dispensing information and knowledge. Activism and participation must also be encouraged if "the social norms and power relations which underpin men's violence against women"<sup>83</sup> are to be changed. As the Love BiTES FAQ states, "an exclusive focus on females unduly puts pressure on them to manage the risk of relationship violence, which does nothing to challenge or review the underlying social and structural factors causing relationship violence."<sup>84</sup> Thus, Love BiTES' ideological framework is already founded on the equal inclusion of females and male which challenges attitudes that perpetuate gender inequality and violence against women.

Ms Jones has worked remote and rural education in schools for the bulk of her professional career, which spans multiple decades. To Ms Jones' anecdotal knowledge, there has been only one program targeting young Aboriginal and Torres Strait Islander men. Although this program displayed much potential, "like so many, the funding ran out and it didn't continue."<sup>79</sup>



Moreover, the teenage birth rate in the Northern Territory is exceptionally high in comparison to the national average. The below figure illustrates for 2006.

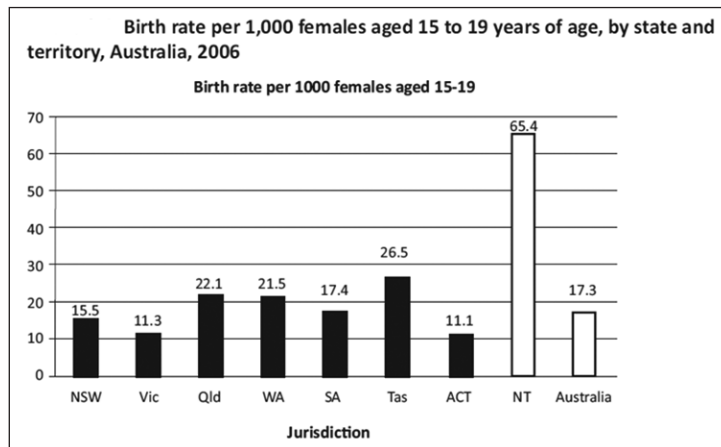


Figure 3: Graph showing the comparative teenage birth rate of the Northern Territory<sup>80</sup>

These high rates of teenage birth indicate that many young men also require respectful relationships support as parents. Such support is currently outside the purview of the Love BiTES program to deliver but remains an essential area in which prevention education must be expanded. On the subject of high rates of teenage births, the *Growing the Strong, Together Report* found,

*the growing number of teenage parents, some with limited parenting skills, some lacking or unwilling to accept guidance or mentoring from family or elders, have few if any opportunities to access parenting education. The number of teen parents suggests that at a minimum there is a need for sex education...*

*Parenting education programs targeting vulnerable and very young mothers are valuable but there is a particular need to target them towards individual family circumstance. For example, they may need to focus on behaviour, relationships, discipline, sleep, or any number of specific issues.<sup>81</sup>*

A program outside of the Love BiTES model should also aim to provide consistent and easily accessible parenting programs for young parents.

The category of young men and young parents encompasses so many vulnerable stakeholders. They cannot continue to be under-serviced in the sphere of respectful relationships education through Love BiTES, and parental education through other programs.

## Alignment with the National Agenda

The independent development of the Love BiTES program and its subsequent adoption by NAPCAN is indicative of an increasing national focus on prevention education. Dr Michael Flood found that “a series of evaluations have documented that intensive and long-term prevention education programs in schools produce lasting change in attitudes and behaviours.”<sup>85</sup>

Prevention is recognised across Australia as key to reducing incidents of sexual assault. A range of formal measures have arisen in which prevention has been prioritised. In 2009, the Victorian Government launched the *Violence Prevention, Intervention and Respectful Relationship Education in Victorian Secondary Schools Project*.<sup>86</sup> The same year, National Association for Services against Sexual Violence (NASASV), a non-government organisation, developed *National Standards for the Primary Prevention of Sexual Assault through Education*.<sup>87</sup> This was in collaboration with the University of Sydney and VicHealth. In the federal arena, the Office of the Status of Women released the *National Framework for Sexual Assault Prevention* in 2004.<sup>88</sup>

Thus, in the local and federal government and the non-government sector, there is a “...growing momentum in schools-based violence prevention in Australia”<sup>89</sup>. Supporting the expansion of the Love BiTES program would align the NT Government with its inter-state counterparts. It would complement national movements

and engage with a broader policy agenda. It would allow the full exploitation of existing resources and knowledge gathered by other agencies.

## Conclusion

Prevention is widely recognised by academic studies and local service providers as essential to lessening incidences of youth sexual assault. In broad terms, prevention is superior to intervention in four respects. These are established by evaluations of the personal voyage of a victim, of intervention's inherent limitations, of prevention's superior cost-effectiveness and of supporting literature. Furthermore, an in-depth assessment of the Love BiTES model demonstrates that it is unique, sorely needed and well-supported by youth, service providers, NT Government and the greater community. However, the current funding structure is a significant obstacle to its capacity to prevent sexual assault. Under it, too many at groups of concern; such as youth in rural and remote areas, youth disengaged with the school system and young men; do not receive the attention their vulnerabilities demand. This situation requires a combination of both school-based and non-school based approaches. Furthermore, the lack of any consistent or cross-coordinated parental education of young people is of grave concern. By comprehensively funding a diversified Love BiTES program and parental education programs, much can be done to ensure the safety of coming generations.



# Recommendations

## Chapter 1: Prioritising Prevention - the Love BiTES Education Model

1. That the Northern Territory Government:
  - (a) shift its intervention-focussed approach to youth sexual assault services by committing equally to prevention strategies
  - (b) broadly deliver all prevention social services in accordance with best-practice standards
  - (c) specifically implement all sexual assault prevention education in full accordance with *National Association for Services against Sexual Violence* standards.
2. That the Northern Territory Government:
  - (a) expand the Love BiTES education model to operate on a *whole of school* methodology that provides universal and age-appropriate respectful relationships education to all year levels in all schools
  - (b) allocate resources supporting this expansion in 3 year funding cycles at minimum.
3. That the Northern Territory Government:
  - (a) extensively trial and implement adaptations of the Love BiTES program in non-school based forums including:
    - i. youth hubs
    - ii. recreational centres
    - iii. juvenile detention facilities and
    - iv. other relevant settings.
4. That the Northern Territory Government:
  - (a) develop and implement tailored Love BiTES programs that cater for the needs of youth in rural and remote communities including:
    - i. delivery in both school and non-school based sessions
    - ii. direction by the community receiving the adaptation in collaboration with NAPCAN NT\* and relevant service providers
    - iii. emphasis on the unique needs of Aboriginal young people
    - iv. accommodation of atypical school formats, such as those of Schools of the Air and Group Schools
5. That the Northern Territory Government support Love BiTES in their continued positive inclusion of men as both participants and facilitators.
6. That outside of the Love BiTES program, the Northern Territory Government resource consistent and widely accessible parental educations programs for young parents.

\*NAPCAN NT – *National Association for Prevention of Child Abuse and Neglect, Northern Territory*

# Chapter 2: Diverting and Rehabilitating Juvenile Offenders

## Introduction

This section evaluates the need for diversion and rehabilitation services for juveniles convicted of or cautioned regarding sexual assault. It draws from existing calls for universal programs from both literature and service providers in order to demonstrate the value of diversion and rehabilitation. The many shortcomings of current services are assessed. Then, the wealth of successful models available both interstate and internationally is outlined. Finally, two essential elements of any diversion and/or rehabilitation program are explored. These include the need for Aboriginal specialisation and the inclusion of juveniles' families or immediate support groups.

## Evaluating Diversion and Rehabilitation

The body of Australian literature concerning overwhelmingly contends that the diversion and rehabilitation of sexual offenders is crucial to reducing recidivism and engendering long-term changes in behaviour. Diversion and rehabilitation were recognised by the *Little Children are Sacred Report* as, "important prevention measures that have the potential to reduce recidivism and reduce the inter-generational cycle of offending."<sup>90</sup> Further concerning diversion, Dr Wendy O'Brien in her literature review on problem sexual behaviour in children for the Australian Crime Commission (ACC) that,

*the urgency in redressing this service provision gap is underscored by the fact that scholars and clinicians agree that the 'earliest possible intervention' leads to the best rehabilitative outcomes for the children involved.*<sup>91</sup>

Current statistics also point to the common thread between rates of imprisonment/recidivism in the Northern Territory and our diminished focus on such programs. In 2009, the Northern Territorian imprisonment rate was three times the national average.<sup>92</sup> The rate was 551.6 people per 100 000, compared with 162 per 100 000 nationally.<sup>93</sup> This is matched by our consistently highest rates of recidivism in the nation in recent years also.<sup>94</sup> In 2009, it was 44.6 percent, compared to the national average of 37.5 percent.<sup>95</sup>

The NT Government has already been made aware of these statistics and the need for further action in this service gap through various means. One such example is the 2010 submission from the North Australian Aboriginal Justice Agency (NAAJA) on *Model Spent Convictions Bill*, which was commissioned by the Northern Territory Government itself. The submission recounted similar statistics and noted how they were indicative of "insufficient Government attention in addressing the causes of recidivist behaviour."<sup>96</sup>

Finally, former Children's Magistrate and Ambassador for "Father Chris Riley's Youth off the Streets" Barbara Holborow (OAM) contributed the following,

*Our young people do not instantaneously commit sexual offences. There are always warning signs. The moment, the very instant, there is a suspicion that a juvenile has a tendency towards this type of behaviour, a diversionary program must be made available. The horror of sexual assault is confounding. The Northern Territory cannot wait any longer before taking responsibility for this short-coming.*<sup>97</sup>

Victims of Crime Northern Territory (VOCNT) has stated that increasing numbers of violent assault has,

*precipitated a range of responses, from increased police levels to harsher penalties from the court system. Unfortunately these responses tend to occur after a crime has been perpetrated and focus on punishment rather than prevention...*<sup>98</sup>

VOCNT also noted that,

*Experience in overseas jurisdictions suggest that increasing the length or rate of incarceration for offenders does little to reduce the incidence of offending...Responses that substantially reduce the number of victims of violent crime are preventive, long-term strategies which focus on the root causes of social dysfunction. Parenting support, youth diversion, mentoring, job placement, youth engagement, social programmes in schools, and a raft of other social intervention strategies have been shown to be effective in turning mal-adaptive (violent) behaviour into productive and healthy community focused behaviours.<sup>99</sup>*

In conclusion, experts, service providers and the Northern Territory Government itself, through its acceptance of varying submissions and reports, recognise the intrinsic value of diversion and rehabilitation.

## Current Services

In 2007, there was in place, “one small scale, generic sex offender program that operates on a sporadic (bi-yearly) basis”<sup>100</sup>. A major recommendation of the *Little Children are Sacred Report* was the filling of the service gap of diversion and rehabilitation programs. As the NT Government accepted all 97 recommendations from the *Inquiry*, this report recognises that awareness of this shortcoming is widespread and efforts to close these gaps are in motion. However, many plans of action concerning sexual assault have been ‘in motion’ for many years. As the *Growing the Strong Report* observed for social services,

*Since the publication of the ‘Little Children are Sacred’ Report, many recommendations have been implemented but equally concerning is that whilst agencies including Police have gotten on with the job of delivering initiatives, our collective efforts remain largely uncoordinated at a service delivery level.<sup>101</sup>*

The mere presence of a plan or policy does not negate the need for analyses of current efforts and direction. The author/researcher found it difficult to ascertain how far the NT Government had progressed in its response since its initial acceptance of this recommendation in 2007. The *Closing the Gap of Indigenous Disadvantage Progress Report (2007-08)* stated that rehabilitation programs,

*...are now operating in Darwin and Alice Springs correctional centres. The Central Australian Aboriginal Congress has been selected to deliver programs to offenders on community-based orders.<sup>102</sup>*

This was the highest degree of detail the author/researcher could find specific to this topic in NT Government public releases. Therefore, to the extent of the author/researcher’s knowledge and that of the service providers who were consulted, there is still no universal and or consistent adult sex offenders’ rehabilitation program, let alone one with the necessary specialisations to treat young people or specifically Aboriginal juveniles.<sup>103</sup> However, there are some generalised youth diversionary programs in operation in the non-government sector.

There is the “Youth Diversion Program” run in Darwin, Palmerston and Katherine. This is administered by the Young Women’s Christian Association (YWCA) and NT Police. Through diversion, it aims to support “young people in linking them into education, employment, recreation, counselling and other supportive services.”<sup>104</sup> Once completed, the young person “avoids a criminal record for their offence.”<sup>105</sup>

Relationships Australia also runs the “Youth Diversion” program. This is dependent on voluntary admittance and successful assessment by a case manager before entering. Upon acceptance, “the young person must attend a youth justice conference...outcomes include community service and other methods of restorative justice.”<sup>106</sup>

In the government sector, the “Prison in Reach” program was extended to include young people at Don Dale Detention Centre in 2009. This aims to “standardise alcohol and other drug assessment and interventions to young people and link young people with services within the community upon release.”<sup>107</sup> Thus in an indirect way, it may represent the beginnings of a diversion program for juvenile offenders.

These three programs were the extent of diversion and rehabilitation programs uncovered through information which was readily available to the public.

## Calls for Change

Recommendations 36-38 of the *Little Children are Sacred Report* called for comprehensive sexual offender rehabilitation programs. In particular, it stated,

*...that the government provide youth-specific, culturally appropriate rehabilitation programs for juvenile sex offenders in detention, and for those on parole or subject to community-based orders.*<sup>108</sup>

At the time of the investigation, the *Little Children are Sacred Report* was “concerned that NT Correctional Services is not presently providing any sex offender rehabilitation programs for prisoners in Darwin and the program in Alice Springs is intermittent.”<sup>109</sup> It furthermore reiterated the opinions of many peak bodies, noting that “this has been a long standing issue.”<sup>110</sup>

Moreover, when *Little Children are Sacred Report* called for submissions responding to the prompt, “Consider how the Northern Territory Government can help support communities to effectively prevent and tackle child sexual abuse,” to Justice Thomas of the Northern Territory Supreme Court submitted, “a number of Judges have made comments to the effect that the ‘court is a blunt instrument’ in dealing with this problem. A prison sentence in itself serves a very limited purpose.”<sup>111</sup> Justice Thomas, in the same response, outlined a long list of interstate and overseas models that have been crucial bridges out of the judicial system for many offenders.<sup>112</sup> The submission was written with the full support of the Chief Justice and other Judges of the Court at the time.<sup>113</sup>

Detective Senior Constable Christina O’Connor of the Major Crime Unit with NTPFES, in her submission to this report, stated that implementing juvenile offenders’ programs was, for her, the single most important improvement to youth sexual assault services possible.<sup>114</sup> Detective O’Connor called the government to further action on the matter and stressed that her colleagues had been “crying out for such programs.” Perhaps the most powerful element of Detective O’Connor’s contribution was her recount of a child protection cases from her previous investigations with the Child Abuse Taskforce. Detective O’Connor relayed how a young Aboriginal boy from a remote community suffered extensive sexual abuse. Eventually, some of the assailants of some of his assaults were convicted. The offenders accessed limited rehabilitation services but the lack of support provided to victim meant that the young boy fell into highly self-destructive patterns of behaviour. After many warning signs and repeated attempts to access services, assisted by Detective O’Connor, the young boy removed distanced himself from support services. He eventually sexually assaulted another young person, and the inter-generational cycle of suffering was continued.

Lastly, Mrs Holborow strongly requested that her following contribution be included,

*It is reprehensible that there are prison-based treatment programs for Indigenous sex offenders in Western Australia, South Australia and Queensland and yet the Northern Territory, with proportionally the largest Indigenous population in Australia, does not have a single consistent program.*

*It is fundamentally damaging to wait until sexual assault shreds the lives of victims and the community’s sense of safety before juveniles can access to the services they need. The reason why a dearth of rehabilitation programs causes high rates of recidivism is no mystery. The only mystery seems to be why a response from the NT Government has been so severely lacking for so long.*<sup>115</sup>

## Models: Interstate and International

There is a wealth of interstate and foreign rehabilitation and diversion programs from which the Northern Territory can draw from and adapt. These include the current sex offender treatment programs in Queensland and Western Australia. In *Attorney General for the State of Queensland v Keith Albert Beattie*<sup>116</sup>, J. Helman outlines six programs currently running in custodial centres<sup>117</sup>. Additionally, the Department of Corrective Services in Western Australia published the “Offender Program Service Guide” and a similar document was released by Queensland Corrective Services.

The Male Adolescent Program for Positive Sexuality (MAPPS)<sup>118</sup> has been working in Victoria since the early 1990s. This was “developed in acknowledgement of the need to treat adolescents before sexual offending behaviour becomes chronic”<sup>119</sup>. Evaluation has found that of the 138 adolescents who entered the program between 1993 and 1998, only 5 percent reoffended sexually.<sup>120</sup>

The Indigenous Justice Clearinghouse (IJCH) in 2007 released a series of research briefs for policy-makers. Its findings, “reviewed evaluations from eight treatment programs for adults and five treatment programs for adolescents who sexually offend in Australia and New Zealand. ...twelve out of the thirteen programs were effective in reducing sexual recidivism.”<sup>121</sup> This overview only briefly touches on the countless existing models. A formal literature review would uncover an array of resources and studies.

## Indigenous Specialisation

Much like prevention education, diversion and rehabilitation programs must be tailored for the specific needs of the Aboriginal population in all regions. Detective O’Connor was passionate about this need, particularly for youth in rural and remote communities,

*To suggest that an Aboriginal child from a rural or remote community can participate effectively in a generalised program is nonsense There’s often a language barrier and acute cultural sensitivities, not to mention the array of other complicating factors such as possible commuting from a remote community and the chronic socio-economic disadvantage of Aboriginal youths in general. The provision of diversion and rehabilitation programs is an unquestionable necessity but it requires a precise and sophisticated skill-set to execute properly.*<sup>122</sup>

Detective O’Connor’s professional opinion synchronises with wider studies. The IJCH research briefs also found that in many generic diversionary and rehabilitation programs, there were, “differential treatment outcomes for Indigenous and non-Indigenous offenders”<sup>123</sup> to the point that “juvenile Indigenous offenders were more likely to reoffend sexually.”<sup>124</sup> They attributed this in part to the fact that,

*In many Aboriginal communities, learning and healing occurs in the presence and at the interest of the group or community, rather than of the individual. This element of Indigenous culture is unlikely to be compatible with contemporary Western methods of treatment.*<sup>125</sup>

Similarly, Canadian programs centred on Western psychology have not been effective for Canadian Aboriginal offenders. It was recorded that they were culturally unsuited, “because non-Aboriginal programs typically employ non-Aboriginal staff, there is often a knowledge gap and a corresponding lack of trust between the non-Aboriginal service providers and the Aboriginal clients”<sup>126</sup>. These findings are further substantiated by three sexual offender rehabilitation programs evaluated in New Zealand for the Maori population. Maori clients “emphasised the importance of having Maori therapists to deliver these components in order for them to progress more positively in treatment.”<sup>127</sup>

Finally, the Australian Crime Commission published the following assessment,

*The familial breakdown, poverty, educational difficulties, violence, prior victimisation, homelessness, isolation and child sexual abuse suffered by some Indigenous children describes, in complete terms, the risk scenarios and pathways to both child sexual exploitation, and problem sexual behaviour in childhood.*

*The fact that these precursors and correlatives are both disproportionately evident and often normalised in Indigenous communities significantly increases the risk that Indigenous children will become involved in childhood problem sexual behaviour and/or sexual exploitation.*

*Scholars cite crucial knowledge gaps in these two areas, and the service provision is clearly lacking. There can be no question that serious attention to these issues, and their devastating effects, is urgently required if the next generation of Indigenous children are to be spared.*<sup>128</sup>

The high proportion of Indigenous youth incarcerated in the Northern Territory lends further weight to this argument for the widening of services to diversion and rehabilitation. In 2007-08, 170 of the 190 juvenile detainees were Indigenous (89 percent)<sup>129</sup>. The Coordinator General of Remote Services bi-annual report in 2010 noted that, "the Aboriginal population is grossly over-represented in custody: too many Aboriginal people are in custody too often."<sup>130</sup> Furthermore, Aboriginal children are far more likely to experience sexual assault and severe disadvantage than the non-Indigenous population. In 2010, 77<sup>131</sup> percent of all children notified to child protection were Aboriginal, along with 74 percent<sup>132</sup> of children in out of home care.

## Family-Inclusive Programs

A significant portion of sexual abuse, experienced by both juveniles and adults, is intra-familial<sup>133</sup>. Studies vary in placing figures between 40-90 percent<sup>134</sup>. Whilst the above research shows that diversionary and rehabilitation programs are able, in many cases, to reduce recidivism and anti-socio-sexual behavior, they must also holistically address the causal roots of assault. The United States Department of Health and Human Services Administration on Children, Youth and Families found in 2007 that "more than half of all children who are sexually abused are abused by a parent or other relative."<sup>135</sup> The National Child Traumatic Stress Network notes on intrafamilial abuse that,

*... family members may also struggle with how to manage their divided loyalties toward the abuser and the victim... Tensions may arise when different family members have different opinions about loyalty, fairness, justice, forgiveness, and responsibility.*<sup>136</sup>

Given that non-offending parents are recognized by peak-bodies as the "single, most important resource that children have after experiencing intrafamilial abuse,"<sup>137</sup> the rebuilding and education of dysfunctional families, along with supporting existing positive parenting, is crucial.

