

Foreword

As is often the case with inquiries into child protection systems, this Inquiry was commissioned in the wake of adverse publicity arising from a number of tragedies and public complaints about the inadequate responses of child protection services. In the course of the evidence gathering phase of the Inquiry, it became clear that there was no shortage of foster carers, government employees, non-government organisation workers, young people in care and other clients of the service wanting to report problems with different aspects of the services provided or the statutory agency, the Department of Health and Families (DHF), itself. The consistency and range of the submissions, along with an examination of operational data from the system, soon led the Board to the understanding that the child protection system in the Northern Territory is, indeed, in crisis.

The Board is grateful to all those individuals and organisations that sent in submissions or provided evidence at the hearings. For some witnesses who feared negative repercussions, this was a very stressful experience and we trust that the Report honours their courage and commitment to change. It has been necessary to carefully listen to their often troubling experiences in order to understand what has led to the crisis in the child protection system and to help map out future directions.

Management of complaints and allegations

The Board became aware that a number of the complaints and allegations that were brought to its attention were also the subject of completed or ongoing investigations by government departments and other statutory complaint bodies, such as the Children's Commissioner and the Ombudsman, or had been the subject of court determinations. In such cases the Board has not re-investigated the matters. In other matters, the Board conducted preliminary assessments and has, with the permission of the complainants, forwarded the material to other authorities for a determination. Regardless of the formal outcomes, the Board has noted the substance of each matter and has considered this in the development of this Report.

There were three individual matters that came to the attention of the Board during the course of the hearings that required an immediate response. In each case the Board communicated directly with the management of Northern Territory Families and Children (NTFC) and understands that these matters were attended to promptly. On another occasion, the Board became concerned when some operational data came to its attention that indicated there was a rapidly growing backlog of children deemed to be at risk who were awaiting the commencement of an investigation into their circumstances. The Board brought this matter to the attention of DHF and the Minister for Child Protection and understands that prompt remedial action has been taken.

Despite the need to listen and respond to complaints and allegations, the primary stance of the Board has been a forward-looking one, with an emphasis on mapping out how things might be improved rather than only focusing on dissecting what has gone wrong. This being the case, there has been no attempt to apportion blame or determine culpability in particular matters. The Board understands that the vast majority of Departmental workers, from front line staff through to senior management, are hard working and dedicated, sometimes heroically so, yet are working with limited resources in a context characterised by extreme need.

Scope of the Inquiry

The Board understood that the Chief Minister and Minister for Child Protection wanted a broad ranging Inquiry into the child protection system in the Northern Territory and that has been the approach taken. However, it has not attempted, nor would it have been able, to explore every aspect of the system, all the functions of NTFC, or all the determinants of abuse and neglect. For example, it has not been able to examine practice and policy around local and international adoptions or the disaster response role of DHF. Whilst the Board is supportive of legislation restricting the availability of alcohol and has made numerous statements about the impact of alcohol consumption on children and families and the need for treatment programs, it has not made specific recommendations around supply issues which have been the subject of a great deal of policy and legislative attention in the Northern Territory in recent years. Where choices had to be made because of time constraints, the Board was guided by the priorities evident in the written and oral submissions.

Grog, ganga and gambling

Many of the remote communities and town camps visited by the Board identified what was referred to as the three 'G's' - grog, ganga and gambling - as being key contributors to child neglect and abuse and domestic violence. Communities in some parts of the Territory, particularly in East Arnhem Land, may not have serious difficulties with alcohol as it has been restricted for years, but they still struggle with the consumption of ganga (marijuana) and pervasive gambling sessions which can last for days at a time. Clearly, these issues along with others (for example, consumption of kava and forms of pornography) contribute to children being harmed and their impact on families and children is discussed throughout the Report. The Board is strongly supportive of efforts to restrict supply and consumption currently being developed by the Northern Territory Government and through the Commonwealth Northern Territory Emergency Response (NTER), and of community education efforts around the harms caused by these social ills. Given the existing initiatives, the Inquiry has, in the framing of its recommendations, focused more on the availability of treatment programs for affected parents and children than on legal measures around supply and consumption.

