



17 April 2023

Statement

SAFETY AND WELLBEING OF ABORIGINAL CHILDREN IN THE NORTHERN TERRITORY

In the Northern Territory (NT), you must report your concerns if you believe a child is being, or has been, harmed or abused. This is a legal responsibility under the *Care and Protection of Children Act (2007)*.

Successive governments, at both the Territory and Federal level, have conducted inquiries and generated reports into the Northern Territory's child protection system over many years; like no other jurisdiction in this country. A plethora of recommendations for systems reform has been made time and time again, with some recommendations seeing traction and others showing no evidence of implementation.

Some of the key inquiries and reports include¹:

- 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 (2007)
- 2010 – Board of Inquiry into the Child Protection System in the Northern Territory
- 2017 - Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory
- 2019 - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*²
- 2020 – Productivity Commissions '*Expenditure on Children in the Northern Territory*'

The evidence presented and recommendations from all of these Inquiries and reports, consistently highlight the need for a transfer in decision making power from statutory government agencies to families, communities and Aboriginal Community Controlled Organisations (ACCO).

There has been significant analysis of the over representation of Aboriginal children in contact with the child protection system in the Northern Territory. This includes an annual review of Territory Families data relating to notifications, investigations and substantiations of harm; and out-of-home care trends by the Office of the Children's Commissioner (OCC).

¹ A summary of key inquiry and report recommendations are outlined in Attachment A.

² Note the final report has not yet been released.

This analysis identifies the critical need for a differential response for low-risk but high needs families. The low number of suspected harm notifications that are substantiated each year is evidence that these families are in the majority of those reported to child protection.

A differential response refers families through an Aboriginal Community Controlled Organisation (ACCO) or a Non-Government Organisation (NGO) to appropriate supports, addressing any care concerns early and preventing the risk of future unnecessary statutory child protection involvement.

Clearly missing from the current conversation is an understanding of and reflection on the accessibility of differential or other non-statutory supports and services to Territory children and families who do not meet the statutory threshold for intervention. These children and their families need access to universal support services i.e. parenting education, budgeting programs, and generalist family and housing/support. For a differential response to be effectual, substantial and sustained investment is required across the Territory.

Some key features of an improved child protection system which are yet to be implemented in the Northern Territory include:

- A culturally appropriate Family led decision making framework, which empowers families to develop care plans for their children, which has the buy in and commitment from all relevant family and community members
- A differential child protection response model, providing family support via the ACCO and Non-Government sectors instead of requiring children to become involved in the statutory government child protection system
- Delegated authority to an Aboriginal children's guardian/s as the lead of, and supported by, an Aboriginal Community Controlled Child Care Agency. This creates an alternative to Aboriginal children being placed in the care of the Chief Executive of the government child protection agency. Significant decisions regarding the removal, placement and permanency of Aboriginal children should culturally appropriately be considered and approved by relevant Aboriginal Guardian/s. As a result, an Aboriginal guardian has oversight of this process and the subsequent care and reunification planning for the child.

Whilst these features relate to the child protection system there are many other actions required to address the causal factors which impact on a families ability to adequately care for their children, including stable housing, disability supports, food security and adequate health care services.

Quotes attributable to Nicole Hucks, A/ NT Children's Commissioner:

- As a Wadjigan, Larrakia and Arrernte I am deeply concerned about the sporadic and exploitative sensationalism of the lives of our Territory children.
- Recent claims regarding the safety and wellbeing of Aboriginal children in the NT being jeopardised and disregarded is not supported by the evidence I have reviewed, and the recommendation put forward lacks an understanding of what is in the best interest of Aboriginal children.
- All children, including Aboriginal children, have a right to grow up safe and with their family.
- There is enough known about child safety issues in the NT and the community led solutions needed to ensure all children grow up in a safe healthy environment.
- If governments are serious about achieving the Closing the Gap target of reducing the over-representation of Aboriginal children in care by 45% by 2031, then there needs to be a genuine commitment to fully implementing the systems reform recommendations highlighted through the existing Inquiries and Royal Commissions.
- Any commitment to implementation actions also requires independent robust monitoring and evaluation into the effectiveness of these actions.

Attachment A – Key inquiry and report recommendations

- 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 (2007)
 - specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities
 - In order to prevent harm and reduce the trauma associated with abuse, the Inquiry identified the importance of significant investment in the development of family support (child and family welfare) infrastructure in the NT– including long-term investment in urban and remote multi-purpose family centres to provide an integrated holistic approach to working with families.
- 2010 – Board of Inquiry into the Child Protection System in the Northern Territory
 - recommended a focus on case-management, permanency and stability planning, reunification, ongoing risk management and Aboriginal Family Group Conferencing.
 - an Aboriginal Child Care Agency (Aboriginal Community Controlled Organisation) or Agencies be developed in stages, and that such an agency or agencies is funded by Government with a major role in child safety and wellbeing³
- 2017 - Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory
 - Key recommendations included the establishment of Aboriginal services to identify and assess kinship carers to meet the over-representation of Aboriginal children in care.
 - Critical and conducive to self-determination for Aboriginal children and families, another recommendation was for increased family engagement in decision making. Subsequently the Royal Commission called for the establishment of specific Aboriginal Family-Led Decision making programs.
 - Again highlighted the need for a very significant and sustained new investment in the development (and expansion) of a suite of secondary prevention, tertiary prevention, therapeutic and reunification services for vulnerable and at-risk children, families and communities. Additionally it was identified that the majority of these services should be provided by the non-government sector.
- 2019 - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*⁴

³ The NT government implementation got as far as the short-term establishment of an Aboriginal peak body to support the process of the development of Aboriginal child and family wellbeing and safety, and child protection agencies. With no Aboriginal Child Care Agency eventuating.

⁴ Note the final report has not yet been released.

- 2020 – Productivity Commissions ‘*Expenditure on Children in the Northern Territory*’
 - When commissioning children and family services primarily targeting Aboriginal and Torres Strait Islander people, the Commonwealth and NT Governments should give preference to service providers that have the capacity to deliver culturally appropriate services.
 - The Commonwealth and NT Governments should adopt a relational approach to contract management, in which governments and service providers, in consultation with communities, work collaboratively towards shared outcomes.
 - The Commonwealth and NT Governments should embed requirements (and appropriate resourcing) for monitoring and evaluation into contracts for children and family services.