The IJCH has said concerning such diversionary/rehabilitative programs that they are "an important developmental factor... benefitting the families... The majority of participants have been subjected to various types of harm themselves, including neglect and exposure to domestic violence."<sup>138</sup> Finally, the Criminology Research Council (CRC), under the Australian Government, found the following,

*Adolescent sex offenders represent the full tragedy of child sex offending, bridging, as they do, the intergenerational transmission of abuse and the complex acting out of early childhood trauma through the victimisation of other vulnerable children close to them.*<sup>139</sup>

## Conclusion

There is a pressing need for the development of juvenile rehabilitation programs for at-risk sexual offenders, along with diversionary programs for at-need potential offenders. Many aspects of the case for implementation have been considered. These include the combined knowledge and expertise of literature and service providers, and the numerous successful programs already in operation that provide best-practice models. If such programs are developed, they must have the capacity to accommodate the differing needs of juveniles and their families/support systems. The correlation between our rates of crime and recidivism and our under-commitment to diversion and rehabilitation has been thoroughly studied. A commitment to universal services is potentially the most effective means of reducing rates of sexual assault in the Northern Territory. It is clear that current practice must change, in the interests of drastically reducing and preventing youth sexual assault.



# Recommendations

## Chapter 2: Diverting and Rehabilitating Juvenile Offenders

7. That the Northern Territory Government invest appropriate funds and resources into the provision of universal and consistent programs that:
  - (a) rehabilitate the behaviour of juveniles convicted of sexual assault
  - (b) divert the behaviour of juveniles cautioned in regard to sexual assault.
8. That the Northern Territory Government ensure the capacity of programs outlined in *Recommendation 3* accommodate the needs of the following categories of juveniles:
  - (a) Indigenous, non-Indigenous and culturally and linguistically diverse
  - (b) female and male
  - (c) those with special needs or learning difficulties
  - (d) those accessing either centralised urban services and or outreach rural/remote services as appropriate
  - (e) those remaining in supportive home environments and those, as determined by the appropriate bodies, requiring a proportionate degree of extraction from detrimental home environments.
9. That the Northern Territory Government further ensure the capacity of programs outlined in *Recommendation 3* accommodates:
  - (a) the inclusion of the immediate family or primary support group of juveniles
  - (b) variations of programs in accordance with the number, severity and consistency of assaults juveniles are either convicted of or cautioned in regard to
  - (c) age-appropriate programs with content that progresses with juveniles' ages
  - (d) strategies for assisting juveniles turning 18 years old and entering the 'adult' bracket
  - (e) exit programs and after-care services
  - (f) evaluation of programs' effectiveness on an ongoing basis and the implementation of any necessary changes
  - (g) accommodation of any other elements identified by comprehensive consultation with stakeholders and consultants.
10. That the Northern Territory Government further:
  - (a) resource and fund all rehabilitation and diversion programs on a 3 year funding cycle at minimum
  - (b) commission further detailed study into the development and refinement of models, pilot-programs and associated structures that includes:
    - i. comprehensive consultation with stakeholders, policy-makers, consultants and inter-state and international best-practice models
    - ii. investigation into the positive inclusion of victims, such as engaging victims in decision-making processes determining the program(s) juveniles access
    - iii. other methods of restorative justice
    - iv. integration with Aboriginal traditional law.









The background of the entire page is a close-up photograph of parched, brown soil. The soil is cracked into irregular, polygonal shapes, with deep, dark fissures running across the surface. The texture is rough and uneven, with some small bits of dried plant matter scattered throughout. A semi-transparent white horizontal band is overlaid across the middle of the image, containing the text.

*Part II: Optimising Resources and  
Strengthening Communication*



## Chapter 3: Reforming Resource Allocation

*Much of the information concerning the services, history, structure and perspective of Victims of Crime Northern Territory (VOCNT) was received verbally by the author/researcher during recorded interviews with staff. Information concerning the services VOCNT provides stemmed from the author/researcher's involvement as a 2007 graduate of the volunteer Victim Assistance Worker training program. As such, in some instances no formal citations are provided.*

*The Manager and Coordinator of VOCNT, at the time of writing, approved the representation of their agency in this chapter. VOCNT emphasised throughout their involvement that the organisation is grateful for the funding received<sup>140</sup>. Recommendations regarding the expansion and reform of how this funding is allocated, both for VOCNT and the industry more broadly, are the opinions of the author/researcher alone.*

### Introduction

The strains caused to sexual assault services by the local conditions of service delivery, frequently exacerbated by NT government practices, is the focus of this chapter. The flow-on and highly detrimental effects for young victims of sexual assault is concomitantly explored. In illustrating this, the operation of Victims of Crime Northern Territory (VOCNT) is studied. This is because the numerous difficulties experienced by the service sector are encapsulated by a close examination of this agency. Finally, links are drawn between VOCNT's predicament and the endemic challenges of resource allocation that experienced by all social service providers in NT.

### A Study: Victims of Crime Northern Territory

#### Mandate of VOCNT

In the spectrum of services available to all victims of sexual assault, Victims of Crime Northern Territory (VOCNT) plays a crucial and unique role. The mission statement of this non-governmental organisation is, "to support survivors of crime whilst creating a broader awareness of the need for the community to assist victims to rebuild their lives."<sup>141</sup> Manager Michael Campbell further expounded on its value,

*Our criminal system is designed for perpetrators. Once a crime has occurred, from a legal point of view, the victim almost ceases to exist. They are seen not so much as a victim but as a witness.*

*The police are out there to catch the perpetrator. The court system is there to try the perpetrator and set a term of imprisonment. Correctional services are there to rehabilitate the perpetrator and eventually return them to the community. So the question then becomes, 'who has the victim as a client?'*

*Herein lays the value of this agency – that we, first and foremost, have the victim as our client.<sup>142</sup>*

Furthermore, VOCNT has publically voiced its views on the need for this paradigm shift,

*Historically, victims have been left out of the business of Law and Order. That has been because our legal system is designed to facilitate the apprehension and trial of perpetrators...but in recent years we have come to recognize that the short and long term effects of a crime...particularly violent crime...can be debilitating for victims and leave them in immediate chaos and life-long emotional turmoil...*

*The input of a service dedicated to empathetic and objective support is invaluable. Assisting victims in comprehending possibilities puts them on the road to recovery: 'The possibilities are numerous once we decide to act, not react.'<sup>143</sup>*

VOCNT is a community-driven organization that operates with government funding. It was established by volunteers in 1995 who "felt that offenders were getting more rights than victims," and still depends heavily on this volunteer workforce. Since its beginnings as a fledgling organisation without an office space or

employed staff it has grown to provide a wide range of services, providing 24 hour assistance from an office space in Darwin CBD. The services provided are described briefly below.

## Current Services

### 1. Shopfront Hours

A primary role of the agency is the provision of a “shop front business hours” and a “one stop shop for victim support, information and referral.”<sup>144</sup> Its office accommodates both walk-in queries and ongoing, pre-arranged appointments.

In this capacity as a ‘one stop shop,’ VOCNT has liaised with solicitors and assisted victims’ compensation claims. They have supported victims in their dealings with government agencies, such as helping victims’ claims for special consideration with Territory Housing when they do not meet prescribed criteria. In supporting victims, VOCNT has worked with private enterprise, the non-government sector, police and child protection workers, members of the judiciary and individuals relating to particular crimes such as support groups. VOCNT also works with historical cases of crime, in which victims come forward many years after crime(s) occurred.

VOCNT also provides a gateway service. Thus, in addition to those receiving spontaneous or planned care, its third tier of its clientele is referrals from primary providers such as police and emergency services. In these instances, VOCNT provides rapid support to victims often immediately after crime(s) occur by giving support, information and care to victims. VOCNT then guides victims through the many services available and facilitates their informed decision making process. Following this, VOCNT acts as an intermediary body by providing the service bridge between initial services and long-term care, such as counselling.

### 2. 24 Hour Call-out Service

As an extension of the rapid response service, at the scene of a crime Northern Territory Police can offer emergency call-outs to distressed victims from VOCNT. These call-outs mean that on request, a Victim Assistance Worker(s) (VAW) will attend the scene and provide in-person support to victims and their associates at any point in the day or night, for any length of time, on any day of the year.

### 3. 24 Hour Help-line

A 24-hour, toll-free helpline is also provided by VOCNT. During business hours, calls are received by the VOCNT office. Outside business hours, the phone line is diverted to mobile phones carried by volunteer Victim Assistance Workers (VAWs). This hotline provides information and support to victims. Rapid responses available to persons in need outside business hours are especially important on public holidays and weekends, when more frequent incidences of crime<sup>145</sup> and the lack of agencies open for business can create difficult situations for victims and their support network. Persons involved in the judicial system who find it difficult to contact bodies such as the Office of the Director of Public Prosecutions (ODPP) during business hours for information on their case often use this service.

### 4. Resecuring Fund

VOCNT currently holds a Government contract allowing them to provide financial assistance for victims of unlawful entry. Up to \$250 may be allocated to assist with cleaning up and re-securing the properties. Through partnerships arranged with the corporate sector, in most circumstances VOCNT are able to send locksmiths to resecure properties on short notice, both during and after business hours.

### 5. Support at the Darwin Magistrate’s Court

Any victim involved in matters at the Darwin Magistrate’s Court can request in-person support from VAWs. VAWs provide support as directed by clients. This may take the form of, among other things, helping translate legal jargon into plain-English, explaining court processes and etiquette, providing emotional support and helping write Victim Impact Statements.<sup>146</sup>

## 6. Targeted Outreach

Since 2008, VOCNT has strategically extended its services to specific, high-risk groups. These groups, among others, include sex workers and members of the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) community.

## 7. Volunteer Victim Assistance Worker (VAW) Training Program<sup>147</sup>

VOCNT maintains a large volunteer base and their intensive training program enables general members of society to provide victim aid and support. Over several weeks, volunteers are trained extensively by the Coordinator and Manager. In 2007, this training comprised a 20 hour course of five units: "self-awareness and victim support," "confidentiality," "crisis management and the criminal justice system," "domestic violence" and "grief, loss and self-care"<sup>148</sup>. Within these units, content such as referral protocols, management of claims for compensation and counselling were covered. Upon graduation, volunteers were able to participate in the delivery of a range of VOCNT's services, under appropriate supervision. Their training was ongoing, with monthly sessions conducted throughout their active involvement with the agency.

## 8. Police Training

VOCNT conducts training for members of the NT Police including auxiliaries, general duties officers, incoming detectives and trainees. These programs have been provided for the regions of Darwin, Katherine, Tennant Creek and Alice Springs and other remote areas have been supported. For example, in 2006-07, nine groups of police received education on the needs and rights of victims. Information and resources on training were also shared with other prevention-based victim support agencies.

## 9. Advocacy

Beyond the core business of providing victim support, VOCNT maintains the broader agenda of raising the social profile of victims' welfare. A strong foundation as a philanthropic, grassroots organisation has allowed VOCNT to capitalise on their close ties with the community. As a spokesperson for victims' rights, they have engaged media and provided commentary on crime and neighbourhood safety. VOCNT has participated in a range of local forums related to crime, crime prevention and the judicial process. It also has a national presence through its membership of the Victim Support Australasia Committee.

## Dissonance between Government Policy and Practice

The breadth of support services provided by VOCNT is comprehensive and laudable. Their workload is three-fold in providing emergency and ongoing victim support, prevention services such as training professionals and advocating for the social identity of victims. With a mandate to both provide services directly to victims and to function as their representative body within the Northern Territory, their services are in great demand.

However, VOCNT has experienced a minimal amount of funded growth. Under the Department of Justice (DOJ), the last fourteen years of Government funding has eventuated in the creation of only two paid positions. This point must be emphasised. The entirety of the services above are administered by only two funded positions, a single office space in the urban Darwin area and the basic energy of dedicated volunteers.

Yet, the longevity of funding from the Northern Territory Government implicitly demonstrates support of VOCNT's programs and operations. In a service provision landscape where short-cycle funding has often been the norm and many programs and NGOs are short-lived<sup>149</sup>, fourteen years of financial support is particularly notable. Furthermore, this funding is not the only forum through which the NT government has promulgated the value of such a holistic victim support service. In 2006, both the *Victims of Crime Assistance Act* and the *Victims of Crime Rights and Services Act* were implemented. In accompanying materials, the Northern Territory Government stated,

*While preventing crime and punishing those who commit it should always be a priority of the government, at the same time, we should focus on the safety and well-being of victims of crime.*<sup>150</sup>



Furthermore, through widely circulated booklets intended for public consumption, the NT Government has made its understanding of the harrowing journeys of sexual assault victims clear,

*Sexual violence can make you feel sick, scared and lonely and it may be difficult to think clearly. It can... be frightening and disorientating. You may blame yourself and not want to talk to anyone....It may take a while for you to work out what has happened to you, what to do and who to turn to.<sup>151</sup>*

Thus, research into the actions and opinions of the NT Government suggests a disjuncture between their valuation of crime victim support services and their funding of organisations fulfilling this role. As a powerful decision-making and resourcing body, with a clearly articulated understanding of the obstacles victims face, the NT Government has a moral imperative to provide these vulnerable members of our community with all the support possible. The key to this is ensuring that providers doing the hard work, such as VOCNT, have the resources to match the need for their services. When asked how VOCNT secured such longevity of funding, Mr Campbell commented,

*We have been around for so long because we provide an undeniably necessary service. We are grateful for the Government's recognition of that but the question needing to be asked is not "why have we endured?" but "why haven't we grown?"<sup>152</sup>*

## Matching the Growth in Need

Since its inception in 1994, VOCNT's portfolio has manifoldly increased. The swift population growth of the Northern Territory and hence, size of clientele, has not been proportionally matched by an increase in resources. In 1994, the estimated residential population was 181,843<sup>153</sup>. In June, 2009 the population had climbed to 225,900<sup>154</sup>. This was a 24.2 percent increase.

Furthermore, our rates of crime are radically high. In 2008-9, at 8.2 percent, we had the highest rate of threatened assault victimisation in the country, almost double the national mean<sup>155</sup>. Deputy Chief Minister and Minister for Justice Delia Lawrie conceded in 2010 that, "...the number of assaults across the Territory continues to be unacceptably high."<sup>156</sup> This increase has been felt keenly on the ground. The 2008 Chairperson of VOCNT Ian Abbott has noted,

*We have seen a great influx of Victims of serious crime. In particular, we have witnessed an alarming increase in the numbers of victims of violent assault...this alarming trend has created a substantial workload for our staff and volunteers.<sup>157</sup>*

Coordinator of VOCNT, Chris Fearn, has cited similar concerns and adds that cases of violent assault, "generally require substantial support and the work put in by staff and volunteers is both more intense and time consuming..."<sup>158</sup> Ever climbing rates of crime, paired with the population boom, has caused well-documented strain.

Regardless of the passion or expertise of staff, an organization whose funding structure has remained largely unchanged in a decade of growth cannot operate to the same degree of efficiency as it has in the past. The clear disconnect between the mostly static funding of VOCNT and the growth in population and crime must change. If victims are to receive universal and quality care, a radical injection of resources is needed.

## Universal Challenges in the Service Sector

Whilst the space VOCNT occupies in victims' services in the Northern Territory is unique, its narrative is by no means singular. Many of the agencies interviewed in the process of compiling this report recounted similar difficulties in resource allocation. Ruby Gaea Darwin Centre against Rape was founded 23 years ago and has only recently significantly expanded, the source and effects of which are discussed below. In the sphere of child protection, the peak prevention body in the Northern Territory, National Association for the Protection of Child Abuse and Neglect, has three funded positions. There are many similar examples across the sector. The following sections analyses the many resource allocation problems that apply to all sexual assault services.

## Population Dispersion and Aboriginal Disadvantage

An ever-expanding clientele experiencing exceptional rates of crime is a challenge that all services, not just VOCNT, must overcome. However, the unique nature of service-provision in the Northern Territory must also be taken into account. The NT has the smallest population of all jurisdictions. It accounts for 1 percent of the national population<sup>159</sup> but almost a fifth of its total land mass<sup>160</sup>. In 2009 43.5<sup>161</sup> percent of our population live in rural and remote areas, compared with the national average of 2.3 percent<sup>162</sup>. In the NT, there are approximately 50,000<sup>163</sup> people residing outside the concentrated population bases of Darwin and Palmerston, Katherine, Alice Springs and Tennant Creek. The total area this remote population inhabits is larger than South Africa<sup>164</sup>. Some 85 percent<sup>165</sup> of people living in remote areas of the NT are Indigenous. 27.3 percent of children in the Northern Territory live in very remote areas, compared nationally with an average of 0.7 percent. The combined result of these statistics is a sparsely spread population, comprising many young people, that brings with it all the challenges of rural and remote service delivery. These include operational issues such transport, communication, networking and infrastructure.

In discussing Indigenous affairs, in 2009, the Northern Territory had the highest proportion of Aboriginal people of any state or territory in Australia<sup>166</sup>. There were 67,441 people, comprising 30.2 percent of our total population<sup>167</sup>. The closest state after the NT was Tasmania, with 3.9 percent<sup>168</sup>. In terms of young people, Aboriginal children aged 0-17 years old comprised 43.3 percent of all children in the Northern Territory<sup>169</sup>. This must be stressed. Almost one in two children in the Northern Territory is Aboriginal. Nationwide, only 4.6 out of a hundred are Aboriginal<sup>170</sup>.

The extent of Aboriginal disadvantage must be considered in any discussion of sexual assault service provision in the Northern Territory. Only a small snapshot is covered by this report. For example, the Aboriginal infant mortality rate is three times higher than the national average<sup>171</sup>. An Indigenous person of any sex born from 2005 to 2007 can expect, as an adult, to die a decade before their non-Indigenous counterparts<sup>172</sup>. As one indicator of psychological wellbeing, in 2005–06, Indigenous Australians were three times more likely to be hospitalised for intentional self-harm than other Australians<sup>173</sup>.

Nationally, in 2001 only 8% of Indigenous people over 15 years old living in remote areas completed Year 12, compared with 35% for the non-Indigenous population<sup>174</sup>. In terms of national levels of higher education in the same year, only 5% of the Indigenous population between the years of 18 and 24 attended university, compared with 23% of the non-Indigenous population<sup>175</sup>.

In 2006, the median weekly gross individual income for Indigenous peoples was \$278, this represented 59% of the median weekly gross individual income for non-Indigenous peoples (\$473)<sup>176</sup>. For Indigenous persons, income levels generally decline with increased geographic remoteness.

The needs of our Indigenous population have commanding influences on the nature of sexual assault service provision in the Northern Territory. This is because, as a whole, Indigenous persons suffer disadvantages that are incomparable, in terms of scale and extent, to their non-Indigenous counterparts. Also, their typical socio-economic conditions are not echoed by experiences or population composition interstate, meaning this is an issue for local innovation and policy alone. High rates of sexual assault and chronic disadvantage, conflated by poor living standards and a minority status on the national stage, makes the context of Aboriginal disadvantage in service provision incredibly important.

It is in this context of an increasing clientele, exceptional rates of crime and a physically large jurisdiction that is sparsely and diversely populated that organisations such as VOCNT operate. What can be surmised from these figures is that service delivery in the Northern Territory for sexual assault providers and all social service providers is incomparable to that of other states and territories. Whilst practices can be drawn from some areas that approach the same dispersions, such as rural Western Australia and Queensland<sup>177</sup>, no other jurisdiction holistically compares to these conditions for both the Indigenous and non-Indigenous population. No other jurisdiction has experienced the same degree of population growth within such a large geographic expanse.

