

# INQUIRY INTO THE CHILD PROTECTION SYSTEM IN THE NORTHERN TERRITORY 2010

## Making Submissions to the Inquiry

### Background

The Inquiry into the Child Protection System in the Northern Territory was announced by the then Minister for Child Protection, the Hon. Malarndirri McCarthy, on 11 November 2009. The formal instrument of appointment was provided by the Chief Minister, the Hon. Paul Henderson, on 9 December 2009.

The Terms of Reference for the Inquiry, which are provided in full on a separate web-page, call for a broad-ranging Inquiry under the *Inquiries Act* into the Northern Territory's child protection system.

The Board of Inquiry is inviting written and oral submissions to the Inquiry covering any aspect of the child protection system in the Northern Territory. Submissions may cover issues and problems relating to current functions and practice, as well as suggestions for addressing these. A key focus of the Inquiry is on the strategic directions, roles and responsibilities of Northern Territory Families and Children (NTFC, the government Agency directly responsible for administering the *Care and Protection of Children Act*) and on the roles and responsibilities of other government agencies, non-government organisations and members of the general public.

Given the large number of submissions that are expected and the limited time that will be available for scheduling hearings, the Board requests that those who wish to make oral submissions also provide a written submission covering the issues. The Board will endeavour to make formal hearing times available for anyone who wishes to make an oral submission but cannot guarantee that this will be possible in all cases. We understand there will be some people who may have difficulty making a written submission and we would be happy to make arrangements to assist anyone in such circumstances.

Anyone who wishes to make a submission to the Inquiry but has special needs, such as requiring the assistance of an interpreter, should contact the Inquiry Secretariat with the details.

### The framing of submissions

Because of the broad scope of the Inquiry, the Board is requesting that those making submissions attempt to target their submissions at one or more of the key areas of focus that have been identified to date. This targeting would assist the Board in categorising and evaluating the large amount of written and oral material that is expected. It is stressed that submissions are not restricted to the suggested framework.

The Board has identified a number of overarching issues that will need to be addressed in the course of the Inquiry, in addition to specific system elements or practice areas.

## Overarching issues

The following issues or themes have a bearing on the operation of the child protection system as a whole:

1. **Aboriginal service providers.** The development and roles of child protection and related services operated by Aboriginal organisations. Different service models operate in the various Australian jurisdictions and the Board wishes to consider a range of models to help address the needs of Aboriginal children and families given their significant over-representation in the Northern Territory system.
2. **What is the role of the child protection system with respect to child “wellbeing”?** When looking at a child protection system there is a balance between the need to put resources into supporting children and families in general, those in need, versus the more forensic approach of assessment and protective intervention. Submissions on this issue are particularly welcome. In particular, submissions may address the range of support services for vulnerable families to enable them to address the safety and wellbeing needs of their children, and include the child protection roles of universal services, and relevant state and federal policies aimed at supporting families and children.

Related to this issue are definitional questions such as what is harm or abuse, and what should the thresholds be for statutory action? What is neglect and what actions should a system interested in protecting children from harm take regarding neglect? The Board wishes to explore the nature and extent of child neglect in the Northern Territory and service and statutory responses that best meet the needs of children and families. The role of child ‘wellbeing’, which features in the objects of the *Care and Protection of Children Act* (section 24), will be considered in this Inquiry.

3. **Child protection and the *Working Future* policy framework.** The development of child protection and related services in the light of the Northern Territory Government’s *Working Future* policy and specifically the ways that such services might be effectively delivered in the 20 growth towns and the outstations and homelands they support. Submissions might also consider the role of the newly-created shires in the development of child protection services.
4. **Child protection roles and responsibilities of all government and non-government organisations and individuals.** The roles and responsibilities of other government agencies and non-governmental organisations, members of professional groups and the public at large in the protection of children in the Northern Territory. This includes issues of coordination, collaboration, resourcing, training and mandatory reporting. Also of interest are roles and responsibilities of inter-disciplinary and inter-agency teams and committees.
5. **The roles of the two governments.** The Commonwealth government currently funds some child protection services in the Northern Territory and a range of related services through the Northern Territory Emergency Response. The Board of Inquiry is interested in exploring the relationship between the two governments with respect to the delivery of child protection and related services, including issues of capacity, funding and logistics.

6. **Workforce and workplace issues.** From recent reports and investigations, it is clear that NTFC shares many of the workforce and workplace problems that face other statutory services in the Northern Territory and that in some work units the problems are particularly acute. The Board wishes to receive submissions that address current workforce and workplace issues and that explore options for addressing these.

