



NTCOSS

**Northern Territory
Council of Social Service**

NTCOSS Submission to the Care and Protection of Children Amendment Bill – Discussion Paper

29 March 2022

The Northern Territory Council of Social Service (NTCOSS) welcomes the opportunity to provide feedback to the Care and Protection of Children Amendment Bill 2022 Discussion Paper. NTCOSS acknowledges improved efforts by the NT Government to seek input and feedback from the non-government sector and specialist agencies, including Aboriginal community-controlled organisations (ACCOS), to the drafting of the proposed Care and Protection of Children Amendment Bill.

NTCOSS has a broad membership base, made up of non-government and community organisations, ACCOs, and community councils across the NT, as well as other organisations and individuals committed to social justice issues for people and communities who experience social and financial disadvantage in the NT.

NTCOSS recognises the expertise of members that have a high level of contact with individuals and their families who have direct involvement with the care and protection system, and peak bodies with expertise relating to this system. Given that NTCOSS membership includes organisations such as NAAJA, CAAFLU, NAAFLS, and AMSANT, this submission will provide broad feedback to the discussion paper, and acknowledges and fully supports submissions from these organisations, as well as from SNAICC and the Office of the Children's Commission.

This submission also raises issues that are outside the focus of the discussion paper. NTCOSS understands that these issues and recommendations are unlikely to be picked up through this current process, however it is incumbent upon us to raise pertinent issues with the Department on behalf of NTCOSS members. These issues and recommendations are in keeping with those raised by the [*Wiyi Yani U Thangani \(Women's Voices\): Securing Our Rights, Securing Our Future Report*](#) from the Australian Human Rights Commission, and with focus areas under Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031 and the National Agreement on Closing the Gap.

NTCOSS was a member of the Legislative Amendment Advisory Committee (LAAC), which worked closely with the Law Reform Team in the development of the Youth Justice Amendment Bill and the Care and Protection of Children Amendment Bill. The process of the LAAC enabled consultation and collaboration with members and was in keeping with the NT Government's commitment to working with the non-government sector to implement the reforms, as articulated in *Safe, Thriving and Connected: Generational Change for Children and Families*. These reforms are informed by input from experts in youth justice and child protection, Aboriginal leaders and organisations, the non-government sector in the NT, and by evidence from young people and their families. While the current proposed changes will go some way to improving the care and protection system (if operationalised effectively), they fall short of making significant progress on the reform agenda, as recommended by the NT Royal Commission.

NTCOSS understands that the NT Government is moving away from commitments to introduce a single Act for child safety and wellbeing to replace the functions of the *Care and Protection of Children Act* and the *Youth Justice Act*, which were due to be introduced by April 2021. A significant amount of work was done by the Law Reform Team, including through the LAAC, in progressing work on a single Act. While the LAAC was not a flawless process, the work towards developing a single Act was significant and positive. Acknowledging that this is not a focus area in the proposed Bill, NTCOSS encourages the NT Government to revisit this work and consideration of introducing a single Act.

Further, the work of the Law Reform Team and the LAAC also focused on embedding family led decision making and family group conferencing in the new Act (as per Royal Commission recommendations), however this critical reform is yet to be legislated and implemented. NTCOSS

recommends embedding Aboriginal led decision making in the Principles and, though in addition to the changes currently being considered for the Bill, embed Family Group Conferencing in the Act. NTCOSS notes that while some agencies have reported positive outcomes through the Signs of Safety approach, it is inconsistent with best practice Aboriginal family led decision making processes. It is recommended that work by organisations such as SNAICC on Aboriginal family led decision making guides law reform and implementation of this work in the NT.

While outside the remit of this discussion paper and scope of the Bill, NTCOSS is using this process as an opportunity to support concerns raised by Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council regarding barriers to ensuring child safety and connection to family and culture, for children in the tri-state Anangu Pitjantjatjara Yankunytjatjara (APY) region (and arguably for children in other cross-border areas). The current system is leaving Aboriginal children and their families who are at risk of harm, at risk of falling through the gaps created by having to navigate three different bureaucratic systems. NTCOSS supports calls from NPY Women's Council for the NT Government to introduce a tri-state approach, including shared risk assessment tools; cross-border legislation; and information and data sharing processes to care and protection matters with the South Australian and Western Australian governments. NPY Women's Council has developed a proposed model to address these issues, which NTCOSS recommends that the NT Government supports and promotes to the SA and WA governments. NTCOSS notes that there are precedents to cross-border legislative and information sharing processes, including the *Cross-Border Justice Act 2009* and scheme.

The proposed Principles in the discussion paper are sound, and NTCOSS supports amendments to the *Care and Protection of Children Act* to fully embed the Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP). Further, NTCOSS recommends embedding these principles across the entire child protection system, including policy and practice. As above, adopting and implementing Aboriginal family led decision making will further embed the ATSICPP in legislation and in practice. NTCOSS also recommends that the NT Government be guided by work in Queensland to embed the ATSICPP in its child protection legislation, including findings by SNAICC and QATSICPP in their evaluation of the implementation of the ATSICPP in legislation, policy, and practice.

NTCOSS commends the NT Government's work in revisiting the Multi-Agency Community and Child Safety (MACCS) Framework, to facilitate input from the Aboriginal community-controlled sector and Aboriginal people in the NT. In principle, NTCOSS supports the proposed objectives and principles. NTCOSS does not support the inclusion of a principle relating to community safety, as there are concerns that this will lead to punitive processes that unnecessarily scrutinise families. NTCOSS notes that any efforts to advance safety and wellbeing for Aboriginal children and communities must be driven by the cultural authority of Aboriginal people.

NTCOSS members have noted significant power imbalances in some MACCS Team meetings, and are concerned at their lack of appropriateness for people in remote communities. Further, there are concerns that the meetings do not encourage or facilitate a family-led process. As per SNAICC Chair, [Muriel Bamblett](#), 'initiating a taskforce of bureaucrats without a meaningful partnership with Aboriginal people will not effectively address the underlying failures in the system'. NTCOSS also notes recommendations from AMSANT that community participation and leadership must be central to efforts to coordinate government and community services, such as the MACCS Framework.

Members have also noted gender imbalances at MACCS Team meetings and are concerned that women are being excluded from the meetings in some regions, including when domestic and family

violence has been discussed. There is concern that despite the proposed improvements to the Framework, that it will be difficult to ensure local decision making, self-determination and community control in practice. NTCOSS supports recommendation that the Reset and Review of the MACCS Framework is finalised and the outcomes are considered before the MACCS Framework is introduced into legislation.