In terms of revisiting VOCNT, these statistics hopefully reframe the reader's understanding of their service mandate. VOCNT does not shy from the challenges of living up to its mandate as a provider not only for residents of Darwin but for all the Northern Territory. The traumas of crime victimisation are difficult enough to overcome in Darwin's urban setting, where services are centralised. The recovery process for victims in rural areas such as Katherine and Alice Springs, that do not have VOCNT offices or employed personnel, is immensely challenging<sup>178</sup>. What is required of victims in remote areas, such as Maningrida or the Tiwi Islands, is staggering<sup>179</sup>. One service provider observed that the physical isolation, combined with the lack of readily available services, often intensified trauma<sup>180</sup>. The state of affairs is such that the *Growing them Strong Together Report* raised, "the question of whether an alternate model of service delivery is required in order to meet the unique services needs of families living in rural and remote areas."<sup>181</sup> VOCNT has been more than forthcoming with its knowledge of these shortcomings, as stated in the 2008 Annual Report,

*There are still some areas that we need to build on; particularly out-reach to more isolated communities. This is an urgent commitment...*<sup>182</sup>

These challenging conditions are a call for comprehensive funding and resourcing, rather than what is merely sustainable. As Mr Campbell recounts,

*The nature of this industry is that we are quite often shackled by our funding requirements. We may, through our knowledge base, have an understanding that preventive practice is the way to deal with disadvantage in the long term but if our funding requires us to provide a family with emergency money to buy some food and sleep somewhere safe, we remain limited.*<sup>183</sup>

## Continuous Policy Reforms

Of interest to this report, there have been four major policy developments that provided massive injections of resources and increased public scrutiny in Northern Territorian service delivery. The first was announced by the Northern Territory Government in October, 2006, and it outlined deep-seated and broad-ranging local government reform. Fifty-eight Community Government Councils were combined into nine Shire Councils, with the intended purposes of "offering mechanisms for cost effective, ethical service delivery in the bush"<sup>184</sup> through "replacing the pocket handkerchief councils."<sup>185</sup>

Then, in 2007, came the Northern Territory Emergency Response (NTER). This was the Australian Government's response to the declaration in the *Little Children are Sacred Report's* declaration of a state of emergency in the welfare of Aboriginal children. The NTER introduced an expansive range of measures in an attempt to arrest the continuing decline in this situation. These included stronger child protection measures, increasing funding to housing, income management, alcohol and other drugs management and further local government reform<sup>186</sup>. The NTER had the ambitious goal of providing,

*...a set of measures designed to protect children, make communities safe and build a better future for people living in Indigenous communities and town camps...*<sup>187</sup>

From the NTER came the NT Government's participation through COAG in the *Closing the Gap in Indigenous Disadvantage* initiative in 2009. Its policy has six main objectives including protecting women and children, improving the quality of education and "resettling the relationship between governments and Indigenous people."<sup>188</sup> So far, COAG has committed \$4.6 billion to *Closing the Gap*. This manifested in the NT as the 2009 *Closing the Gap in the Northern Territory National Partnership Agreement*<sup>190</sup> - meant to be the long term continuation of the principles of the NTER<sup>191</sup>. The Agreement extends from July 2009 to June 2012. In 2010, the NT Government has invested \$300 million<sup>192</sup> in the Closing the Gap initiative.

Finally, a result of *Closing the Gap* was the *Remote Service Delivery National Partnership Agreement* and the NT government's *Working Future* policy. The former identifies 26 locations in Australia, 15 of which are in the Northern Territory, for initial investment, called "growth towns."<sup>193</sup> The latter adds a further 6 towns targeted for substantial development and the position of a Coordinator General for Remote Services<sup>194</sup>. *Working Future* will see \$160 million invested over five years from the NT Government.<sup>195</sup>

## Implications of these Policy Reforms

A suite of rapidly changing policies has expanded the resources of Northern Territory service providers. This boost is timely and the financial commitment is unprecedented. However, the sheer volume of resources does not necessarily mitigate the raft of operational strains because the methods of allocation are as crucial as the resources themselves.

In discussing the efficacy of these policy shifts, three major sources of literature must be mentioned. Firstly, the findings of the Report of the NTER Review Board in 2008 were that,

*After years advocating for and operating essential services for young people mostly on very little money, it has been frustrating to see the wave of federal intervention funds, which were allocated in the name of young people's welfare, wash over the region without significantly addressing the gaping holes in youth service provision.*

*...we estimate that for 1% of the total cost of the intervention, we could have met the outstanding youth program infrastructure and operational needs for the whole of Central Australia for the next three years.<sup>196</sup>*

Secondly, reflecting the opinions of many in the sector, the Principal of a remote area school published in the *Little Children are Sacred Report* stated, "...we're resourced to cope, not to succeed."<sup>197</sup>

Thirdly, the Northern Territory Coordinator-General of Remote Service's six monthly reports to the Northern Territory Government in 2009/10 speak extensively to the perils of the short-cycle funding that many of these policies adopt.

*Shires delivered in excess of \$200M worth of services aggregated at Shire reform on 2006/2007 figures, more than 80% of which were services on behalf of government...support to Shires as the major service provider in the bush must be paramount...Support them, don't criticise them, and accept that many of their difficulties arise from silly Government practices.*

*...Funding cycles need to be lengthened and where possible, application based funding should be eliminated and acquittal processes streamlined to enable them to get on with the job at hand. There is currently far too much red tape.*

*...Public servants would be more productive spending their time on assessing and monitoring the outcomes of their funding packages, rather than wasting inordinate amounts of time on designing 50 plus page application forms, and even longer acquittal documents.*

*...The current one year funding cycle favoured by many Australian Government, and Northern Territory Government agencies, render recruitment and retention of quality staff next to impossible. Who is going to uproot house and family and move here from interstate for a contract term of less than twelve months – the balance of the year left after the recruitment process has resulted in an offer being made?*

*...the utter reliance of both governments on seriously under-equipped and under-funded local government bodies and non government organisations to deliver such a multiplicity of programs to remote towns is fundamentally flawed.<sup>198</sup>*

The Coordinator-General went on to formally recommend that Australian and Northern Territory Governments allocate their funding of both government and non-governmental organisations in "3-5 year funding cycles."<sup>199</sup> Thus, the literature clearly demonstrates that although massive increases in resources are welcome and needed, the implementation of those resources is of equal importance.

## Opinions from the Service Sector on Policy Reform

The following are some of numerous observations from service providers describing how resource allocation has affected them at a grassroots, affirming also the findings of the literature;

*It places a great strain on the consistency and the quality of services when they cannot guarantee the longevity of their programs or staff across the next financial year. How can you possibly attract staff? How can you keep them? How can you plan for the future? There should absolutely be 3-4 year block funding. Too often, short-term funding just doesn't work.*

– Barbara Kelly, Northern Territory Coordinator of the Sexual Assault Referral Centre<sup>200</sup>

*You don't want to provide a service to communities in need and then stop. It can be so damaging and demoralising to start offering services you can't keep providing.*

– Teena Balgi, Principal Solicitor and Coordinator of the Top End Women's Legal Service<sup>201</sup>

*The Katherine Witness Assistance Service office was opened with Closing the Gap money. We've fought long and hard for an office in that area but come the end of the year, someone will have to make an argument to keep that office open.<sup>202</sup>*

– Nannette Hunter, retired Coordinator of Witness Assistance Service

*Working at the coalface, you see the need...the idea that you wouldn't get the money is absurd because every day, we see why we have to get this funding. We see why the victim/survivors we help absolutely need this service; why the education we deliver has to happen to eliminate sexual assault. I look to the Northern Territory and the Australian Government to support the vision of a world without sexual violence. They have to because support us because that's the only way we can deal with this- by providing support for those who have already been violated and educate others in prevention.*

– A service provider working in prevention education who declined to be named<sup>203</sup>

*I call the Northern Territory Government to a three-term, bipartisan, exhaustive, Territory-wide commitment to sexual assault prevention. This campaign should cover the entire spectrum of care, including teaching protective behaviours for children, prevention education for all members of the community and governments themselves, and a broad-ranging social media campaign. It should fund specialist education, counselling, advocacy, project management, crime prevention and response teams, emergency shelter and everything else that represents best practice and a holistic approach. It should include block funding for sexual assault services, such as Ruby Gaea, that is consolidated and non-retractable for that 9 year interval.*

*This way, the whole community, for almost half a generation, is saturated with the message that sexual assault is not cultural or tolerable but that it is a crime. This way, the myths of sexual assault can be lifted and continuing misinformation over issues such as consent is removed. If every member of the community is clear in their understandings of what defines a perpetrator and who is a victim/survivor, then the community response against sexual assault can be simplified, unified and empowered.*

*Individuals may have their myths inbuilt but we know that if you present them with enough information, if you send them the same message over and over again, if you do this consistently and for a long enough period of time, opinions shift.*

– Samantha Bowden, Northern Territory Coordinator of Ruby Gaea Darwin Centre against Rape<sup>204</sup>

## Skills Shortage

The plaguing effects of the skills shortage were recounted, in-depth, by many service providers.

*It took us 12 months to fill one position in Alice Springs and 9 months to fill another. That's not unique to the Witness Assistance Service. Other organisations find it difficult to attract counselors. Then you get to places like Tennant Creek and Nhulunbuy, where trying to maintain counselling services is even harder. There's a skills shortage, so you have to grow as and when you are able to.*

Nannette Hunter, retired Coordinator of the Witness Assistance Service Northern Territory<sup>205</sup>



*There's a terrible skills shortage, particularly in community organisations that can't afford to pay high wages. Like many, Top End Women's Legal Service has been around for a while, but it has ebbed and flowed. When I first joined, there was basically the Principal Solicitor and me working part time. Now there are four solicitors who form a very strong team. It's not really due to a particular policy change - it's due to the availability of good leadership and solicitors.*

– Penny Taylor, Solicitor, Top End Women's Legal Service<sup>206</sup>

The skills shortage affects all industries in the Northern Territory but for the social services sector, it is acute. It is a multifarious problem and it is not for this report to determine and address in its entirety. However, what have been identified are government practices that intensify the problem. This report can do no better than to report the analysis of the Coordinator General for Remote Services,

*When Governments accept the need to deliver a service of any kind, they then address the practicalities of how that might be done. In urban areas, the typical response is to open a regional office and then set about recruiting suitably qualified staff. In country locations with a limited housing market the government agency often also accepts the responsibility to provide housing for the employees.*

*In remote Aboriginal areas, the typical response is to find a service delivery organisation to which the Government agency can provide a grant to generate the employment to provide the service. One would think that the Government agency would be prepared to cover the full costs of that service delivery option, including housing, but that is usually not the case. Issues like long service leave provision, and superannuation and other unavoidable costs are often met with long and drawn out arguments from the funding provider.*

*My point is simply this; if the Government decides to grant fund a third party organisation to deliver that function, rather than set up its own operation, that should not be taken as an opportunity for cutting costs.*

*As I have previously said, the rigmarole of the annual application and acquittal system, often leaving less than twelve months remaining for which a contract can be offered, with no housing for that employee in a location with NO housing market, is a formula for failure. Committed, professional staff is hard to find anywhere, and once they have established their credentials in the market place they can pick and choose between job offers. How can a Shire, or any other remote service provider hope to obtain the best people given this operational hamstringing? We need the very best people in the bush, and the current funding arrangements are hampering efforts to attract them.<sup>207</sup>*

In terms of VOCNT, the adoption of a largely volunteer model arose as much out of necessity as it did in the interests of community engagement. The provision of a universal service, available to victims 24 hours a day, 365 days a year operates largely on the goodwill of those volunteers. When such a strong commitment to the organisation from the general public already exists, VOCNT can only benefit from an increase in resources and funding, as can all service providers.

## **Paraprofessionals and Volunteers - the Case for Elliott**

The skills shortage leads to a secondary and ongoing debate on the role played by volunteers and paraprofessionals. Brian Phillips, Centre Manager of the Elliott Service Centre in Barkly Shire is a professional working closely with such providers. His role focuses on 'coordinating and networking with providers for the delivery of appropriate services to our community of Elliott.' Mr Phillips recounted his frustration at watching many trained professionals pass through the community, either as contracted NGOs providing finite training programs, or constantly leaving professionals. This dissatisfaction is fuelled by the gaping skills-gap Mr Phillips sees in his community in terms of the training of paraprofessionals and volunteers from the community itself – workers who are well-known, well-liked and there to stay. Mr Phillips recounted,



*Elliott is fortunate in that we have a fully functional Safehouse for women and children in crisis but providers have no formal training.... Having completed tertiary studies in Violence and Trauma, I have a very good understanding of the issues affecting workers in this field. I have not seen any professional supervision that allows workers to access information or seek the appropriate advice...<sup>208</sup>*

Mr Phillips outlined the typical process for identifying and reporting sexual assault in Elliott.

*The first point of contact for the victim is often a family member who notices the change in their mood and behavior. (A community education issue)*

*If the victim is attending school, these changes in behaviour will also be noticed by the school workers. Victims frequently become aggressive or totally withdrawn. (Training and reporting issue)*

*A community worker will be sought after for advice and may not have the professional knowledge or background to deal with the issue effectively. (A professional training issue)*

*The community worker will then make the referral and complete mandatory reporting disclosure. (Time delay issues in reporting and responding)*

*Police will investigate. Community Police may not have the forensic skills to determine whether an offence has occurred and to get an indication on who the perpetrator may be. (A training and workforce issue)*

*The final emergency agency response, from bodies such as the Child Abuse Taskforce, will come from Tennant Creek, Alice Springs or Darwin. (Causes significant time delay)<sup>209</sup>*

Mr Phillips relayed other instances where 'emergency responses' are fundamentally flawed,

*In the event of a potential suicide, the first response usually comes from the Police or the Night Patrol<sup>210</sup> if they are on duty that night. The matter is then referred to the clinic and the referral is sent on to an appropriate mental health group or counseling service. It is in the underlined step that there is a tremendous time delay. There may be no other alternative but for Police to place people in protective custody until a response team arrives.<sup>211</sup>*

What Mr Phillips described is a situation where community service providers can be made aware of a potential attempt at suicide, and the only response they can offer is forced police custody until a response team, after an indefinite period of time, arrives from Alice Springs or Tennant Creek. Service providers, operating on the trust and faith of their community in their ability to respond to these needs, can do little.

Mr Phillips described is a situation where a community worker can report significant and reasonable suspicion that a child will be sexually abused, activating an emergency response which can take several business days to reach the individual. If such reports are made on Fridays, with the weekend intervening and possible public holidays on Monday, 'emergency response' becomes a contradiction in terms. It must be noted that Australian literature reviews have found that child sexual assault survivors are 18 times more likely to have a significant risk of suicide than members of the general population<sup>212</sup>.

Harder conditions and more demoralizing experiences for community workers, often also friends and family of these young people, are difficult to imagine.

Mr Phillips' frustration is palpable,

*In this community we would like to think we have a handle on what is happening but in terms of the issue of youth sexual assault, we do not have the ability to effectively deal with the problems.<sup>213</sup>*

Mr Phillips requests that to lessen the delay in response, 24 hour video links are installed on-site in Elliott that allows in-person support and instruction to pass between community workers and experts in urban centres.

## Beyond Elliott – the Case for the Service Sector

In some instances, such as the case of Elliott, research clearly indicated that up-skilling paraprofessionals and volunteers presents a solution to many problems. However, research also revealed variance in the opinions of service providers. The arguments presented for and against have been summarised below.

Complementing Mr Phillips' support of engaging paraprofessionals, retired Coordinator of the Witness Assistance Service Northern Territory, Nannette Hunter, contributed the following,

*In every other Witness Assistance Service interstate, staff are social workers. In the NT, we have a mixture of people, only some of which are social workers, making us unique in the country. For example, I am not a social worker. I am a teacher who has a law degree.*

*At WAS we also have workers who don't hold academic qualifications and are from a non-professional stream of the public service. They were hired on the merit of their life skills and experiences. It was a deliberate decision on our behalf to attract people who have the passion and knowledge we value but, for whatever reason, haven't had the opportunity to do a tertiary qualification.*

*...there is still room in the Territory for those people, especially when you consider our Indigenous population who often work in their community, and volunteers working with refugees, and child-care workers looking after large groups of young people, and paraprofessionals working in health centres, and teaching assistants in schools. ...these are people with years and years of experience, who have worked with people in need, who know communities and are invaluable but just have not, for whatever reason, had the opportunity to gain a tertiary qualification. There's absolutely still a place.<sup>214</sup>*

Furthermore, VOCNT proudly highlights its use of non-professional workers,

*Our ability to provide professionally qualified staff and VAWs of mixed gender and ethnic background has already impressed our clients and associated agencies.<sup>215</sup>*

In opposition, some providers rightly pointed out that in their occupations, the specialised knowledge and skills meant that room for paraprofessionals was slim to none. Solicitors from Top End Women's Legal Service rightly pointed out that in the legal professional, you are either qualified to practice or you are not. Furthermore, Detective Senior Constable Christina O'Connor, formerly of the Child Abuse Taskforce and now with Major Crime Unit, noted,

*For us, whenever you mitigate, whenever you take what you can get, you get issues. That goes without saying.<sup>216</sup>*

Samantha Bowden, Northern Territory Coordinator of the Ruby Gaea Darwin Centre against Rape, added,

*What we know is that if we don't employ the right person, with the right experience and qualifications, it ends up being more work, more expensive and a risk to the organisation. If we aren't stringent and uncompromising in our hiring, we expose clients (who are sometimes the most marginalised people in the community) to poor standards of counselling, education, administrative support, co-ordination and management.*

*It's also not fair if I employ people who are not fully capable and my staff has to work with those people everyday. It makes their lives stressful. Those stressed employees may quit and then I what happens? I am left with only poor staff members. Then, clients start coming out of counselling saying things like 'that person didn't believe me' and I have no staff at all and clients having experiences not in line with Ruby Gaea principles. So yes, it is a hard decision and to say "no, don't employ that person," especially when we are stretched, but it's necessary.<sup>217</sup>*

Other providers' opinions were directed by the circumstance and the individual. Coordinator of Sexual Assault Referral Centre Northern Territory, Barbara Kelly, was one such provider,

*There are enough needs and roles enough to have both. I don't think you can have all of one and none of the other. There is a place for paraprofessionals and for skilled volunteers but we have to provide them with meaningful training. When you increase a person's abilities you also increase their responsibilities. We have to ensure, especially for isolated workers in remote communities, that we don't just train them and send them off. They have to be supported or else it can be dangerous for them and their clientele if they assume a high level of unsupported responsibility.<sup>218</sup>*

## Community Ownership

As discussed, it is common practice for the NT government to contract out providing training and support programs to NGOs, who then deliver those services to various communities. This strategy has many benefits that this report will not spend time on examining. The NT government is already effective in showcasing its positives. However, the counterbalancing need for community ownership and community-driven services is tremendously important. If such training and programs are developed and assessed largely in isolation of their targeted communities, the likelihood of failure is significant.

When Fred Chaney retired from the National Native Title Tribunal in 2007, he was asked on the ABC's "7.30 Report" why "successive governments have failed so comprehensively to turn the story of Aboriginal deprivation around?" Mr Chaney gave the following response,

*We should have learned by now is that you can't solve these things by centralised bureaucratic direction. You can only educate children in a school at the place where they live. You can only give people jobs or get people into employment person by person...you need locally based action, local resourcing and local control to really make changes.*

*... governments persist in thinking that you can direct from Canberra, you can direct from Perth or Sydney or Melbourne, that you can have programs that run out into communities that aren't owned by those communities, that aren't locally controlled and managed. I think surely that is a thing we should know doesn't work... they're locked into systems which require central accounting, which require centralised rules and regulations. They're not locally tailored.*

*... Once you try and do it by remote control, through visiting ministers, visiting bureaucrats fly in, fly out - forget it.<sup>219</sup>*

The Coordinator General for Remote Services, on the topic of workforce retention, suggested,

*This could be a missing link.... Ask local people what they think about the passing parade of the government people who do attempt to live in communities. Ask about the dislocation that occurs when the person they are just getting used to departs suddenly on short notice; it is debilitating.<sup>220</sup>*

Finally, as long-time public servant Barbara Kelly observed,

*Local communities are best at identifying the broader issues and needs of their communities.<sup>221</sup>*

## Model: Witness Assistance Service

The loud cries and sometimes scathing calls for deep-seated reform in resources allocation can be dispiriting. In the face of the many obstacles of the system itself, the service context of the Northern Territory, the skills shortage and so on, it seems easy to fall into negativity and become preoccupied with frustration.

However, positive models that are already integrated into government systems must also be highlighted, in the interests of mapping constructive paths forward. Although the Witness Assistance Service (WAS) of the Northern Territory in no way purports to be perfect, there are many elements of its structure that deserves to be modelled throughout the sector.

Retired Coordinator, Nannette Hunter, worked with WAS since its inception in 1996 to mid-2010. These 14 years of service allowed Ms Hunter to develop the scope and direction of WAS' growth, developing an impressive service that does much for the welfare of victims and witnesses.