### Practices and Systems

Specific child protection practice areas or system elements that submissions might address, include the following:

1. The **Intake and Assessment system** and processes for receiving and assessing reports of suspected harm to children. This includes both the initial evaluations and 'triaging', as well as the formal child protection investigations that are undertaken by child protection workers. The Board is also interested in submissions that address the role and relevance of the centralised intake system, particularly for those in rural and remote regions of the Northern Territory. It is also interested in the methodology and instruments that are used for assessment. A particular area of focus will be the issue of assessing and responding to cases involving cumulative harm. Included in this category is a focus on the Child Abuse Taskforce and the mobile child protection team.
2. **Out-of-home care services** including (but not limited to) current capacity issues, the range of services provided, government versus contracted non-government provision, kinship and specific care, the use of for-profit service providers, the role of residential care, the place of secure care, the location of services, the recruitment of carers, remuneration, standards of care, training, supervision, registration, support and the role of stakeholder organisations such as CREATE. Included are services and supports for children and young people who are leaving or who have left care. The Board is also interested in the application of placement principles, including the Aboriginal Child Placement Principle (section 12 of the Act), respecting 'the wishes and views of the child' (section 10(e) of the Act), and the role of placement consultations with family and communities.
3. It has been apparent for some time that the Northern Territory lacks the range of **family support and child wellbeing services** that are available in some other jurisdictions and those that are available tend to be concentrated in a few urban areas. NTFC is currently developing a number of family intervention services under its Differential Response Framework, and a family preservation program is provided by a non-government agency. The Board wishes to receive submissions that address the current and future availability, quality, auspicing and distribution of such services. The range of possible services includes, but is not limited to, maternal and child programs, parent training and education, formal family support, therapeutic interventions and family preservation. Services can cover those that might be considered as being at the primary or universal, secondary, or tertiary levels.
4. The Board is interested in exploring issues relating to the **ongoing case management of and service provision for children, young people and families identified as being at risk**. This includes the use of risk management tools, the coordination and monitoring of services, and case management frameworks such as 'Looking after Children'. Submissions

on approaches to active case management and service provision for children and young people under the care of the Chief Executive are also welcomed. A particular focus will be on young people with high support needs.

5. **Legal matters.** The Family Matters Jurisdiction of the Local Court is central to the child protection system, particularly with respect to the provision of various protection orders. The Board wishes to receive submissions relating to the provisions of the *Care and Protection of Children Act* (and other Northern Territory and federal legislation), the role of the Courts in the Northern Territory system, and legal service provision generally. Included here are the roles of mediation and family group conferencing.

As stated, submissions are not restricted to these 11 categories but it would help in the Board's categorisation and evaluation if submissions were framed in this manner.

## **Protections and responsibilities**

The *Inquiries Act* provides for the following protection of witnesses:

"A statement or disclosure made by any witness to a Board or Commissioner shall not, except in proceedings for an offence arising under this Act, be admissible in evidence against him in any civil or criminal proceedings in any court." (section 13).

The Act also contains the following regarding 'false testimony':

"Any witness before a Board or a Commissioner who knowingly gives false testimony in any evidence given by him to the Board or Commissioner shall be guilty of an offence." (section 14).

There are a number of other protections that are afforded to those giving evidence to this Inquiry. In the first instance, witnesses can request that they give their evidence *in camera* (privacy before the Board) and the Board may itself elect to hear evidence *in camera* (section 16). The Board will also honour any requests from those providing written submissions that the author's name and/or the submission itself not be published in the Inquiry's report or on the Inquiry's website.

For those within the public service who wish to make a submission to the Inquiry, specific commitments to the protection of any public servant from harassment or any other adverse treatment have been provided by the Chief Minister and relevant Agency Chief Executives. There are also statutory avenues for redress if this were to occur.

Lastly, section 15 of the *Inquiries Act* provides every witness before the Board with the same protection (and obligations) as a witness in a matter before the Supreme Court. This is a strong guarantee against any adverse treatment of a witness by anyone.

It is important that the proceedings of the Board and the evidence it receives are, so far as possible, both open and public. However, aspects of

the subject matter of the Inquiry will be sensitive or private. Any written submission should clearly state:

- whether the author wishes any of the submission's content to be treated as confidential and not for publication; and
- whether or not the author wants to remain anonymous.

Any person attending before the Board to give oral evidence will also have an opportunity to advise that they wish their evidence to be given *in camera*.

Staff from the Secretariat supporting the Board of Inquiry will be available to discuss privacy and protection concerns with any persons who wish to make a submission to the Inquiry.

### **Lodging Submissions**

Written submissions should be lodged by close of business on 12 March 2010 and may be submitted electronically at the portal on the website ([submissions.childprotectioninquiry@nt.gov.au](mailto:submissions.childprotectioninquiry@nt.gov.au)), or posted to:

Inquiry into the Child Protection System in the Northern Territory  
GPO Box 1708  
DARWIN NT 0801

All submissions need to include the full name and contact details of the person and/or organisation making the submission.

Persons wishing to attend before the Board during March 2010 to give oral evidence should contact the Secretariat of the Board on:

Telephone: (08) 8999 6256 or free call 1800 770 543; or  
Via e-mail to: [reception.childprotectioninquiry@nt.gov.au](mailto:reception.childprotectioninquiry@nt.gov.au)