Due dates for the Report

The Inquiry was initiated in late 2009 with an initial target date of 25 April 2010. This was always going to be an ambitious task given that the Christmas break intervened and it was not possible to establish the Inquiry secretariat until the end of January 2010. The overwhelming number of submissions and requests for hearings from all over the Northern Territory led to extensions being granted, initially to 30 June 2010, and then to 17 September 2010 with the public tabling of the report due on the third sitting day of the Legislative Assembly following receipt of the report by the Chief Minister i.e. 21 October 2010. Towards the end of the project, there were a number of late arising matters, including some that required investigation. The Northern Territory Government indicated that it had decided to publicly release the Report on the day it was to be received. On this basis, and with the time requirements for the design and printing of the Report, it was agreed that both the handover and the public release would be on 18 October 2010.

The emphasis on Aboriginal children and families

The child protection system in the Northern Territory is for all children regardless of ethnicity or location and this Report endeavours to map the protective needs for all children that come to the attention of the authorities. However, given that over 77 percent of all children notified to child protection are Aboriginal, along with 74 percent of children in out-of-home care, there is a strong emphasis throughout the Report on responses to the needs of Aboriginal children and their families.

During this Inquiry we have had the opportunity to travel extensively across the Northern Territory to see and hear first hand of the complex issues that make life difficult, unsafe and traumatic for so many Aboriginal children and families. Unquestionably, Aboriginal communities, their children and families, are more likely than others to experience violence, abuse and neglect. Unquestionably, Aboriginal families are more likely to face the challenge of raising children in an environment that lacks the fundamental necessities required to secure their children's safety and wellbeing. When families and communities are deprived of these fundamentals, they and their children suffer.

This story of neglect and deprivation has been told before and it is necessary that this Report do so again. But another story from our consultations with families and communities across the Northern Territory is of Aboriginal people on the ground making a difference in the lives of children. People who, in spite of their own trauma and hardship, or perhaps because of it, manage to look beyond the entrenched poverty and focus on doing the best for children. To offer children the richness of their Aboriginal culture as a buffer against the poverty of their material circumstances.

Time for change

The Board believes that the broad scale reforms proposed in the Report will bring about a much more effective child protection system, with a stronger focus on programs and services for vulnerable and at risk children and families with clear and measurable benefits, but that the Northern Territory Government and the other stakeholders in child protection will need to adopt a longer term perspective when assessing the outcomes. The authors of the little 'Children are Sacred' Report (at page 6) observed that to effectively deal with the social evils and poor services that defined the context of sexual abuse, "the best that can be hoped for is improvement over a 15 year period", which they nominated as being an "Aboriginal generation".

There are things that can and should happen immediately, and these are noted through the Report. However, even with good will and the commitment of significant financial resources, the best family support and therapeutic programs take time to develop and implement; training courses to develop the skills of local workers will take time to establish and produce graduates; and the support infrastructure in remote areas will take time to develop. Ironically, due to the evidence of chronic under-reporting of child abuse and neglect in the Northern Territory, the early indicators of success will be an increased number of reports and notifications of harm to children rather than a reduction. Although the adoption of a longer-term perspective is necessary, the Inquiry calls for a clear implementation schedule for the proposed reforms with inbuilt accounting measures and an independent monitoring and reporting process.

Major reform themes

Clearly there needs to be organisational reform in child protection in the Northern Territory which includes a re-orientation towards a more collaborative approach to the task, as well as an immediate investment in more staffing resources for statutory child protection and out of home care services. But unless there is a robust concomitant commitment to developing culturally-appropriate, early intervention and preventive services, the statutory service will never be able to keep up with the demand. If change is to occur, we need to invest as much, if not more, into preventing the need for vulnerable children to be placed into care as we do to investigating and monitoring families and placing their children elsewhere.

Finally, a major emphasis of the Report has been on our shared responsibility to ensure the safety and wellbeing of children. This reflects a growing understanding across the country that statutory child protection systems cannot hope to address the needs of so many vulnerable children and families. We have therefore focused on the child safety and wellbeing roles of all government agencies, the non-government service sector, community members, families and members of the public to emphasise the understanding that protecting children is truly 'everyone's business'.

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