*If you have funding for a year or two or three or five, that changes your perspective on what you can do, should do and are able to do. My organisation is recurrent. It's built into the system. Everyone can just carry on, make plans, and write submissions to inquiries and reviews and so on. That stress isn't there.*

*...We are not just based in the three major centres of Darwin, Katherine and Alice Springs. We go to every place where there is a bush court. So we go to Alyangula, Wadeye, Maningrida, Milikapiti, Ngukurr, Katherine, and various other places outside of Alice Springs. We cover the whole of the Territory and we cover all crimes.*

*...We have been very fortunate to be supported by the government of the day, regardless of which party was in power. We are also very fortunate to be supported, to be immensely well supported, by each of the Directors of the Office of the Director of Public Prosecutions that have been there in the last fourteen years.*

*The service in the Northern Territory is bigger per head of population than anywhere else in the country because we do a wider range of services. We are the only service that does summary prosecution, which is work in the Magistrate's court. All the other states only do indictable matters, which appear in the Supreme Court.*

*I believe we are still the only service that does non-violent crimes. We also do property crime. We do everything we can manage and provide our services not in only in response to crimes according to their legal and criminal significance but also in terms of their effect on the individual. Other places will only deal with crimes of violence.*

*An elderly woman having her bag snatched on an evening walk may pale, legally, in comparison to a physical assault or homicide but if that incident leaves that woman severely traumatized, to the point where they won't leave the house alone, then we have the capacity to respond to that crime with services proportion to the victim's needs... We provide a wider range of services and so we have gradually grown and been supported in that growth.<sup>222</sup>*

## Conclusion

The Northern Territory Government explicitly acknowledges the importance of victims' welfare as critical to mitigating the impact of sexual crimes. This is promulgated by legislation, funding and published materials. Furthermore, the difficulties caused by current practices, such as those experienced by VOCNT, are immense and well-documented. In the context of the intense individual and community trauma generated by sexual assault, this disjuncture between policy and practice cannot continue. A rapidly growing population, combined with increasing rates of crime, demands a radical injection of funding but equally as important is the effective allocation of that funding. Population dispersion, Aboriginal disadvantage, a shortage of labour, ensuring community cohesion...the challenges of service delivery are numerous. Organisations such as VOCNT must be supported by receiving funding proportional to the task, and not what is merely sustainable. It is service providers on the frontline who shoulder the ceaseless mission of transposing the lofty goals articulated by policy into reality. If we are to provide young victims and all victims with the care they need, we must ensure that those delivering this support have the resources to do so effectively.

# Recommendations

## Chapter 3: Reforming Resource Allocation

1. That the NT Government reform its methods allocating resources to sexual assault services by:
  - (a) comprehensively funding victim support organisations that deliver proven and effective services
  - (b) ensuring resource allocation expands proportionally with growth in workload, with such growth measured by increases in population, increases in rates of crime and other social indicators
  - (c) allocating all funding in 3 year cycles at minimum
  - (d) streamlining and simplifying funding application and acquittal processes
  - (e) ensuring full remuneration packages are provided for services contracted to non-government organisations that include long service leave, parental leave, rental assistance and other standard benefits
  - (f) funding the immediate expansion of the the non-government agencies of Victims of Crime Northern Territory, Adult Survivors of Child Abuse and Ruby Gaea Darwin Centre against Rape; in addition to victims' services as deemed appropriate by consultation with the service-sector.
2. That the Northern Territory Government address the skills shortage in sexual assault services by:
  - (a) providing ongoing professional development for volunteers and paraprofessionals
  - (b) creating comprehensive supervision and support services for non-professionals working in service delivery
  - (c) ensuring the development of these and other service provision agencies is premised upon an holistic approach, such as the approach adopted by the Witness Assistance Service Northern Territory service model.
3. That the Northern Territory Government improve sexual assault service provision to rural and remote communities by:
  - (a) prioritising the establishment of offices and funded positions in rural and remote communities for victims' support agencies, such as Victims of Crime Northern Territory and Witness Assistance Service Northern Territory
  - (b) acting urgently to streamline referral protocols and substantially accelerate emergency responses to reports of incidents such as attempts at suicide and child abuse or neglect
  - (c) installing 24 hour video links in rural and remote service centres that allow local service providers and clients access to experts and other agencies/resources as needed
  - (d) ensuring there is community ownership of services and programs, especially for rural and remote communities—the degree of community ownership is to be indicated by factors such as community engagement, youth participation, adaptation to local needs, consultation and collaboration and dissemination of information through the stages of planning, implementation and review.

# Chapter 4: Creating a Sexual Assault Services Network (SASN)

## Introduction

Cutting across all concerns and service gaps identified by this report, there emerged a clear need for sector-wide coordination. This chapter examines the necessity and potential form of a Sexual Assault Services Network (SASN). A SASN which would do much to unify efforts, clarify accountability, fully exploit corporate knowledge, individualise sexual assault from domestic violence, consolidate existing relationships, lengthen institutional memory and facilitate a better workforce culture. Yet, there are palpable dangers to a poorly administered network, which would increase rather than reduce the magnitude of current workloads. It is critical that a SASN conforms to the operations of its participants and is a sector-managed project, rather than one directed by a body outside the industry. This is because any effective format relies on industry knowledge to streamline internal processes, such as referral and evaluation. The following is an outline of some of the unique and critical benefits that would be generated by a well-implemented SASN.

## Speaking with One Voice

*There is no forum in which a range of voices committed to working in the area of sexual assault can come together to share information or to create one voice around issues.*

– Barbara Kelly, Northern Territory Coordinator of the Sexual Assault Referral Centre (SARC)<sup>223</sup>

*We are all in our little silos. We do our best and there are good reasons why things happen this way but there are problems with it too.*

– Sexual assault service provider<sup>224</sup>

Research revealed that each organisation interviewed was relatively proficient at providing its service, given the constraints of funding and labour. Whether it was prevention education, counselling, community legal aid or the range of other services assessed, there was consistency in the dedication and compassion of service providers. However, as much as organisations may strive to take a holistic approach; tackling core business in addition to community education, advocacy and the like; no amount of effort can overcome the fact that “no single organisation can do everything.”<sup>225</sup> The presence of a single body, ultimately accountable for the many service gaps outlined in this report and their closure, is missing.

## Clarifying Accountability

For some short-comings, it is clear who is responsible. The need for more and better interview rooms at the Peter McCauley Centre clearly lies within the jurisdiction of the NT Police. However, other issues are more difficult to isolate, such as community education. Although many organisations, including Ruby Gaea Darwin Centre against Rape (RGDCAR), National Association for Prevention of Child Abuse and Neglect (NAPCAN), Top End Women’s Legal Service (TEWLS) and Dawn House Inc., run community education programs, there are distinct gaps. Geoffrey Bahnert, from the Adult Survivors of Child Abuse (ASCA), has worked intensely to fill the gap in workshops for adult survivors. ASCA is the only national organisation that provides support of this kind to survivors in the Northern Territory. ASCA receives no ongoing government funding and has struggled to fund its core business of providing workshops. Consequently, adult survivors miss out. Furthermore, whilst many organisations have, to varying degrees provided prevention education in schools, programs for youth disengaged with the school system were significantly lacking in comparison.

Penny Taylor, a solicitor at TEWLS, observed, “there are always resource issues, skills-shortages and other difficulties that cause services gaps to appear, but there are also a lot of good, hard-working people doing



the best they can under difficult circumstances.” The concerted efforts of service providers interviewed by this report have been universally laudable. Many providers are acutely aware of the cracks and work furiously to fill them. Despite this, organisations are simply unable to co-ordinate broad-spanning solutions. The *Growing Them Strong, Together Report* found that for child protection, which often intersects with sexual assaults services, that,

*It is clear that these complex issues cannot be satisfactorily addressed by one agency working alone. It is now accepted wisdom that agencies need to work together collaboratively to provide assistance... response with input and solutions from multiple perspectives...will deliver the most appropriate... service.*

*Over the past decade there has been an ever-growing list of inquiry reports and coronial inquests... describing the tragic consequences for children and young people and their families when agencies fail to work collaboratively and cooperatively and fail to accept a shared responsibility for the care and protection of children.* <sup>226</sup>

Ultimately, no single entity is accountable for the prevalence of unreported sexual assault and other endemic issues. Yet, this does not change the fact such gaps exist, that many groups are being under-serviced and more are not being serviced at all.

## Unifying Efforts

The idea of forming a sexual assault services network is, as Barbara Kelly from SARC pointed out, “by no means a new suggestion.”<sup>227</sup> The fact that an SASN does not currently exist is not due to a lack of will or support. Rather, it is the constraints of current workloads that have impeded its development. Current stresses on organisations means that “it is always hard to find someone to take on the extra work of building a network.”<sup>228</sup>

An example of the extraordinary tasks faced by services and the effectiveness of collaboration was relayed by Nannette Hunter. Mrs Hunter is a long-time member of the Management Committee of Dawn House Inc. (DH).<sup>229</sup> Recently DH, along with the rest of the emergency housing sector, reached a point of crisis. In 2006, the Northern Territory had the highest rate of homelessness in Australia<sup>230</sup>. DH turned away “dozens and dozens of families”<sup>231</sup> because “there was simply no room.”<sup>232</sup> As a political measure, a group of housing bodies came together in 2009 to lobby for change and as described by Mrs Hunter,

*Cross-collaboration was effective in that we had a strategised campaign and media coverage. We got the ear of Ministers and were consulted by government groups trying to do something about the housing crisis. It did more than any single organisation could achieve. Ultimately, we all worked hard in the same area but it got to a point where we needed to come together.*<sup>233</sup>

Furthermore, the *Growing them Strong, Together Report* stated,

*Effective interagency collaboration has the potential to enhance services to children by delivering better assessments of need, improving the delivery of holistic services by minimizing gaps and discontinuities in services, achieve greater efficiency in resource use and providing more support for workers. These comments echo what is documented in many statements of intent and inquiry reports in the Northern Territory.*<sup>234</sup>

Thus, group efforts in related fields and inquiries have already documented the value and need for interagency collaboration. The coalition of emergency shelters did not solve the housing crisis, just as a SASSNT will not eliminate sexual assaults. However, the collective efforts of service providers meant that public awareness was increased, political efforts were accelerated and stronger partnerships were fostered. Sexual assault services have as much to gain as any field experiencing duress from strong scaffolding and strategic co-ordination.

## Exploiting Corporate Knowledge

The above constraints on time and labour demonstrate the need for the creation and administering of this network to be assumed by a new, funded position within an existing body. Expanding an existing service through adding such a position would take full advantage of that service's industry knowledge and existing, informal networks. The service chosen must be non-governmental because NGOs have the necessary freedoms from governmental hierarchies and political climate to be truly independent. As Barbara Kelly, Coordinator of the governmentally funded SARC, says,

*As a public service, it is not appropriate for me to approach the Minister with my concerns. I have to work through the appropriate channels, which makes direct access hard. My work is also framed by government initiatives and policies. A non-governmental body has more freedoms in terms of who they can approach, how they raise issues and the content of their policies.<sup>235</sup>*

## Defining an Identity for Sexual Assault

Under current systems, sexual assault services are largely integrated into networks and programs with a domestic and family violence focus. Many of these structures endeavour to separate the two but these efforts can only go so far within the limitations of a combined platform. Whilst the commonalities between sexual assault and domestic and family violence are numerous, there are many reasons why sexual assault must have its own, defined presence.

At the elemental level, domestic and family violence and sexual assault share many of the same characteristics. In some instances, the latter falls under the umbrella of the former. The majority of all these are crimes perpetrated by men against women<sup>236</sup>. They share large degrees of under-reporting<sup>237</sup>. The trauma and psychological effects for victims, such as Post Traumatic Stress Disorder can be similar<sup>238</sup>.

Despite these common threads, in the social service, it is essential that sexual assault and family and domestic violence be treated as two distinct spheres. One does not necessarily fall under the other, which means the assumption that sexual assault is a part of domestic and family violence does not encompass all victims. As Barbara Kelly from SARC states,

*Sexual assault perpetrated by fathers and husbands is only one element of the broader spectrum. What about those victims who fall outside this limited net?<sup>239</sup>*

To further substantiate their fundamental differences, in the eyes of the law, they can also be two entirely separate entities. When the perpetrator is charged with sexual assault, it is within the criminal jurisdiction. In such instances, it is the Crown that prosecutes on behalf of the community against the offender. In the domestic and family violence protection order process, which includes placing restraining orders, it falls under the civil jurisdiction. In this case, it is two members of the community acting against one another as opposed to the State charging a person with a crime.

Despite the clear delineations between sexual assault and domestic violence, for a range of reasons, they are often treated in combinations in social services and programs. Detective O'Connor of the Major Crime Unit with NTPFES iterates this,

*Often, community programs, organisations and networks combine sexual assault and domestic violence. However, the attention given to each is not even. This is understandable, in part, as sometimes one is an element of the other. However, sexual assault and domestic violence do not equate. They need to be categorised separately because they are two inherently different things.<sup>240</sup>*

Currently, in the Northern Territory, the differing sexual assault services cross-engage to a degree because they are often members of related networks. A local example is the Central Australian Family Violence and Sexual Assault Network. However, networks do not always include sexual assault in their core purposes, despite attracting many service providers. Other Darwin-based examples are the Darwin Domestic Violence Network and the Family Pathways Network. Local policing through the Domestic and Personal Violence

Protection Unit also conjoin the two to a distinct degree. A national example is the Australian Domestic and Family Violence Clearing House.

However, movements are being made towards building a separate national identity for sexual assault. These are through campaigns such as White Balloon Day, which raises awareness for child sexual abuse. Forget-me-knot Day, run by ASCA fulfills a similar role for adult survivors. Also, the federal research body, the Australian Centre for the Study of Sexual Assault, clearly separates itself from domestic violence studies. The National Association of Services against Sexual Violence (NASASV) also detaches itself from domestic and family violence quite clearly. This trend should be reiterated in the Northern Territory.

The detrimental effect of the combining of these two elements is clear.

*If we include sexual assault with domestic and family violence, then where do we have the conversations publicly about other sexual assaults?*<sup>241</sup>

– Barbara Kelly, Northern Territory Coordinator of the Sexual Assault Referral Centre

The rolling together of sexual assault and domestic violence in this network is intended to be equal but often as sexual assault can become an element of domestic and family violence, the focus can shift away from sexual assault as a separate entity in its own right. When asked about the effects of this rolling together, Samantha Bowden, the Coordinator of the Ruby Gaea Darwin Centre against Rape (RGDCAR) contributed the following,

*The lack of this network contributes to the secretive nature of sexual assault. Collapsing it together with domestic violence allows for people to veil it under other names. It hides our work and hides the crime... It protects perpetrators and shields communities from having the difficult conversations. There are many things that look similar but the crime of sexual assault is inherently different to anything else. It is of no greater or lesser importance, but different. By collapsing them together...we fail children because we don't give them the language to name and shame sexual assault for what it really is.*<sup>242</sup>

An experienced service provider working in community education on sexual assault also contributed the following,

*Anything that clouds our understanding of sexual assault stands in the way of recognising it as a crime that the community needs to take responsibility for; not just women's organisations; not just victims/survivors; not just government departments or tokenistic gestures. We need to have real understandings of how and why sexual assault occurs, separate to other crimes. Once we have that, we can start having an understanding of how to stop it.*<sup>243</sup>

Detective Senior Constable Christina O'Connor, from the Major Crime Unit with the NT Police, contributed the following,

*There was a matter I dealt with including both sexual assault and domestic violence. The interaction with the offender meant that a domestic violence order was taken out in the Court, with all details of the sexual offending included. Domestic violence orders in this sphere are presented in the Public Gallery. This meant that everyone in the room heard those details, while the victim was there. That was incredibly humiliating, degrading and traumatising. As a consequence, the victim wasn't prepared to make a statement in relation to another sexual assault when the opportunity arose many months later.*<sup>244</sup>

It is through the development of a SASN and the appreciation that, "getting a group of people together who have an interest in and commitment to this area in its own right is worthwhile" that work can be done in improving the future lives of victims of sexual assault. Barbara Kelly says, "be it to work on legislation reform, evidence giving or providing universal video conferencing at the Supreme Court - a sexual assault specific network is sorely needed."<sup>246</sup>

## Consolidating Relationships

*That's also the beauty of Darwin. It's small enough that those networks have the potential to operate very effectively. In somewhere like Sydney, it's difficult but here we can make it work.*<sup>247</sup>

– Penny Taylor, Solicitor with Top End Women's Legal Services

The value of networking in the Northern Territory is pronounced. Our small population means that networking occurs naturally and often without formal processes. As one service-provider relayed, "in concentrated areas of service-provision, you either personally know who to go to or there is one degree of separation."<sup>248</sup> Given the relatively small community of sexual assault services, there is already strong collaboration. Penny Taylor of TEWLS has,

*... seen some great collaboration between prosecutions, the Witness Assistance Service, counselors and community legal centres all coming together, in one room, to support clients going through the Court process.*<sup>249</sup>

Another example is the Darwin Reclaim the Night Rally 2010<sup>250</sup>. This was a collaborative effort between RGDCAR and the Balunu Foundation<sup>251</sup>. The march aims to provide "support for survivors of sexual assault, and make a public statement against youth suicide and sexual violation."<sup>252</sup> Speakers at this event have representatives not only from these two organisations but also the Adults Surviving Child Abuse and NAPCAN. Events such as Child Protection Week and Children's Week also help create partnerships.

In reference to the Darwin Domestic Violence Network and the Family Pathways Network, Penny Taylor of TEWLS has said, "There are some fabulous networks...that information exchange is regular and rich and happening all the time."<sup>253</sup> In contrast, the consequences of a lack of collaboration and networking in services for child protection were clearly outlined by the *Growing Them Strong, Together Report*. It commented that,

*Over the past decade, there has been an ever growing list of inquiry reports and coronial inquests, both in the Northern Territory and in other jurisdictions, describing the tragic consequences for children and young people and their families when agencies fail to work collaboratively or co-operatively and fail to accept a shared responsibility for the care and protection of children.*<sup>254</sup>

## Models: Existing Service Networks

The advantages of unifying services is tangibly realised through the many service-specific networks already in place. There is the Domestic Violence Network (DVN) which, "meets on a regular basis to advocate and lobby for improved services and responses for women and children escaping domestic violence."<sup>255</sup> There is also the Mental Health Coalition Northern Territory, the Chronic Disease Network, the Women's Network and countless others. A SASN would provide a space where "issues around court facilities, legislation and other sexual assault related issues can be legitimately raised and sought action for,"<sup>256</sup> as has been done in other areas. Furthermore, the *Growing them Strong, Together Report* collected examples and developed models for increased collaboration, it

*... identifies and describes some excellent examples of good practice in relation to interagency collaboration and partnerships in the Northern Territory and other jurisdictions and provides a legislative framework for information sharing.*<sup>257</sup>

## Lengthening Institutional Memory

Although the current informal methods of collaboration are valuable, formalising them allows more consistency in the Northern Territorian context of high rates of staff turn-over. *Growing Them Strong, Together Report* found that one of the largest obstacles for services was "appalling rates of worker turnover and difficulties in recruitment, leading to the presence of unfilled positions at all times"<sup>258</sup> along with "untenable caseloads."<sup>259</sup> It further noted that for child protection in particular, "delayed training of up to 12 months for some new staff due to lack of fit between recruitment time and delivery cycle."<sup>260</sup>

Teena Balgi, as the Principal Solicitor of TEWLS, has devoted much thought to the matter of hand-overs and offered the following assessment for her organisation:

*If I leave, there is a lot of knowledge that leaves with me, not all of which is replaceable. There are many elements to a hand-over. Firstly, there is the content you can write down or tell people. This varies in effectiveness, depending on how much time the incoming and outgoing employees have together. When people leave on short notice or there are delays in filling positions, you don't get that in-person transfer. Secondly, there is the corporate knowledge and institutional memory. This can't really be documented. You can't pass on relationships and you don't always realise what you know. Hand-overs are difficult to do well for everyone.<sup>261</sup>*

Furthermore, Nannette Hunter speaks of her sixteen years of experience in sexual assault service provision in the Northern Territory:

*Systems fail when personnel changes. You might spend a long time establishing a referral protocol between two organisations, fine-tuning the system and making everything work smoothly. Then one or both of the prime-movers leave, the system falls to pieces. There doesn't seem to be succession planning built-in. Referrals are so dependent on particular people and groups. When those change, for whatever reason, the system falls apart. It happens all over the Territory.<sup>262</sup>*

Formalising networking and relations between sexual assault services will not solve the problems caused by high rates of turn-over. Hand-overs are, of course, largely dependent on the individual situation and the organisation's internal framework. However, a SASNNT will establish stronger and more consistent links across the services sector. With concrete avenues of engagement, such as regular meetings and directories ingrained into operations it will be easier for incoming employees to assimilate. Rapport will not continuously have to be rebuilt if they are maintained across a range of individuals. For employees coming from interstate or outside the sector having such strategies in place means that the landscape of services will already be centralised and accessible.

## Improving Working Culture

*The time has come to reconfigure vital links at the service level...<sup>263</sup>*

– Department of Health and Families' Submission to the Inquiry into the Child Protection System in the Northern Territory

The SASNNT would have a unique ability to create service directories for the industry and resources for the general public. Many organisations provide services that overlap. For example, Anglicare, CatholicCare, Dawn House Inc., EASA, Headspace, RGDCAR, SARC, the Tamarind Centre and various others all offer counselling services that victims of sexual assault can access. When victims have multiple obstacles, such as substance abuse, accommodation issues, sexual assault victimhood and the like, what one service-provider described as "the referral round-a-bout" can be confusing and traumatic. Each service may play its part helping clients with certain aspects, such as employment, financial planning and rehabilitation but there must also be management of how those smaller elements manifest as the rebuilding of a life. Teena Balgi further articulates the issue;

*You can go to a group of people in need and provide some of them with legal solutions but sometimes it's a band-aid. The law can be a blunt instrument to deal with human relationships. Legal services are just one part of a bigger solution, which is why it is so important to us to get together with other organisations.<sup>264</sup>*

Many organisations have the process of referring inbuilt in their core business. TEWLS and VOCNT are two such examples of these gateway services, which ensure that clients "get access to the services they need, rather than just the one we provide."<sup>265</sup> The sheer volume and variety of these referrals means that keeping track of each individual's journey through various services is difficult. Without a regular forum where all



services can come together and share referral information, it is difficult to guarantee that the services clients receive are consistent in their methodologies.

Professionally, the difficulty of sharing evaluation has also been relayed extensively to the researcher from various organisations. Any entity that chooses to refer on a regular basis also often incidentally hears feedback from clients about their service experience. In instances positive feedback it is often easy to share. However, complaints or dissatisfaction from clients presents challenges to professional relationships in how and when is appropriate to pass that information on. Confidentiality concerning client disclosures presents a further complication. The development of the SASN can provide a forum where evaluation and peer-support is regulated and spread across many bodies. This group dynamic and can draw on the feedback of clients in a healthy and transparent medium.

Many of the evaluation practices used by current services were found to be lacking. This was due to a variety of reasons, including concern in prolonging or reinstating the trauma experienced by sexual assault victims. Also, the demands of confidentiality, especially in counselling, severely limits the room for peer-review. The following contribution was representative of the client evaluation methods of many services,

*We get informal feedback. People bring food and presents or storm out of rooms yelling. You get quite clear feedback on the extreme ends of the spectrum and we have established mechanisms such as complaints forms. The grey area is in the middle, filled by people you don't see again because they either got what they needed or they decided to move on. For better or worse, most of our clientele seem to fall into that gap.<sup>266</sup>*

In demonstrating the value of evaluation and peer support on an intra-agency level, Samantha Bowden of RGDCAR outlined the processes of its organisation,

*Traditionally, Ruby Gaea has always delivered education in pairs at least. This way, peer-review, sharing the work, doing debriefings and acting on feedback is part of our professional culture. We have a team work ethic. This system makes it great in terms of maximising feedback but also in terms of ensuring transparency.<sup>267</sup>*

## Ensuring an Effective Network Structure

Concern in consultations was raised about the possible format of SASN. Some organisations interviewed felt that current levels of networking are sufficient and that a SASN would add to administration and bureaucracy. Nannette Hunter, whilst supportive of a SASN in general terms, flagged the following tiers of business most organisations already manage,

*Firstly, you have your core business of services, which can be difficult enough. For DH, this is providing safe and secure crisis accommodation for women and children, a domestic violence counselling service and domestic violence community education. Secondly, you have your projects. So, DS manages the Darwin Domestic Violence Network and the J-Block Women of Art project. Thirdly, you have your networking within the industry, including attending major events, meetings, supporting other campaigns, and participating in collaboration. Finally, there's your feeding into various inquiries and consultations. That's four layers of burden. The paperwork is a nightmare and some organisations already struggle to cope.<sup>268</sup>*

Furthermore, Kirsty Hage from the RGDCAR was also supportive of a SASN but had the following concerns,

*There are a lot of different community-owned meetings that potentially could be condensed. At times, I feel like we spend a lot of time going from meeting to meeting but that those meetings don't always come together...It's kind of like preaching to the converted. We, as service providers know how important our work is because we see the need every day. Sometimes, maybe it should be more about pitching it to everyone else who isn't always on the same page.<sup>269</sup>*

In the light of such concerns, rigorous efforts must be made to ensure that SASN is run by members, for members. It must assume a format that is time-effective and have the flexibility to grow and evolve as the



purposes it serves may change. Consultation must be meaningful and in the spirit of true collaboration when models for the SASN are being developed and piloted. Essential elements of construction, such as modelling of other successful networks and constant evaluation must be present. The funding of such a network must be consistent, ongoing and proportionate to growth in the sector. Critically it must not add to the burdens of existing service-provision.

## Conclusion

The formation of a SASN would fulfil many outstanding needs. Establishing a single body allows greater transparency and a clearer hierarchy of accountability. It would give services more political weight and a higher media profile, thus strengthening efforts for reform. It would make great inroads into identifying and closing current service gaps. It would help individualise sexual assault as separate entity from domestic and family violence, thus minimising the problems caused by this inter-play. It would capitalise on the Territory's existing networking facilities, thus reducing disruption caused by high rates of staff turnover. Streamlining referral, building directories and providing forums for peer-support and evaluation are further benefits. With advantages as broad and varied as these the need for the thoughtful design and delivery of a SASN is a key recommendation.

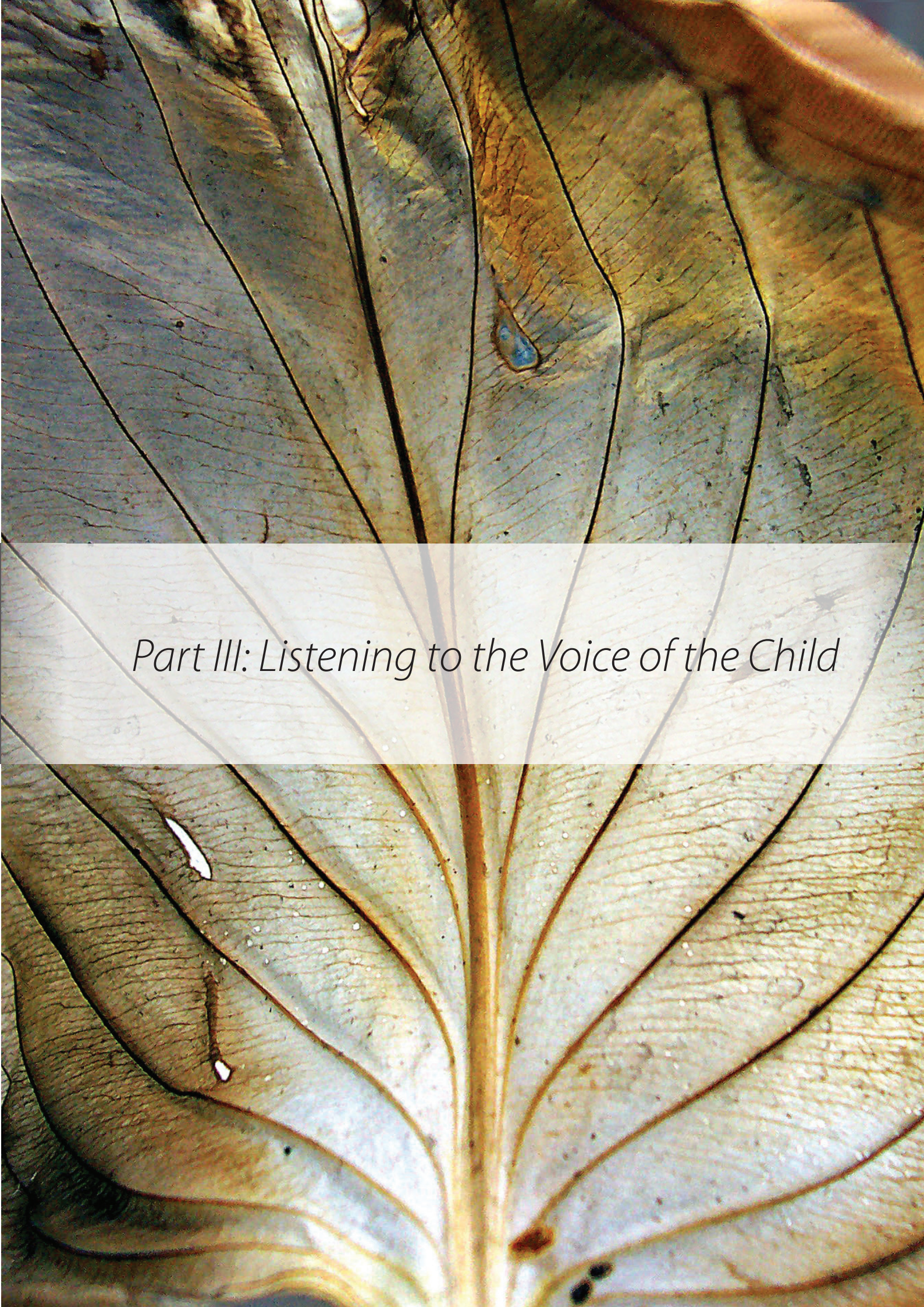
## Recommendations

### Chapter 4: Creating a Sexual Assault Services Network

4. That the Northern Territory Government adequately fund and resource the formation of a Sexual Assault Services Network (SASN) that encompasses the following non-exhaustive list of features:
  - (a) lodging of funded secretarial position(s) responsible for the network's creation and administration with an existing non-governmental organisation in the sexual assault service sector
  - (b) facilitation of residential Annual General Meetings that map, connect and create directories of services amongst other agenda items
  - (c) support for members to meet regularly with peers in their geographic bloc by ensuring the availability of office spaces, teleconferencing technology and other requested infrastructure/equipment
  - (d) coordination with existing networks such as the Darwin Domestic Violence Network, the Family Pathways Network and the Northern Territory Mental Health Coalition that minimises repeated information for multi-network members and unifies cross-sectoral efforts to achieve common goals
  - (e) ongoing evaluation of the format, structure and operation of SASN by its attached non-governmental organisation, in conjunction with members and other stakeholders
  - (f) consistent funding for SASN that is allocated in 3 year cycles at minimum
  - (g) all other needs, as determined by extensive consultation with the sexual assault service sector.





A close-up photograph of a leaf, showing its intricate vein structure. The central vein is prominent, with several secondary veins branching out. The leaf's surface is textured, and there are some small, dark spots and a small blue spot. A semi-transparent white banner is overlaid across the middle of the image, containing the text "Part III: Listening to the Voice of the Child".

*Part III: Listening to the Voice of the Child*



# Chapter 5: Introducing Child Impact Analyses and Child Impact Statements

*This report defines 'youth' as persons between the age of 12-25 years (see Glossary). However, for the purposes of this chapter, the needs of children rather than those of youth are discussed. A 'child' is defined as a person under the age of 18 years. Children rather than youth have been focussed on because children have a lesser capacity to partake in formal mechanisms, such as Youth Advisory Groups and composing written submissions, due to their lesser developed communication skills.*

## Introduction

Listening to the voices of children is pivotal to society's welfare. Young children cannot independently hold property, compose research papers, democratically vote, lobby government or spark other conventional methods of social change. They are largely dependent on the empathy of others to be heard. It is widely accepted that without adhering to children's needs, our collective wellbeing both at present and in coming years is foregone. This general degree of responsibility predicates that listening to voices of children when they articulate how policies and programs determine their wellbeing is paramount.

The following chapter establishes why and how formal mechanisms must be introduced in government that track changes in policy, procedure, operations and legislation in terms of their impacts on children. Two vehicles are explored that help ingrain this broader appreciation for children's welfare into formal processes. The first is Child Impact Analyses, which rely on public servants and consultants to articulate the impacts of changes on children's behalf. The second is Child Impact Statements, which provide a direct interface through which children can be heard in their own right, without being filtered through inter-mediary body or summarised by a representative parties.

## Child Impact Analyses

### Lesley Taylor's Contribution

NT Manager for National Association for the Prevention of Child Abuse and Neglect (NAPCAN), Lesley Taylor, relayed the following in her interview,

*When I provided child abuse prevention training to a drug and alcohol detoxification unit, I finally understood how and why Child Impact Analyses are needed. Trainees in the unit mentioned they were changing their model from a centralised service in the office building to an outreach, home-based program. When I asked, "how many of your clients are carers of young children or adolescents?" they didn't know. So when, logically, I asked, "What will be the impact on the child when their parents/care-givers are recovering at home?" they replied, "People rehabilitating from substance abuse can exhibit extreme and aggressive behaviour."*

*What I witnessed was a decision-making process that acutely increased the risk to children's lives but where, at no stage, had critical questions concerning their welfare had been raised. So for me, a Child Impact Analysis is not a grand piece of legislation, spear-headed by a task force or departmental watchdog. It is not another staggering pile of administration and red-tape. I just want everyone, as a part of their thinking, to consider the impact of their decisions on children. This thinking must be inbuilt across all government departments and the non-government sector. It is everyone's business to protect the health and wellbeing of the next generation.<sup>270</sup>*

The cost of exposing children to volatile and traumatic home environments is enormous. The misuse by parents of alcohol and other drugs, licit or illicit, is "the most common characteristic of child protection

cases.”<sup>271</sup> The second most common characteristic is, “domestic violence in the home.”<sup>272</sup> Furthermore, literature on the topic recognises that children often become secondary victims in these circumstances because, “witnessing domestic violence is a form of abuse”<sup>273</sup> and the emotional abuse can cause is “the most commonly substantiated abuse type.”<sup>274</sup>

In the Northern Territory in 2001, 21 percent of young people reported witnessing “an act of physical domestic violence against their mother or stepmother.”<sup>275</sup> These numbers show that sidelining, even unintentionally, the welfare of the child causes inconceivable risks. Even service providers, without the appropriate prompt to consider the needs of children, can become distracted by daily business, and such short-comings can be disastrous.

## Findings of the Little Children are Sacred Report

Ms Taylor is not alone in stressing the need for the welfare of children to be better considered in governmental processes and community programs. The *Little Children are Sacred Report* recognised this same two recommendations that were of interest to this report. The first was “that the government develops a Child Impact Analysis for all major policy and practice proposals.” Such impact analysis should “accompany all major policy, procedure and legislation developments, as applicable,” and focus on “how children are likely to be affected... in particular in a health and well being sense, whether it be a direct or indirect impact.”<sup>276</sup>

The second recommendation proposed Child and Community Impact Statements, to be called for by the Licensing Commission when considering new liquor license applications.<sup>277</sup> The *Inquiry* was concerned that, “...any community that may be affected by the granting of a licence have an opportunity to be heard...that the status of children who may be impacted upon is properly considered.”<sup>278</sup> In terms of the design of such a policy, the *Inquiry* proposed, “these statements would outline, in some detail, the potential effects the granting of a licence would have on a community and, in particular, on the community’s children.”<sup>279</sup> It further specified that, “the relevant government agencies be held responsible for preparing these statements.”<sup>280</sup>

It was due to the particularly damaging effects of alcohol in Aboriginal communities that the Licensing Commission was specifically identified as needing to collect and consider Child Impact Statements<sup>281</sup>. However, this investigation contends that the current rates of sexual assaults and their witnessing are high enough to warrant similar conditions for major changes in the relevant areas of government. Estimates by varying bodies consistently find that in Australia, “one in three women, compared with one in six men, reported having unwanted sexual experiences in childhood.”<sup>282</sup> Furthermore, the 2005 ABS Personal Safety Survey Australia found that 19.1 percent, or one in five women, have experienced sexual violence since the age of 15<sup>283</sup>. Such numbers cannot be ignored and Child Impact Analyses have the potential to do much to address the underlying causes for such statistics.

## Opinions from the Service Sector

Several of the service providers interviewed expressed support for the implementation of Community Impact Statements, as a separate and complementary element of Child Impact Analyses, and as proposed by the *Little Children are Sacred Report*. One service provider stated,

*Children are unquestionably in need of a say but they are not the only stakeholders who would benefit from a voice. There are many other vulnerable parties that need to be considered, such as the homeless.*<sup>284</sup>

In relation to the above anecdote relayed by Lesley Taylor, this Community Educator further said,

*The child is of concern but what about the impacts of everyone in the house as well? We need to broaden our understandings of power and control to not just include children but to include all members of the family unit if we want a meaningful process.*<sup>285</sup>

Members of Ruby Gaea Darwin Centre against Rape (RGDCAR) were particularly vocal in their views on the need include the community in such statements. Their concern in taking a holistic approach was encapsulated by their NT Coordinator, Samantha Bowden,

*We know that just targeting an individual, in isolation to their support group, does not make a sustainable response for people in need. At Ruby Gaea, you don't have to be the primary victim/survivor to access services. You can come as family member or support person, even if that victim/survivor doesn't come to Ruby themselves. This inclusiveness means our service contributes to the group of people who have the knowledge and skills to help the person in need. Some members of this group are children. You will not get a stable and positive member of the community if you don't also provide for their support network. You need a family and a community behind a healthy, happy person.<sup>286</sup>*

This report is supportive of such views and of the considered implementation of Community Impact Statements. However, as this paper is focussed on assessing the services available to youth, Child Impact Statements and Analyses have assumed primacy.

## Areas of Application

This report makes no definitive recommendations as to which, if not all, government departments should be required to submit CIAs. This is an issue that requires thoughtful study, as the logistics of mandating such a paper trail are beyond the researcher's skills to assess. However, research has identified several areas in which CIAs, if successful in their purpose, can do much for the lives of young people. They benefit the range of issues that shape children's welfare in our society, which extends to subjects much broader than sexual assault alone. Some of the many developments in Northern Territory Government policy in recent years that need to include formal considerations of the impacts on the child are:

- Restrictions on the sale of full-strength beer and spirits at TIO Stadium<sup>287</sup>
- The Department of Health and Families Smoke-Free Policy<sup>288</sup>
- The Department of Health and Families NT Cancer plan<sup>289</sup>
- Changes to the NT Pensioner and Carer Concession Scheme<sup>290</sup>
- NT Homelessness Implementation Plan<sup>291</sup>

However, research uncovered one issue clearly needing attention: the appallingly low number of young victims of violent crimes accessing financial assistance. This warrants a comprehensive Child Impact Analysis as only the beginning of a clear and immediate course of action. Mr Michael Campbell, Director of Victims of Crime Northern Territory (VOCNT), outlined his grave concern on this topic. Mr Campbell requested that, "there be an Inquiry launched into why children are not accessing compensation as they should be."<sup>292</sup> To Mr Campbell's anecdotal professional experience, even agencies that frequently process substantiated cases of violent crimes, such as NT Families and Children, are not referring or providing adequate support for young victims to pursue compensation. The dearth of applications from children in the wardship of the Chief Minister was especially troubling, as it suggests that those in the Chief Minister's care are not accessing basic social privileges.

In response to these observations, the author/researcher attempted to collect data reflecting the number of young people accessing compensation. No formalised statistics were uncovered. Collaboration with Misty Fish, Acting Director of Crime Victims Services Unit, responsible for process claims, meant the following evidence was the only information that could be found,

*In the 2010 period (Jan-October), approximately 43 minors (being applicants under the age of 18) have applied for financial assistance for a violent act. This figure includes current applications (those still being processed for financial assistance) and finalised applications (those which have received financial assistance or those which have become inactive for a particular reason). In general, only a small number of applications have come from governmental departments. In 2010, only a few came from these sources. Many of the applications for financial assistance for minors are submitted by guardians on behalf of their children or legal representatives assisting the guardians and the applicants.<sup>293</sup>*



These figures must be viewed in the current crime climate of the Northern Territory which, in 2008-09, had the highest rates of crime victimisation in the country<sup>294</sup>. Furthermore, young women under the age of 25 are more likely to be assaulted than women in any other age bracket, (19 percent of women in the last 12 months had experienced sexual violence, as compare with 6.8 percent of women aged 34-44 and 1.2 percent of women aged 55 and over)<sup>295</sup>. Finally, 72 percent of recorded victims on police systems in Australia in 2002 were less than 25 years old.<sup>296</sup>

The exact rate of violent crime experience by young people in the Northern Territory is difficult to isolate but these figures demonstrate that there is absolutely a service gap that warrants immediate action. Figures and the opinions of professionals in the area point to an overwhelming majority of young people who are not receiving the financial assistance to which they are entitled.

It must be noted that to receive financial assistance, the violent crime must be substantiated by a case manager. It is not always necessary for those crimes to have had charges laid against the assailant.<sup>297</sup> Thus, even rates of convicted crimes do not adequately reflect the body of young victims under-served by this area. Children passing through social services within the Northern Territory government, and even those in the wardship of the Chief Minister, are not accessing this common and essential service. Child Impact Analyses of current practices would go to great lengths to illuminate this troubling issue.

## Child Impact Statements

### Children's Overpowered Voices

The key difference between Child Impact Analyses and Child Impact Statements is that the former is a representative mechanism from public servants speaking on children's behalf. The latter is a direct conduit for communication between children and government. Child Impact Statements are not mitigated by channelling through an intermediary body or affected bias on that body's behalf. It is the true and accurate expression of children's opinions. Child Impact Statements represent the direct involvement of children in decisions making processes, as these submissions come from their hands alone. Child Impact Statements may assume the form of paintings, drawings, songs, poems and other atypical mediums of formal submissions. They should be accepted within the framework of children's individual developmental stages, often measured in terms of age and communicative abilities. The intent and core message of Child Impact Statements must be appreciated, regardless of how unconventional the vehicle of expression may be in comparison to other mechanisms.

### The Case for Aboriginal Housing

*Children's paintings are powerful examples of hearing their voices... If we take the time to actually ask children and listen, they will provide us with the information we need.*

– Lesley Taylor, NAPCAN<sup>298</sup>

Child Impact Statements would streamline communication between young people and policy makers. An example is the crises of Indigenous housing. The many strands of the housing crisis in the Northern Territory have been well-documented. Areas of this report have already touched on the dire straits of emergency shelters. In the same vein, the desperate shortage of Aboriginal housing is of acute concern. In June, 2006, Mr Elliot McAdam, the Northern Territory Minister for Housing at the time, delivered a ministerial statement in which he noted that over-crowding in such houses is,

*...strongly linked with massive exposure to substance abuse and household violence – not to mention sexual abuse and other violence directed against children... This is not a truth that has suddenly fallen from the sky; but a social reality that has been gathering pace for decades...<sup>299</sup>*

Mr McAdam asked the Legislative Assembly for bipartisan support for his "20 year vision for Indigenous housing in the Territory". Mr McAdam commented that he also asks,

*...in the name of our children: the most vulnerable and least responsible for the appalling conditions they face.*<sup>300</sup>

The *Little Children are Sacred Report* published this comment from an unidentified Tiwi man, "The waiting time for a house on the Tiwi Islands is 50 years – the average life expectancy of a Tiwi man is 48 years. So you can die waiting for a house."<sup>301</sup> The Inquiry further noted that current projections predict the population in these communities will double within the next 25 years. In the Northern Territory in 2005, 44 percent of permanent Indigenous housing had structural problems<sup>302</sup>. An article by Adjunct Professor Paul Pholeros and Associate Professor Tess Lea observed that, "many permanent indigenous dwellings are in need of major repair or replacement; are overcrowded; and lack sufficient water supplies, washing facilities or sewage infrastructure."<sup>303</sup>

The intersection between inadequate housing and the sexual assaults perpetrated against Aboriginal children is clear. Indigenous children were drastically over-represented by an analysis of Child Protection notifications administered by FACS in 2006. It was found that whilst sexual abuse occupies around 10-11 percent of all notifications, Indigenous children, between 2002-03 and 2005-06, averaged 53 percent of sexual abuse notifications<sup>304</sup>. Yet, recent population statistics show that they compose only 38 percent of our youth under the age of 25.<sup>305</sup>

The Northern Territory Government has expended much effort in its public attempts to improve circumstances, along with federal policies. It is a significant topic within, for example, the "Overarching Bilateral Indigenous Plan between the Commonwealth of Australia and the Northern Territory of Australia to Close the Gap in Indigenous Disadvantage 2010-2015"<sup>306</sup> Another is the joint Strategic Indigenous Housing and Infrastructure Program (SIHIP)<sup>307</sup>. It is in this sweeping tide of new policies and the constant amendments of existing ones that the voice of the Aboriginal child would benefit greatly from a clear voice.

Lesley Taylor, since her seminal experience with the alcohol and drug unit, has trialled some methods of facilitating CIS. Mrs Taylor recounted her experiences (her anecdotes are modified in respect to the identities of the children and their community),

*We went to [a remote Indigenous community] and ran workshops with primary-school aged children. We gave them paints and paper asked some focus questions. We chose art because we knew it was a comfortable and accessible medium for them. Children's paintings are powerful examples of hearing their voices. The clarity of the messages they created reiterated to all involved that there absolutely must be room for children to be heard, on their own terms, in government planning processes.*

*We asked them, 'what is your vision for your community?' and one child painted her house leaking water through the ceiling and walls. Underneath it, they wrote, 'I want a good house that is dry when it rains, a house for all my family.' Another child wrote, 'I want a house where I can go outside. I want some grass and some shade.'*

*What these children asked for was not complicated. They didn't requested skate parks or swimming pools or rock concerts. This is their vision for the future, the best they can possibly imagine for their lives: houses that don't leak and somewhere to play in the shade. I doubt that a housing statistician or urban planner could hand in this artwork as formal submissions to the NT Government. If they did, I doubt the NT Government would have the capacity to respond to such creations. But why can't that happen? If you truly value the opinions of children, that is all you should need to go visit that community, see these children's disgraceful excuses for homes and fix them. Without mechanisms like Child Impact Statements, what place is there for the truly independent voices of young children to be heard?<sup>308</sup>*

There are innumerable instances where governmental decisions prescribe the quality of lives of children. Housing, alcohol and other drugs strategies, financial assistance for violent crimes and legal aid are but a handful of the decisions made, on regular bases that currently have no standardised forum in which children can be heard in their own right. Whilst Child Impact Statements will not eradicate youth sexual assault, they have incredible value. In spreading the sphere of responsibility and self-determination to encompass young children, we go to great lengths to build a culture of engaged youth. In encouraging positive risk-taking,

through art and expressions of opinion, young people are tangibly shown the value of their input, if consultation is genuine.

## Model - Victim Impact Statements (VIS)

Several service providers were concerned that implementation of CIA and CIS would add to the burden of administration that already causes a major operational workload. In an exploration of similar mechanisms, which may be applied as models, the prevalence of Victim Impact Statements (VIS) was considered. These are mostly written statements prepared by victims and presented to Judges/Magistrates before sentencing. This mechanism allows victims to demonstrate the damage crime(s) have caused to their lives. VIS affords them the opportunity to partake in the justice system and have their voice heard by the sentencing decision-making process. Details of physical injury, psychological or emotional harm or other losses/damages are often included. A financial or psychological dependent may also submit a VIS, along with any relatives if the victim has died as a result of that crime. Support professionals such as counselors, psychologists and psychologists may prepare statements on the victim's behalf.<sup>309</sup>

VIS in the Northern Territory have been in place since 1997<sup>310</sup>. Guiding and supporting victims through the VIS process is a primary duty of the Witness Assistance Service (WAS). Nannette Hunter, the retired Coordinator of WAS (1996-2010), has helped victims and officers of the court to include children's pictures and poems in VIS before<sup>311</sup>. Ms Hunter explained how VIS avoided becoming another administrative burden and how CIS must do the same,

*The idea of Child Impact Statements is worthwhile but in its implementation we must ensure that it doesn't add to the already groaning weight of paperwork. The test of whether documents such as CIS will become either an added administrative task or a meaningful exercise is if they are welcomed by the service providers who have to do the work. Those providers must feel that CIS are taken seriously and are taken in the spirit of genuine consultation. If CIS simply becomes busy work; becomes a box to tick and send it off to the relevant department; to be filed away never to be heard of again; then it's self-defeating. When you are extraordinarily busy, for example at the end of the financial year, ticking boxes and crossing off any number of formalities, then CIS will only become sources of frustration.*

*... We have known at WAS that since 1997, Victim Impact Statements in the courts have been effective. The workers who are involved in helping people write these statements don't resent it because they know that it is not an empty gesture. It is a useful document that is taken notice of and that serves a positive purpose on more than one level. It's valuable for the victims who do it. It's valuable for the workers. It's valuable for members of the judiciary to hear the experiences of the victim. It's valuable for offenders to be exposed to those accounts. These functions are the defining difference between a piece of work that you feel is constructive; that you get satisfaction from and is taken seriously; and the busy work that sits in filing cabinets.<sup>312</sup>*

Furthermore, Penny Taylor, a solicitor with the Top End Women's Legal Service and an independent practitioner, observed,

*... for any group in society who don't have a natural voice in consultations, these types of mechanisms provide rare chances to have their needs given attention. In some cases, yes, statements can become another layer of bureaucracy but this surely cannot be the case for young people, who are so often not taken seriously or silenced altogether.<sup>313</sup>*

Given that many service providers expressed concern about the possible added workload CIS and CIA may provide, it is crucial that their implementation is guided by the opinions and experiences of those who will shoulder most of the workload. This report has not recommended whether a specific government department should be responsible or if CIS and CIA will be internally managed. Such details should be determined by experts working in the field and practiced policy-makers.

## Model – Environmental Impact Statements (EIS)

*We have Environmental Impact Statements, due to the crisis of the enhanced greenhouse effect. Any experienced service-provider will tell you that there are crises for young people, especially Indigenous children, experiencing abuse, neglect and assaults in the Territory. The time has come to explore the impact on children, from city planning right down to mandatory school uniforms, through similar processes.*

– Lesley Taylor, NAPCAN<sup>314</sup>

Environment Impact Statements (EIS) provide another example where impact statements have been widely adopted and to great benefit. The Australian Capital Territory Government's Planning and Land Authority has such a mechanism in place.

*An Environment Impact Statement details the anticipated environmental effects of a development on the environment. The aim of the EIS process is to reduce, offset or prevent significant negative environmental impacts of a development. An EIS is prepared by the person, company or organisation undertaking the development (the proponent) and presented to ACTPLA for assessment. Some of the things an EIS might have to consider include effects of the development on wildlife and potential pollution or contamination issues.<sup>315</sup>*

The Western Australian State Government has passed legislation on a similar process under its Environmental Protection Authority<sup>316</sup>, as has the Queensland State Government<sup>317</sup>. As far back as 1997, the Australian Government has provided EIS for such projects as the Jabiluka development, seen in the *Jabiluka Environmental Impact Statement (EIS): Environmental Recommendations and Requirements*<sup>318</sup> document.

## Facilitation and Professional Development

*We need people who have expertise and knowledge on how to communicate effectively with children so that it's an engaging, positive experience. Children have so much to contribute if you have the skills and the knowledge on how to do that respectfully and carefully.*

– Lesley Taylor, NAPCAN<sup>319</sup>

Given that class-room teachers, child psychologists, paediatricians, and similar professions require tertiary education to engage with young people, it is widely understood that children have specific and refined needs. The Witness Assistance Service outlined in its submission to the Inquiry into the Protection of Aboriginal Children from Sexual Abuse that police conducting child sexual abuse interviews only do so if they have the relevant degree of training<sup>320</sup>. In terms of Indigenous children, cross-cultural awareness is a significant goal of the NT Government's, "Closing the Gap of Indigenous Disadvantage" initiative<sup>321</sup>. In the 2007-08 progress report, it was a directive of the Government to implement cross-cultural training programs to all new and existing staff<sup>322</sup>.

Due to this widespread recognition of children's unique and specific needs, the Northern Territory Government must ensure that staff extracting and processing CIS must also have the appropriate skills to do so for all culturally and linguistically diverse (CALD) children. It is essential that the submissions of CIS are positive risk-taking experiences. Lesley Taylor further outlines,

*You should only extract this information if you have an absolute commitment to implement what you learn. Once we ask children to participate in the decision-making process and they tell us what they think, we have a burning responsibility, in every instance possible, to convert those requests into tangible change.<sup>323</sup>*

## Conclusion

Including the voices of children in government processes is essential to informing a governing body that is truly representative. The two mechanisms of Child Impact Analyses and Child Impact Statements have many benefits. They ensure that children cannot be forgotten, overlooked or undervalued in major decision

making processes or the daily affairs of service providers. They extend participation in the governance of the Northern Territory to children, which can only help engender political awareness and participation from a young age. They facilitate the mapping of shortcomings in social services, such as the paucity of victims accessing financial assistance for violent crimes and Aboriginal children living in safe and adequate homes. Their ideological foundation represents an extension of the logic behind current mechanisms, such as Victim Impact Statements and Environmental Impact Statements. Their value has also been recognised by the landmark Inquiry, the *Little Children are Sacred Report*. It is for these reasons that Child Impact Analyses and Child Impact Statements must be employed, in order to include and empower all children as a part of our social fabric. Children are most vulnerable to and least accountable for our social failings. The importance decision-makers place on hearing their uncompromised voices provides a yardstick for our common conscience. How we measure up determines our future.

## Recommendations

### Chapter 5: Creating Child Impact Analyses and Statements

#### Child Impact Analyses

1. That the Northern Territory Government undertake extensive consultation and commission significant research into the development of Child Impact Analyses (CIA)—this consultation and research is to be conducted in the knowledge that the purpose of CIA is to mandate constructive evaluations of the impact on children’s lives of major developments in policy, operations, legislation and other areas of relevance—research and consultation should consider:
  - (a) whether CIA should be attached to all major developments as listed above, or if they are should only be attached to developments that directly impact the lives of children—if it is to be the latter, consideration should be given to what criteria/processes will be developed that measure this ‘direct impact’
  - (b) if mandating CIA for some or all developments should extend to non-governmental organisations receiving Northern Territory Government funding
  - (c) how the composition of CIA will be regulated and how responses will be managed if CIA reveal detriments to children’s welfare
  - (d) what actions will be undertaken to address existing issues of concern, such as the low number of young people accessing financial assistance for violent crimes and the low number of young Aboriginal children living in safe and adequate housing
  - (e) any and all issues requiring thoughtful study and are uncovered by research and extensive and ongoing consultation with stakeholders.

#### Child Impact Statements

2. That the Northern Territory Government undertake extensive consultation and commission significant research into the development of Child Impact Statements (CIS)—this consultation and research is to be conducted in the knowledge that the purpose of CIS is to provide direct and formal interfaces between decision-makers and children, through which children’s opinions on the impacts of major developments in policy, operations, legislation and other areas of relevance on their lives are directly expressed—such research and consultation should consider:
  - (a) whether calls for/quotas of CIS should be mandatory for every area of government or if they should only be applied when developments directly impact children’s lives— if it is to be the latter, consideration should be given to what criteria/processes will be developed that measure this ‘direct impact’
  - (b) if mandating CIS for some or all developments should extend to non-governmental organisations receiving Northern Territory Government funding

- (c) the form of CIS and their capacity to accommodate children's developmental stages—age-appropriate mediums such as paintings and poems should be encouraged and accepted as equally valid as conventional written submissions
- (d) how assessments of current practices concerning Victim Impact and Environmental Impact Statements can be transposed to CIS
- (e) the capacity to receive and regulate CIS submissions from groups of informally associated young people (such as classes) and independent youth organisations (such as Multicultural Youth NT) as opposed to individuals
- (f) how to ensure the specific skill-set and professional development required to facilitate and interpret CIS-making from children is supplied
- (g) how bodies receiving CIS will respond and provide feedback to those who submitted CIS, along with how those bodies' initiatives will alter in accordance with the impacts uncovered
- (h) any and all issues requiring thoughtful study and are uncovered by research and extensive and ongoing consultation with stakeholders.









A close-up photograph of a dandelion seed head, showing the intricate structure of the seeds and their fine, hair-like pappus. The image is split horizontally by a semi-transparent white band. The text "Part IV: Softening the Reporting Experience" is centered within this band in a black, italicized serif font.

*Part IV: Softening the Reporting Experience*



## Chapter 6: Building an Interview Annex at the Peter McCauley Centre

*The following observations and recommendations have largely been informed by interviews with victims/witnesses of convicted sexual assaults (within the last two years) and current employees of Northern Territory Police, Fire and Emergency Services (NTPFES). Some NTPFES employees chose to remain anonymous.*

*Where possible, statistics and NTPFES publications have been referenced. However, little literature was found that was available to the public. Hence, details concerning the facilities and their related policy/procedure originate largely from these oral sources. The researcher also personally inspected the interview rooms at the Peter McCauley Centre.*

*This report acknowledges the pressing need for similar evaluations of interview rooms and their related facilities for areas outside of the Darwin and Palmerston region. These include Alice Springs, Tennant Creek, Kununurra and other rural and remote areas. However, the limited resources available to the researcher meant the scope of this section was limited to the Darwin and Palmerston region.*

### Introduction

The following section outlines the need to build an interview annex at Peter McCauley (PMC) centre for victims and witnesses of sexual assault. Although there are three interview rooms currently at PMC, along with a Child Forensic Interview Room at the Casuarina Health Services Centre, varying problems with all four mean they do not provide the appropriate functionality needed for vulnerable victims and witnesses. As such, it is recommended that an annex of separate interview rooms is built, which would address most if not all of the operational problems caused by existing facilities.

### Background on Peter McCauley Centre

Peter McCauley Centre (PMC) is one of four major police stations/administrative centres for the urban Darwin region<sup>324</sup>. Situated in Berrimah, PMC opened in 1985<sup>325</sup> as the Police Headquarters. Although no longer serving this function, it has retained its role as the communications centre of the Police, Fire and Emergency Tri-service Headquarters.<sup>326</sup> Furthermore, it is described by NTPFES publications as,

*A central hub to all local police offices...housing a number of operational units, the Forensics Centre, accommodation and the Police, Fire and Emergency Services Training College...The Training College incorporates classrooms, a training house, an oval, an obstacle course, a swimming pool, tennis courts, an undercover basketball court and gymnasium.<sup>327</sup>*

Operational teams working out of PMC include the Major Crime and Major Crash Units, the Domestic and Personal Violence Protection Unit and the Drug Squad. Whilst some of these units are based in other stations, as they often rely on and use the facilities at PMC.

PMC is currently the primary location for police holding interviews with victims of sexual assault and their related witnesses.

### Current Interview Facilities

#### Interview Rooms at Peter McCauley Centre

There are currently three interview rooms at PMC, used primarily for taking statements from victims and witnesses. Interview rooms One and Two (named as such only for the purposes of this report) are external to the secure area, situated close to the Main Entrance and adjacent to Reception. They are almost identical

in size, furnishings and access to related facilities such as toilets, which are across the hall. Interview Room Three is further within the building, in the secure area.

## Evaluation of Interview Rooms One and Two

Interview Rooms One and Two are minimally furnished. An employee of NTPFES, who has used these rooms in their interviews with victims and witnesses extensively and up to the present day, described them to the researcher.

*...There are two cramped, pokey rooms, approximately 9 meters square each. They have no windows, no artwork, no plants, no warmth and no life. Each contains a single table, two chairs, one computer and nothing more. It is a cold and confronting environment for any person, let alone for vulnerable and often traumatised witnesses and victims. They are not rooms that put you at ease, to say the least.<sup>328</sup>*

Amy<sup>329</sup>, who was under the age of 18 during her protracted use of PMC, recounted the experience of writing her statutory declarations in these rooms:

*I spent over fifteen hours in those rooms, mostly in continuous blocks, recounting and reliving the trauma of my rape and sexual assaults. Those grey dog-boxes may as well have been prison cells. Even though I got along well with my police officer, at times, it was difficult to remember that they were meant for victims and not criminals. We drank water from polystyrene cups. We had breaks by sitting on plastic chairs outside, next to the car park ... I brought my own tissues.*

*I've talked to other victims since then, along with friends and family who were also interviewed there... The consensus was that those mean, impoverished rooms have a way of making you feel like a criminal; like you're the one who did something wrong. The sheer despair in those walls... I hated it then and I hate it now.<sup>330</sup>*

Despite these criticisms, there are also positive aspects to Interview Rooms One and Two. They are both sound-proofed, ensuring confidentiality and helping to create a sense of privacy. Their location outside the secure areas means victims/witnesses do not have to be escorted to bathrooms and supervised. They are also supplied with up-to-date computers and word-processing programs for taking statements.

## Interview Room Three

Interview Room Three is further inside the building, within the secure area and requires identification to gain access. It has several successful features. It is much larger than Interview rooms One and Two, which helps alleviate their cramped, cell-imitating dimensions. Secondly, efforts have been made to create a softer point of contact, such as having armchairs rather than plastic chairs.

However, Interview Room Three's walls are composed of gyprock or a similar material. This is in comparison to the brick or concrete composition of Interview Rooms One and Two. This helps aesthetically, by providing a clear contrast between the typical walls of a prison cell and this interview room, but it causes other difficulties. Contributors indicated that it echoes in quite a distracting manner, although individual words and phrases cannot be overhead from outside. This has made it inherently difficult and frustrating for the victims/witnesses attempting to recall the specific details of the crimes inflicted upon them, especially when significant periods of time have elapsed. In many circumstances, it has not been conducive to a sense of security or privacy. In some recounted cases, it drained the stamina of victims/witnesses composing lengthy statutory declarations. This resulted in either having to extend the time necessary to finish the statement (already a highly distressing experience in itself) or creating a lesser detailed document than would otherwise have been produced.

Furthermore, Interview Room Three's position in the secure area means that victims and witnesses cannot be left unaccompanied by authorised personnel. Consequently, victims and witnesses must be escorted and supervised by a police officer during any toilet breaks. Similarly, if the police officer requires a toilet break or needs to leave the victim for a short period of time (to retrieve items, place phone calls and the like) they

must arrange for another officer to supervise in their absence. The lack of kitchen facilities means that in order to provide the police officer or the victim or witness with tea or coffee, the same protocol applies.

Victims advised that these restrictions added to the 'criminalesque' experience of statement-making. It significantly disrupted the statement-writing process, which can be traumatic in itself. By further removing self-ownership of basic rights, such as going to the bathroom or making beverages, the victims' and witness' sense of persecution is increased. Concomitantly, their capacity to feel, think and speak independently from fear of retribution is decreased. Victims expressed that according to basic logic, it is difficult to feel welcomed when small acts that are basic privileges in most institutions are micro-managed to this degree. Whilst these procedures are undoubtedly necessary, due to the highly sensitive nature of the secure area, the various benefits of Interview Room Three's features are undermined by these shortcomings for the experiences of victims and witnesses.

## Interview Room Four – Child Forensic Interview Room at the Casuarina Health Centre

Besides the three rooms at PMC, there is also the Child Forensic Interview Room at Casuarina Health Services Centre (Interview Room Four). It is attached to the offices of the Sexual Assault Referral Centre (SARC). The Child Forensic Interview Room has been specifically designed for interviewing children and young people. Hence, it takes the positive model of Interview Room Three much further. It is furnished with, "a kitchenette, bathroom facilities, child friendly waiting area and interview room with unobtrusive video recording equipment."<sup>331</sup>

Interview Room Four is a small site, discreetly situated in the northern suburbs, rather than the more industrialised suburb of Berrimah and imposing PMC complex. Only plain-clothes police officers access the facility. Interview Room Four has the comforts of couches and artwork, rather than office chairs and grey walls, that aid in creating a less formal but safe setting for sensitive information to be disclosed. It is conveniently located in that children interviewed there "generally also undergo a forensic medical examination in the SARC building and access SARC support/counseling." Both police and Sexual Assault Referral Centre employees have reported that its design and aesthetics are ideal for work with children<sup>332</sup>. It is a discreet and non-policed environment. A similar child forensic soft interview room is attached to the Alice Springs SARC office.

However, having only one such interview room in the Darwin and Palmerston region is not sufficient. Although there are many benefits to its locale, as outlined above, these do not validate the operational difficulties it causes. To access Interview Room Four, a booking system is used. Back-logs in busy periods have caused often traumatized child witnesses further stresses through delays or having to forgo its use due to non-availability. Interview Room Four has not always had appropriate equipment, such as a computer, although these issues have since been resolved. The location of the interview room can prove to be problematic at times, as explained by an NTPFES officer:

*The operational problems of having the Child Forensic Interview room at Casuarina are immense. It means that if you have any queries for your supervisor; if you need to consult with peers; if the job is not your own or you need a colleague to proof statements; there are significant time delays. To do this, you either need to physically travel between the sites or contact colleagues by other means such as mobile phone. Communication via phone can be difficult. It is not always appropriate to discuss such matters over the phone and when you need to converse with multiple persons and/or include the victim/witness themselves, it becomes quite problematic.*<sup>333</sup>



# Establishing the Value of Soft Interview Rooms

*Everyone needs to think about how their service feels for the person walking in the door. You need to think about the colour the walls are painted, the comfort of the chairs, if they get a cup of tea if they want or a glass of water, if there's somewhere for their children to be safe, if there are ramps for wheelchairs and prams...it is a need that should never be dismissed.<sup>334</sup>*

– Nannette Hunter, retired Northern Territory Coordinator of the Witness Assistance Service (1996-2010)

It was difficult to statistically confirm if these sentiments are shared by the majority of victims, witnesses and NTPFES employees passing through these three interview rooms. However, the opinions represented here hold great value because they come first-hand from the stakeholders who are arguably the best qualified to comment. These stakeholders were primary victims of major sexual crimes and NTPFES officers who use these interview rooms on daily bases.

Lessening difficulties for victims, by proxy, decreases those of their support group and assigned police officer(s), through basic cause and effect. On the basis of the service providers interviewed, it can be discerned that victims who feel comfortable and cared for are much more likely to have a positive statement-writing process. In turn, victims who have positive experiences with police processes are more likely to pursue assault charges through the judicial system. More judicial processes will most likely lead to more convictions. This sends clear public messages on unacceptable sexual behaviour and ensures offenders have access to rehabilitation services. A proportionally higher rate of imprisonment results means more offenders are removed from the public sphere for periods of time, creating a safer society.

Furthermore, studies on sexual and family violence show that the first points of contact between police and victims/witnesses have a tremendous influence on the successes of investigations. In such studies, successes are measured not only by the number convictions or length jail terms. Their yardstick is also the psychological impact of the process on primary and secondary victims<sup>335</sup>. For example, did victims feel empowered by cathartic and just process or did they feel their crimes were trivialised and belittled? Youth sexual assault investigation is an area in which rates of re-traumatisation, for victims are acute and the rates of turn-over for police are high<sup>336</sup>. Beyond the sheer remedial effects for witnesses/victims of crimes, the Northern Territory Government would experience many levels of return by drastically improving current interview facilities.

## Matching the Growth in Need

Whilst commendable in many respects, the sole Child Forensic Interview room in the Darwin and Palmerston area is only the beginning of facilities that are needed<sup>337</sup>. The rapidly increasing workload concerning child forensic investigations needs to be matched by an increase in resources and facilities. The ABS Recorded Crime Survey of 2003 found that, "despite a lack of quality information about the sexual assault of children due to the sensitivity in collecting such information, it is clear that children and young people are disproportionately over-represented as the victims of sexual assault."<sup>338</sup> It found that 41 percent of all recorded sexual assault victims were children aged under 15 years<sup>339</sup>. With the Northern Territory Government's increased focus on mandatory reporting in recent years, the number of reports has grown massively. In the 2004/5 to 2008/09 period, Child Protection reports to the Department of Health and Families increased from 2102 to 6189. This represented a 194 percent increase<sup>340</sup>. In short, the number of reports almost trebled and yet in this time, the number of Child Forensic rooms remained static, at one.

It is not only child protection cases that are increasing. According to the NTPFES Annual Report of 2009, the number of "offences committed upon victims within a report incident offences against the person" for "sexual assault and related offences" totaled 415 in 2007/08<sup>341</sup>. Of these, 168<sup>342</sup> were in the Darwin Great Regional Command Area, which encompasses Darwin, Palmerston and the surrounding areas. Of course, the need for better interview facilities is not limited to victims/witnesses or alleged victims/witnesses of sexual assault. The interview rooms at PMC service any and all victims/witnesses of crime. In the same period, there were 5224 "offences committed upon victims within a report incident offences against the person"<sup>343</sup> which include but are not limited to such crimes as manslaughter, neglect of person under care and robbery. Of

these 5224, 46 percent were domestic/family violence victims. It has been clearly documents that such victims have higher likelihoods of including sexual assaults than other types of crime<sup>344</sup>.

Each of these reports is merely the initialising mechanism of the range of investigative measures and resources required for victims and their witnesses, let alone the interviewing of the alleged offender(s). Cases of Major Crime are complex (meaning they may include multiple victims and/or offenders) and are protracted crimes which may have an unknown offender. For these investigations, multiple statements are taken from primary victims, supplemented by statements from all persons related to that crime. An employee of NTPFES stated,

*Interviews can take up to eight hours per sitting. It is not unusual to take five or six statements from the primary victim(s) of major crimes, although usually only one or two are this long. When you look at the number of such crimes, it is ludicrous to think that better facilities are not available. Dialogue concerning interview rooms move away from just sexual assault. We are talking about victims and witnesses of homicide, children who have watched parents be continuously beaten, parents who have watched children descend into alcohol and other drugs, passengers in car crashes that killed family or friends..... The value of soft interview rooms cannot be overlooked. What we currently have in place is not enough.*<sup>345</sup>

## Evaluating Peter McCauley Centre

There are over-arching reasons why such an annex should be built at the PMC rather than other locations. Firstly, unlike many other police facilities (such as the Casuarina Station which houses General Duties<sup>346</sup>), PMC is not overly populated by uniformed police. Therefore, rather than the imposing and authoritative atmosphere created by police stations, PMC provides a more welcoming and informal environment. Secondly, PMC has the capacity to expand and accommodate such an annex. This is indicated by the facilities and office spaces already housed on its expansive grounds. The addition of a small annex to this property is possible without purchasing/renting new spaces in other locations. Thirdly, as the base of operations for many teams and the NTPFES College, there are the pragmatic benefits of centralising facilities. These include reducing travelling time for police and witnesses/victims, ready access to police officer's own desks and resources, easier peer-supervision and more readily available support from colleagues. It would also help streamline communication for multi-divisional investigations. It is because of these three reasons: the noticeable lack of uniformed police, the capacity to expand and practicalities of centralizing facilities that PMC is an ideal location for interview victims.

## Conclusion

It is for these reasons that it is recommended that an interview annex should be constructed at Peter McCauley Centre, with a particular emphasis on the development of a 'soft' reporting environment. This is in order to minimise the inherent logistical problems that work to the detriment of the effectiveness of current facilities and systems. It is also in order to properly and promptly deal facilitate the statement writing process for victims and witnesses of sexual assault and other crimes, and reduce the traumatic impact upon victims during the reporting process.

# Recommendations

## Chapter 6: Building an Interview Annex at the Peter McCauley Centre

1. That the Northern Territory Government build or convert current building(s) into an annex of interview rooms for victims and witnesses adjoining the Peter McCauley Centre (PMC) which contains:
  - (a) multiple soft\*, sound-proofed interview/statement rooms
  - (b) one interview room specially designed for child forensic interviews at minimum
  - (c) appropriate technology and equipment, such as computers and video-recording technology
  - (d) a private entrance and separate carpark that ensures victims/witnesses need not be escorted through secure police areas
  - (e) kitchen and bathroom amenities
  - (f) other relevant facilities as determined by consultation with stakeholders and consultants.

\*see *Glossary* for definition

# Chapter 7: Improving Facilities at the Courts of the Northern Territory

## Introduction

Similar to providing soft interview rooms, the need for victims to access soft and appropriate facilities during the traumatic process of the judicial system is pivotal. Research uncovered that current victims' facilities either do not exist or are severely deficient. This chapter draws largely on the recounts of a sexual assault survivor whose trauma was intensified by the dearth of appropriate facilities during her experiences. This is substantiated by the contributions of service providers, who almost universally recognised the need for improvement in this area. Assessments are limited to the Magistrates Court in Darwin and the Supreme Court of the Northern Territory.

## Evaluating the Hardships of the Criminal Justice System

The necessary differentiation of sexual assault victimhood from other crimes passing through the court system has well documented. Locally, the *Little Children are Sacred Report* provided the following analysis,

*There have been countless cases over the years where prosecutions have not commenced, been withdrawn or failed at trial because of the reluctance of victims to follow through with their complaints. Of all the matters that come before the courts, those involving sexual assaults are the most traumatic for the victim and witnesses, and even more so where those victims are children.*<sup>347</sup>

The *Report on the Laws Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory* spoke, "exhaustively and sympathetically on the special position of victims of sexual abuse in the criminal justice system."<sup>348</sup> It illustrated that,

*It is now more generally recognised that a person alleging a sexual assault is in a different category from other complainants. People who claim to be the victims of theft, fraud, threats or physical assault may still find the experience of making a complaint and the subsequent court appearance vexatious or daunting. Few such people would enjoy the experience, but their evidence does not entail a detailed account of invasion of intimate parts of the body, coupled often with evidence of acts, which they find degrading and embarrassing to talk about.*<sup>349</sup>

## The Story of Amy

It is in this context of the unique rigors and challenges faced by sexual assault victims and young victims in particular that the following anecdote is offered. Amy<sup>350</sup> was the victim of multiple sexual assaults whilst under the age of 18. She recounted attending the sentencing of her offender at the Magistrates Court to the author/researcher. The following contribution has been edited, as directed by Amy, to protect personal details

*I was emotionally wrecked at the time... I didn't have the mental space to take note of the availability of fridges or whatever but what I can tell you is how it felt. What I remember and has stayed with me, vividly, was the sense of being isolated, trapped and exposed.*

*...The morning of the sentencing, we [the victim, the offender and their respective support groups] gathered in a room with everyone else in court that day to hear the reading of the day's business. [The offender's] sentencing was scheduled for shortly after but a delay pushed it back several hours. I went to Casuarina with my parents to pass the time. It was brought forward suddenly and we rushed back into the city. This stuffing around meant that sentencing took two days, rather than one. Plans kept shifting*

and it was incredibly stressful. It felt like each time I brought myself to terms with what was happening, each time I mentally fortified myself, something else would run me over. When it was all over, I remember crying so hard, I burst a blood vessel in my eye.

After the first day, I knew I wanted to spend as little time as possible in the Magistrates Court but we had to hang around the city in case there was another short-notice change. I remember walking around the city, feeling my sense of self shatter and desperately smothering the panic. After all my humiliations, I could not allow myself to break down in the middle of the street or at the Court, where [the offender] would see or hear about it. After the police investigation, the media coverage and everything else that had opened in my life's most intimate details to the public, crying felt like the only private act I had left.

[The offender's] lawyer had some sort of office nearby the Court. It was within walking distance. In the long intervals, they went back there. I think they left a staff member behind to phone in with updates. The second day of sentencing was a Sunday, so most of the city was closed. My support staff and family crowded around the public seats in the Court's halls. The Senior Crown Prosecutor disappeared somewhere. It was miserable. It was suffocating. I couldn't even make a cup of tea for my mum<sup>351</sup>.

It defies me how [the offender] and his friends had a means of escape; had the comfort and convenience of a private office; whilst the rest of us sat in the hallway. He was a convicted criminal. This was meant to be the day that he faced what he did to me, not run away and hide. He should have been the one panicking in the foyer.

In the short intervals, we milled around inside the building, as did [the offender] and his people. Every time I saw him or felt that he was close, my insides collapsed. I looked him in the eye for the first time since my rape and I wanted to throw up. I wanted to scream. I wanted to disappear but I didn't have the luxury of a tucked away office.

...During sentencing, I sat next to his friends, not because there weren't other seats available but because everyone; friends, family, lawyers, media; were shoved into the same cramped room. There was nowhere to hide. So I sat next to them. I had to show I wasn't afraid anymore.

...When sentencing finished, my police officer and I chose [a cafe] in the Northern suburbs for our debriefing. We hadn't eaten and like I said, being mid-afternoon on a Sunday, the city was shut. I felt numb from holding back the tears. After waiting 18 months for my day in court, I had the sentence re-explained to me in some crappy cafe.

...What do I have to say to the Northern Territory Government? I did my duty. I got [the offender] away from other young girls. I poured my heart into 'fighting the good fight' because this is what is asked of us all, right? We are supposed to protect the community. Social marketing campaigns, school-based constables, teachers, everyone.... I **knew** when this happened that you are supposed to go to a trusted person; to disclose; to testify and to put bad people in prison. I gave up my health, my schooling, my sense of safety, my friends...My mother contracted [a type of] cancer and we kept going.

I did **everything** I was supposed to do.

What did I get in the end? A slap in the face. Maybe I should have delivered my own justice but whatever, I've done my job now. I've done what was asked of me and what was right. It's time for the NT Government to do the same.<sup>352</sup>

## Calls for Change

As found by this report, the experiences of many other victims and witnesses reiterated Amy's sentiments. The following section recounts many of the formal contributions received on the topic. These contributions focus largely on the facilities available at the Supreme Court, as this hosts more interactions between victims and offenders than the Magistrates Court. However, this report recognises the need for all Courts to be victim-friendly and that any court experience, if not properly conscious of the needs of victims and witnesses, can be debilitating.



Coordinator of the Northern Territory Sexual Assault Referral Centre, Barbara Kelly, recounted the historical roots that contribute to the lack of facilities at the Supreme Court,

*Our Supreme Court building was opened at a time before widespread and pronounced notions of giving support to vulnerable witnesses was around<sup>353</sup>... The time has come to align our aged buildings with our modern understandings of the needs of vulnerable witnesses.<sup>354</sup>*

Detective Senior Constable Christina O'Connor is a former officer of the Child Abuse Taskforce and prior to that, a primary-school teacher. She now works in the Major Crime Unit with NTPFES. She has had constant interaction with the Supreme Court and other courts in her assistance of victims and witnesses. For the Supreme Court specifically, Detective O'Connor has said,

*With the recent closing of the Cafeteria in the Supreme Court, anyone who is not the victim/witness and would like a tea or coffee must walk down to the Speaker's Corner at Parliament House or further into Darwin city. Court proceedings are often protracted and can take many weeks to conclude. With recesses, rescheduling and other such breaks between in-court sessions, this major inconvenience exacerbates the pressures and stress on witnesses and victims, who are often near breaking point already.*

*We need to have the option of teleconferencing technologies available to all witnesses. Whilst victims of sexual assault are most certainly vulnerable, when it comes down to it, the court process makes everyone vulnerable. Teleconferencing options would empower victims and witnesses by providing a genuine choice in how and where they testify. Going to court can be akin to the trauma of the original crime, in that they are forced to face offenders. Giving this type of control back to victims in particular, who have had the ultimate control taken away from them through things such as rape and other sexual abuses, is incredibly powerful.<sup>355</sup>*

Retired Coordinator of the Northern Territory Witness Assistance Service (1996-2010), Nannette Hunter, spoke of the difficulties of striking the balance when resources are limited:

*For a service, if the choice comes down to having an appalling, cold, austere building and nothing at all, then of course, you choose the former. If it comes down to providing a family with emergency housing so that they have somewhere to sleep at night and buying wallpaper, of course, you choose the former...but for healing to occur, there has to be a healing environment. If the service is not accessible, if people can't get into it or don't feel welcome and comfortable, then they can't possibly have a positive experience.<sup>356</sup>*

The Witness Assistance Service, under Mrs Hunter's management, also made the following recommendations in a submission to the *Little Children are Sacred Report*,

*Recommendation 14: That a new CCTV facility be provided for use by the Supreme Court and the Court of Summary Jurisdiction in Darwin. This facility should be in a separate building from the Supreme Court, thereby ensuring witnesses do not come into contact with defendants.*

*Recommendation 15: That suitable waiting areas and CCTV rooms be provided at Katherine and Alice Springs Courthouses. The facilities should have their own entrance so that witnesses do not come into contact with defendants.*

*Recommendation 16: That CCTV equipment at Darwin Court of Summary Jurisdiction be upgraded or replaced.<sup>357</sup>*

The *Inquiry* found that, "these are all clearly matters of practice and procedure which would, on the face of it, enhance the confidence of the child witness in giving evidence in all Territory courts."<sup>358</sup> This report also endorses such actions.

## Ongoing Care for Children and Adults

Manager of Victims of Crime Northern Territory (VOCNT), Michael Campbell, has many years of experience in social work with young people. In answering a question concerning the major obstacles for youth coming forward with sexual assault, he outlined gaps in recovery services:

*When you are talking about victims of sexual assault, especially children, they need a service that's comforting, supportive and loving. Services have to move away from cold, imposing buildings and into places that gardens and sunlight and warm elements... After the court process, that child also needs to be able to access a recovery service - a place where they can go and sit in a library or go on the internet... somewhere where there are trained and compassionate people available if they need.*<sup>359</sup>

Coordinator of Sexual Assault Referral Centre (SARC), Barbara Kelly, has identified a similar gap for all ages,

*The Witness Assistance Service should have more resources to extend their brief to after-court care. As much as we need to look after the service on-site, the gaping divide is afterwards. We need to have a service that continues to connect with those people; that makes sure those vulnerable members of our community reengaging with constructive service.*<sup>360</sup>

Furthermore, the *Little Children are Sacred Report* also raised concerns about this issue,

*The support provided by the Witness Assistance Service (WAS) to victims is highly significant. In addition to the preparation and assistance given in respect to giving evidence, WAS refers its clients to other agencies for counselling and to solicitors for financial assistance claims. But the support it can provide is usually limited by the position the victim occupies in the system of the administration of criminal justice.*

*Once the particular victim exits the system (at the conclusion of the hearing, and perhaps appeal process), WAS's involvement will switch to its other "live" cases. The work is resource-intensive. So, apart from the referral process, WAS is no longer actively involved. Who or what agency takes responsibility for the victim at that stage? The Inquiry has found a service gap in this area which needs to be filled in a coordinated and structured manner.*<sup>361</sup>

Amy had the following to contribute,

*There is an appalling disparity between the focus on the victim and offender in our society. Ask yourself: when we use the term "rehabilitation," why is it that we automatically think of the offender? What about the rehabilitation of the victim? The notion that youth justice is about punitive measures and punishing the offender needs to be challenged. We must be aware that a victim's ordeal is not absolved or completed by the handing down of a verdict or sentence. Whether guilty or not guilty, imprisoned or let free, a voyage of recovery still needs to occur. Neither that person nor that victim's needs cease to exist once we've reached a tangible legal outcome. I wish someone had told me that before during the investigation of my sexual assaults. I might have been better prepared.*<sup>362</sup>

## Model: Special Care Court

Barbara Holborow (OAM), in her twelve years as a former Children's Magistrate with the New South Wales Department of Justice and the Attorney General, was instrumental in setting up the Special Care Court. Opened in the 1990s, this is the only court of its kind in the country. It is specifically designed to deal with, "cases of neglect and a special jail for first-time offenders aged eighteen to twenty five."<sup>363</sup> Its establishment recognised how imperative it is to make children feel welcomed and cared for in the judicial process. Concerning the Special Care Court, Mrs Holborow has said,

*I never wore a wig or gown... I never stood up. I was seated on almost the same level... It had Laura Ashley prints and a cute clock which was knocked off on the first day! It had a Nursery and child-care area attached...It was built for kids, not lawyers.*<sup>364</sup>

This report calls on the Northern Territory Government to commission further study into the possible development of such Special Care Court facilities, tailored to our local needs.

## Conclusion

The importance of having better functioning facilities at Courts for victims, witnesses and their support groups, is well documented. The *Little Children are Sacred Report* found that current practices make “court procedures for child victims are extraordinarily traumatic.”<sup>365</sup> Current facilities have been highlighted, by many professionals, as a source of frustration and unnecessary hardship for victims trying to access a high quality of services. The lack of ongoing care after the exiting the judicial process is also of major source of concern. Most of all, Amy’s story typifies the trauma, distress and isolation current facilities cause for victims. Such a gap in services clearly articulated by stakeholders, partnered by the relative ease with which this simple problem can be fixed, the improvement of victims’ facilities at Courts; such as the Supreme Court and the Magistrates Court; is a central recommendation.

## Recommendations

### Chapter 7: Improving Facilities at the Courts of the Northern Territory

2. That the Northern Territory Government provide the following facilities at the Courts of the Northern Territory:
  - (a) a separate and private entrance for victims/witnesses and their support groups/staff at the Supreme Court and the Magistrate’s Court
  - (b) separate facilities for victims and their support group/staff in a number proportionate to traffic in court, including:
    - i. kitchen facilities and amenities
    - ii. well-furnished waiting areas (furnished with couches, artwork and other elements of soft\* points of contact)
  - (c) video-conferencing technology in the Supreme Court for all witnesses/victims giving testimonials and a separate building from which all victims and witnesses may make these testimonies that is within walking distance
3. That the Northern Territory Government provide Witness Assistance Service Northern Territory with the means to supply after-care services for all victims and witnesses after exiting the judicial system.

\*see *Glossary* for definition

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# Research Findings: Conclusion

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Youth sexual assault is a commanding issue that speaks to the very fabric of human nature. Rates of sexual assault reflect how much or how little acceptable standards of behaviour have been ingrained in individuals by the culture of their peers. It is only when our societal consideration of sexual assault moves from its regard as a regrettable yet inevitable occurrence, to a changeable and largely preventable outcome, that lasting progress will be made. It is only when our policy, programs and services universally conform to this paradigm shift that our collective conscience can rest.

We are a long way from this goal.

Research uncovered a societal preoccupation with outcomes for offenders in place of concern for the voyages of victims. Unless this imbalance is reversed, efforts for meaningful reform will continue to struggle. In response to this distressing trend, this report has outlined a broad range of recommendations that significantly enhance the quality of service provision, thus bettering the lives of young people and improving social cohesion.

The central tenet of this report is hope. I, the author and researcher, have intrinsic faith in aptitude and commitment of our service providers. Equally, I believe that our community has the capacity to change. If we listen to the voices of service providers on the front line, of victims and survivors at the coalface of suffering, of children who are dependent on our empathy, of communities who are best at understanding their needs, we will find that what must be done to improve the situation is clear.

The confounding and frequently horrifying extent of sexual violence is a justified cause for despair. However, we must remember that the only constructive response to these abominable acts is a positive focus on the way forward. Frustration may help fuel us but it cannot sustain us. Anger may help drive us but it cannot inspire us.

The future is determined by what we do today.

Ultimately, this report expresses a shared vision for our community; one that is common to the author/researcher, service providers, victims, survivors and young people who contributed. I fundamentally believe that we can live in a society where there is an equal concern for the welfare of victims and offenders; where everyone feels free and safe to speak about sexual assault; where sexual assault is prevented so exhaustively, it is a disturbing peculiarity rather than a normalised fact; where the voices of service providers, victims and survivors in public discussion are sirens rather than whispers; and where long-term, comprehensive policy responses achieve the full intent of this report, and more.

Amy shared her story because she believes that her contribution can help change the broader narrative of victims' suffering; that young people can find better endings than hers in the judicial process. Similarly, I am spurred on by the belief that the strength and courage of individuals will always surpass the tragedy of offences; that the unflagging efforts of service providers will carve new and better pathways for recovery; that these elements will combine to one day make our shared vision a reality.

This report has been written in the hope that you may join us.

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- 3 Australian Capital Territory Government Planning & Land Authority (2010), *Environmental Impact Statements*, Australian Capital Territory Government, Canberra, viewed on 3 November 2010, <[http://www.actpla.act.gov.au/topics/design\\_build/da\\_assessment/eis](http://www.actpla.act.gov.au/topics/design_build/da_assessment/eis)>
- 4 The Child Sexual Abuse Committee of the National Child Traumatic Stress Network (2009), *Coping with the Shock of Intrafamilial Sexual Abuse*, the National Child Traumatic Stress Network, Sydney, p.2
- 5 M. Bamblett, H. Bath, R. Roseby (2010), *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children*, Summary Report of the Board of Inquiry into the Child Protection System in the Northern Territory, the Northern Territory Government, Darwin, Australia, p. 5
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- 9 Australian Women's Coalition (2010), *Happy, Healthy Women Not Just Survivors Consultation Report: Advocating for a long-term model of care for survivors of sexual violence*, Australian Women's Coalition Inc, Sydney
- 10 Interview #16, Penny Taylor, Solicitor for the Top End Women's Legal Service, 14 July 2010, see *Appendix A*
- 11 R Wild, P Anderson (2007), *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Northern Territory Government of Australia, Darwin p. 135
- 12 M. Bamblett, H. Bath & R. Roseby (2010), *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children. Report of the Board of Inquiry into the Child Protection System in the Northern Territory*, the Northern Territory Government of Australia, Darwin, p.15
- 13 A Victim Impact Statement is a document presented by a victim to the Judge or Magistrate before sentencing. This legal mechanism affords victims the opportunity to explain the effect of the crime on their welfare and thus partake in the judicial decision-making process.  
Reference: Office of the Director of Public Prosecutions (2010), *Northern Territory Government – A Guide to the Victim Impact Statement Scheme*, Northern Territory Office of the Director of Public Prosecutions, Darwin, viewed on 9 November 2010, <<http://www.nt.gov.au/justice/dpp/html/victim/guide.html>>
- 14 For the full text of Amy's Victim Impact Statement, see *Appendix C* Amy (2008), *Victim Impact Statement to the Supreme Court of the Northern Territory*, unpublished, Darwin An abridged version of Amy's Victim Impact Statement was published by the Northern Territory News on 20 Oct 2008. It may also be viewed at <[http://www.ntnews.com.au/article/2008/10/20/10735\\_ntnews.html](http://www.ntnews.com.au/article/2008/10/20/10735_ntnews.html)>
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- 16 M. Bamblett, H. Bath & R. Roseby (2010), *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children. Report of the Board of Inquiry into the Child Protection System in the Northern Territory*, the Northern Territory Government of Australia, Darwin, p.449
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- 23 2010 Report on Government Services defines "out-of-home care expenditure per placement night" as "the total real recurrent expenditure on out-of-home care services divided by the total number of placement nights in out-of-home care"
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- 27 R Wild, P Anderson (2007), *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred": Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse*, Northern Territory Government of Australia, Darwin, p. 135
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- 29 M. Bamblett, H. Bath & R. Roseby (2010), *Growing them Strong, Together: Promoting the safety and wellbeing of the Northern Territory's children. Report of the Board of Inquiry into the Child Protection System in the Northern Territory*, the Northern Territory Government of Australia, Darwin, p.5
- 30 B. Beadman and the Office of the Coordinator-General for Remote Services – the Northern Territory Government (2009), *Report #2 December 2009 to May 2010*, the Department of Housing, Local Government and Regional Services, Darwin, p. 19
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# Appendix A: Schedule of Interviews

## Northern Territory Government

No.	Organisation	Position	Name	Date(s) of interview
1	Barkly Shire Council (BSC)	Shire Services Centre Manager - Elliott Service Centre	Brian Phillips	25 May 2010
2	Department of Education and Training (DET)	Principal of Top End Group School	Leonie Jones	17 Oct 2010
3	Department. of Health and Families (DHF) - Sexual Assault Referral Centre (SARC)	Northern Territory Coordinator	Barbara Kelly	7 Aug 2010
4	Department of Justice (DOJ) - Crime Victims' Services Unit (CVSU)	Case Manager Acting Director (2010)	Misty Fish	27 Sept 2010
5	Office of the Director of Public Prosecutions - Witness Assistance Service (WAS)	Northern Territory Coordinator (ret. 1996-2010)	Nannette Hunter	29 April 2010
6	Northern Territory Police, Fire and Emergency Services (NTPFES) - Office of the Chief Commissioner	Chief Commissioner	John McRoberts	21 Oct 2010
7	Northern Territory Police, Fire and Emergency Services (NTPFES) - Major Crime Unit (MCU)	Detective Senior Constable	Christina O'Connor	9 July 2010
8	Northern Territory Police, Fire and Emergency Services (NTPFES) – Development Studies College (DSC)	Senior Sergeant/ Officer-in-charge	Geoffrey Bahnert	12 Aug 2010
9	Northern Territory Police, Fire and Emergency Services (NTPFES)	N/A	Declined to be named	22 July 2010

(Continued over page)

## Non-Government Organisations

No.	Organisation	Position/Title	Name	Date of Interview(s)
10	Adults Surviving Child Abuse (ASCA)	Northern Territory Branch Director	Geoffrey Bahnert	17 Aug 2010
11	Dawn House Inc. (DH)	Public Officer on the Management Committee	Nannette Hunter	22 June 2010
12	National Association for the Prevention of Child Abuse and Neglect (NAPCAN)	NT Manager	Lesley Taylor	15 Aug 2010
13	National Association for the Prevention of Child Abuse and Neglect (NAPCAN)	NT Program Coordinator for Love BiTES	Nadia Albert	15 Aug 2010
14	New South Wales Government (NSWG) –Dept. of Justice and the Attorney General (DJAG) Father Chris Riley's Youth off the Streets	Children's Court Magistrate (former) Ambassador	Barbara Holborow (OAM) <sup>367</sup>	2 Oct 2010
15	Top End Women's Legal Service (TEWLS)	Principal Solicitor	Teena Balgi	15 July 2010
16	Top End Women's Legal Service (TEWLS)	Solicitor	Penny Taylor	14 July 2010
17	United Nations Youth Association of Australia (UNYAA)	President (2009/10)	Alice Bleby	27 May 2010
18	Victims of Crime Northern Territory (VOCNT)	Manager	Michael Campbell	22 June 2010
19	Victims of Crime Northern Territory (VOCNT)	Victim Assistance Worker	Fran Windsor	29 June 2010
20	An organisation that, among other services, provides community and prevention education on sexual assault	-	Declined to be named	2 July 2010

(Continued over page)

## Focus Groups with Ruby Gaea Darwin Centre against Rape

### Focus Group One

No.	Position	Name	Date of Focus Group
21	Northern Territory Coordinator	Samantha Bowden	20 July 2010
21	Project Officer/Facilitator	Kirsty Hage	20 July 2010

### Focus Group Two

No.	Position	Name	Date of Focus Group
22	Northern Territory Coordinator	Samantha Bowden	4 Aug 2010
22	Project Officer/Facilitator	Kirsty Hage	4 Aug 2010
22	Community Educator	Ravi Scott	4 Aug 2010
22	Counsellor	Lisa Bennett	4 Aug 2010

## Consultations with Survivors of Sexual Assault

No.	Name	Date
23	Amy <sup>368</sup>	12 Aug 2010
24	Declined to be named	17 Aug 2010
25	Declined to be named	26 Aug 2010



# Appendix B: Quarterly Youth Forum Speakers

Name	Position/Unit	Department/Arm of the Northern Territory Government	Conference Attendance (in 2010)
<i>The Hon. Rob Knight MLA</i>	Minister for Young Territorians*	Member of the Legislative Assembly	27-28 February 15-16 May
<i>Clare Gardiner-Barnes</i>	Executive Director	Northern Territory Families and Children	27-28 February 15-16 May
<i>Debra Zupp</i>	Director	Youth Services Branch	27-28 February 15-16 May
<i>Anthony Sievers &amp; Sarah Gobbert</i>	Alcohol and Other Drugs	Department of Health and Families	15-16 May
<i>Marion Scrymgour</i>	2030 Steering Committee	Member of the Legislative Assembly	15-16 May
<i>Mark McAdie</i>	Assistant Commissioner	Northern Territory Police, Fire and Emergency Services	15-16 May
<i>John McRoberts</i>	Commissioner	Northern Territory Police, Fire and Emergency Services	28-29 August
<i>Jeanette Callaghan and Judith McKay</i>	Northern Territory Early Intervention Pilot Program (binge drinking strategy)	Northern Territory Police, Fire and Emergency Services	28-29 August

List of relevant 2010 Round Table conference attendees

\* The Hon. Rob Knight MLA is also the Minister for Business and Employment, Trade, Asian Relations, Essential Services, Defence Support and Senior Territorians

# Appendix C: Literature of Notable Influence

The following works greatly informed this report's content and strongly influenced its perspective. The author/researcher remains thankful for the many authors and lobbyists who have created such an immense body of work surrounding sexual assault and its related fields/services.

Subject	Literature
Child Protection	<i>Growing them Strong, Together: Summary Report of the Board of Inquiry into the Child Protection System in the Northern Territory</i> to the Northern Territory Government
	<i>Submission into the Inquiry to Child Protection System in the Northern Territory</i> from the Northern Territory Department of Health and Families
Indigenous Affairs	<i>Closing the Gap in the Northern Territory Monitoring Report – July to December 2010</i> from the Australian Government
	<i>Ampe Akelyernemane Meke Mekarle: Little Children are Sacred: Report to the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Assault</i> to the Northern Territory Government
Prevention Education	<i>Framing Best Practice: National Standards for the Primary Prevention of Sexual Assault through Education</i> from the National Association of Services Against Sexual Violence
	<i>Respectful Relationships Education: Violence prevention and respectful relationships education in Victorian secondary schools</i> from the Victorian Department of Education and Early Childhood Development
Remote and Rural Services	<i>Report #1 May to November 2009</i> from the Northern Territory Coordinator-General for Remote Services
	<i>Report #2 December 2009 to May 2010</i> from the Northern Territory Coordinator-General for Remote Services
Rehabilitation and Diversion of Sexual Offenders	<i>Sex Offender Treatment Programs: effectiveness of prison and community based programs in Australia and New Zealand</i> from the Indigenous Justice Clearinghouse
Sexual Assault Legislation	<i>Report on the Laws Relating to the Investigation and Prosecution of Sexual Assault in the Northern Territory</i> from the Northern Territory Law Reform Committee to the Northern Territory Government
Youth and Violence	<i>An Assault on Our Future: Impact of violence on young people and their relationships</i> from the White Ribbon Foundation
	<i>Avoid the Harm - Stay Calm: Report on the Inquiry into the impact of Violence on Young Australians</i> from the Standing Committee on Family, Community, Housing and Youth to the House of Representatives

See *References* for full citation details.

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# Appendix D: Amy's Victim Impact Statement

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*Amy presented the following Victim Impact Statement to the Supreme Court of the Northern Territory during the sentencing of her offender. Amy refers to this sentencing in Chapter 7, during her recount of lack of victims' facilities at the Supreme Court of the Northern Territory. This copy of her Victim Impact Statement has been included with Amy's express permission. Amy has removed some personal details.*

I search myself to describe the effects of this crime and to articulate its core of suffering. But it is difficult because a point of reference or any recollection of a life not impacted by it eludes me and is faint.

The instinct to fight, to suppress, to undermine and to gut the vitality of those memories is by now ingrained. Reflections of my life unshadowed by this crime bring pain because they map how much I have lost.

I have struggled to find a sense of worth or a sense of personhood. I have often felt an animal; a mutilation; a girl whose unrecognizable world has swollen to a horror.

I look to the consequences of this offence for everything I have ever considered precious; my family, my health, my safety, my friends, my idealism, my dignity...and consider in what ways can I possibly quantify the cost? I find that it exceeds definition. I am without the instruments to measure.

The toll on my health has been tremendous. [For many months] eating and drinking became feats of will. I vomited constantly. I vomited in school and public toilets; street bins and drains; into my skirts and clothing; in the dirt on my hands and knees.

For [many months] I stopped sleeping. I was plagued by memories of the invasion and violation of my body. [A health professional] identified symptoms of long-term sleep deprivation. I developed a stutter...My immune system collapsed. I was constantly sick.

Migraines and cluster headaches lasted for months, causing unbroken and acute pain, dizziness and nausea. Extreme anxiety manifested in daily panic attacks. These were accompanied with uncontrollable sobbing.

The migraines, attacks, vomiting and insomnia were exacerbated by my necessary return to school. My inabilities crippled my self-esteem. The crime paralyzed my ability to rest. These afflictions, with lesser consistency, continue to this day.

The crime traumatized my sense of safety and it caused my confidence to fester. It ignited a loathing for my body. I sought to punish and mar what I saw as the instrument of my disgrace...to *teach it a lesson*.<sup>27</sup> self-inflicted scars are a history to my revulsion.

I committed to other methods of installing pain: bruising, starvation, exhaustive exercise, fatigue and asphyxiation. I hated myself for being so weak and always so terrified of the petty and unimportant - of dialing a phone, taking a test, falling to sleep.

In this crime and its wake, I had 'given in' and 'given ground' when I should have given nothing. I had shattered under pressure. I couldn't block the pain. I sought aggression and to be exploited in a string of relationships that followed. I believed myself undeserving of happiness.

Despite the reversals in my self-destructive patterns, the shadows of contempt continue to stalk me. The journey of recovery has caused me to feel a stranger to my own body.

Confidentiality has changed the nature of every relationship in my life. I have necessarily strained to keep those closest and fundamental to me at a distance. This has withered any comfort in belonging or inclusion I once felt. I have accepted these as luxuries I am denied.

Confidentiality has cost me companionship and trust. It has isolated me from my natural support group: my family and cherished friends. It has isolated them also. It has lost me friends. It has lost me identity. I want to bloody my throat with screaming when "victim" replaces my name in the media. My name is [Amy]. This is my story. I refuse to be alienated from it. But I am anonymous, denied the force of personality.

My daily life thunders this crime never happened; that I am delusional in my feelings of hollowness and decay. I am forced to perpetuate this sham. To pursue my truth, I have betrayed and belittled it. It is a sick irony and I am sick of hiding. I am sick of diluting the rage I feel at living a life divided. I am separated from my family, distanced from my friends, split in my heart. Because of this injustice, I am mired in a difficult reality that I did not and could never have prepared for.

Although [a period of many months] has elapsed, this crime demands my daily attention. I perceive him to be everywhere. This paranoia will not be tempered by rationality, or knowledge of his residing interstate. I glimpse his face on strangers, smell his cologne on my friends, recognise his profile in [others] on the streets and in shops. And when I do my insides crumble. My lungs constrict, as if caving in my chest. I want to scratch off my skin.

These occasions are invariably public and ceaseless. I have had to learn composure under continuous fear. I have had to learn implosion in place of exploding, the act of repression, the smothering and internalizing of sheer panic.

These abilities have not been easily won. They come with the diseases of the soul. Relaxation is always distant. I constantly feel targeted. I constantly feel alone.

... This period of my life that should be a time of unfolding growth and discovery, of joy and valuable challenge, has largely been lost. I have lived by restraint, living falsely and estranged from the truth of my experiences. I have been forced to abandon whatever inner turmoil I may feel and compartmentalize my life.

It has not been an easy journey. I feel that I have lost the girl that I was, and grieve for her and her innocence.

The immensity of the impact of this offence on the direction of my life is both irreversible and exponential. I will never again find the same comfort in a warm embrace; extend the same trust towards those responsible for my care or exist without knowing the sharp edges of panic cutting into my throat. It has not only been an attack on my body and mind but an assault against any confidence in my safety and any future intimacy. These things have been taken from me.

The burdens of this crime have surpassed any other desire, goal or need of my family. Sentencing comes at a time when my mother is [sick with a severe disease]... I cannot conceive what agony this last year has been for [my parents]. I am their child. I am in their care. They pay the price. This has been an offence against them also.

Through this crime, [I have been offered] an assessment of my value. I have carried it, and choose now to discard it. This ordeal has demanded strength. I have found it within. I have stayed in school. I have faced adversity. I have stayed alive when I wanted to die. Lack of sleep, food or rest has not defeated me... I am still here and I am still trying.

I will continue to fight for myself and for the love in my life until my last breath voids my body. But the cost of this lesson has defied limitation. It has shaken me to my bones, and threatened my very existence.

The legal system can sentence nothing that will absolve my experiences.

I am not the person I was.





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Copies of all community-based project reports submitted by the 2010 Youth Minister's Round Table of Young Territorians are available at [www.youth.nt.gov.au](http://www.youth.nt.gov.au)