



Secretariat of National Aboriginal and Islander Child Care Inc.

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SNAICC Submission

Northern Territory Emergency Response (NTER) Review Board

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Introduction

Over the past several years there has been increased focus on issues relating to child abuse and neglect within the Northern Territory and more generally the broader community. As noted in the recent Federal Government discussion paper, *Australia's Children: Safe and Well* the national rates of children being notified to child protection authorities, of substantiations and placement in out-of-home care have been escalating rapidly. The increasing numbers of children being removed from families and placed in out-of-home care is creating severe pressure within child protection systems.

The Northern Territory is continuing to defy these trends. Even since the extensive media focus on issues of abuse and neglect, the Northern Territory Board of Inquiry into the protection of Aboriginal children from sexual abuse and the subsequent release of the *Little Children Are Sacred Report* there has been no significant increase in notifications, substantiations or placements of Aboriginal children in out-of-home care in the Northern Territory.

This is cause for grave concern and suggests that systems firstly for ensuring children's well-being and secondly for protecting them from harm are still seriously flawed and lacking capacity across the Northern Territory. Sadly despite all this attention there is still no agreed and articulated long-term reform agenda for child protection in the Northern Territory that brings together governments and the community sector.

In 2003 SNAICC published *State of Denial – The Neglect and Abuse of Aboriginal Children in the Northern Territory*. That paper outlined in detail the failure of child protection systems and strategies within the Northern Territory. It highlighted that lack of confidence in the system was resulting in chronic situations of child risk, maltreatment, poverty, neglect and abuse being viewed as 'normal' for Aboriginal children. SNAICC observed a widespread pattern of denial in relation to the appalling situation confronting Aboriginal families and their children.

So widespread and entrenched were (and still are) the levels of child neglect that families, non-government workers and child protection officials typically felt overwhelmed and often unable to commence any meaningful response.

Since 2003 SNAICC believes that the Northern Territory Government has made genuine efforts to address the situation and to move beyond the denial SNAICC had highlighted. However recommendations from *State of Denial* remain relevant to the current situation in the Northern Territory as there are few, if any, mechanisms for genuine high-level policy engagement between the NT government and broader community in relation to these issues.

Concerns relating to child abuse and neglect as documented in *the Little Children Are Sacred Report* provided the stated justification for the Northern Territory intervention in June 2007. At that time the intervention was presented to the Australian public, albeit somewhat unconvincingly, as a jointly managed and coordinated intervention between the Federal and Northern Territory Government's. Our discussions with services and communities across the NT over the past year suggest that the coordination, planning and effective management of measures that aim to improve child and family well-being is lacking.

SNAICC considers that these two critical features of the intervention, its premise and bi-lateral nature, have not been appropriately reflected in the terms of reference for the

intervention review. A thorough review of the Northern Territory intervention should examine the extent to which the protection and well-being of children has been systematically improved.

The terms of reference might have appropriately encompassed a review of ;

- implementation of recommendations from *Little Children Are Sacred*,
- impact of Northern Territory government measures
- impact of Federal Government measures
- inter-governmental arrangements for coordinating budget measures, and
- overall governance of the intervention including input from Aboriginal services and communities at the local, territory and national levels.

By focusing the review predominantly on the impact of federal government measures, i.e. what *is being done* the review runs the risk of missing what *isn't being done* in response to the needs of children and families.

Summary of SNAICC's views

Notwithstanding what we perceive as some omissions from the terms of reference, SNAICC is pleased to be able to provide some comments for the review board to consider. In formulating our comments we have decided to focus them specifically on issues relating to children's well-being, development and protection.

We will not be reviewing all the measures introduced by the Federal government or repeating comments we have previously made in relation to compulsory income management, which we oppose. SNAICC is cognisant of the significant work of the review board in conducting community consultations and the breadth of other submissions being provided to the review.

At the time of the intervention SNAICC outlined ten key points that should be pursued in the Northern Territory (and other States and Territories) to enhance children's well-being and better protect children at risk. Those ten points are:

SNAICC's Ten Point National Action Plan

1. **Safety is paramount** - responsive child protection. Allegations of child abuse and neglect must be investigated in a child centred way. Ensure child protection systems are well resourced to respond when called upon to properly investigate and intervene where children are at risk of abuse or neglect.
2. **Support for children** – remove perpetrators not the children. Focus interventions on removing the risk and perpetrators from children rather than children from their families and communities. This requires extra funding and support for local community family support and counselling services and working in partnership with a child's extended family, family friends and local community services.
3. **Effective policing** - speak up against violence and abuse. Ensure the appropriate levels and forms of policing within communities are in place to enable people to speak out against violence and abuse without placing their own safety at risk.

4. **Early intervention.** Improve access to Indigenous community based early childhood, childcare, family support and child welfare programs to support families to access help early and promote children's well-being.
5. **Connections to culture.** Maintain children's rights to be connected with their extended family and community and their cultural and spiritual heritage – child removal is a last resort.
6. **Build on strengths.** All Aboriginal families and communities have strengths and capacity to support and nurture their children. Governments must do things with local communities not to local communities. Recognise and build on the strengths of Aboriginal and Torres Strait Islander families, communities and kinship systems and develop workforce and community capacity.
7. **Healing and restoration.** Victims and perpetrators need access to a range of healing and therapeutic programs including alcohol and substance abuse rehabilitation, counselling and healing programs and family restoration programs to rebuild family relationships across generations.
8. **Safe and Healthy communities.** Disempowered communities with woeful housing, extreme poverty, chronic alcohol and substance abuse, few early childhood programs or health services, no economic base and inadequate schools are likely to have high rates of abuse and neglect. Well planned large scale investment over generations is required to create safe and healthy communities for all Australian children.
9. **Listen to and do what works.** Evidence on effective child protection systems from Australia and overseas demonstrates that community based and managed child protection systems achieve the best results. Governments should act on the best evidence and advice available – children deserve nothing less than a thorough response.
10. **A national response for a national emergency.** The Prime Minister has called child abuse in Aboriginal communities a national emergency – but the government has only developed a short-term response for the NT. The problem requires sustained national commitment from all states, territories the commonwealth and non-government agencies planned and monitored through a National Indigenous Children's Well Being and Development Taskforce.

In 2007 a proposal for a national approach to securing the well-being of children and providing for their protection was initiated by a coalition of over fifty community sector organisations. In response the current federal government has made a commitment to develop a national child protection framework. We have included with this brief submission copies of the SNAICC response to the federal government discussion paper, Australia's Children: Safe and Well; and a copy of our submission to the Northern Territory (NT) Board of Inquiry into the Protection of Children from Sexual Abuse.

Those documents, (briefly summarised below), outline our views in relation to securing the well-being of children and providing a child protection system as a 'safety net' for children at risk of harm, maltreatment, abuse and neglect.

Providing firstly for the well-being of children and secondly for their protection

It is critical that the review board appreciate the importance of having not only an effective statutory child protection system but a broader set of universal measures and family supports that provide for child and family well-being.

Statutory child protection systems can be no more than a safety net for children at risk and have very limited capacity to deliver on a community wide level strong developmental outcomes for children. That latter role belongs with families that have at their disposal the resources (including cultural resources), opportunities and support to raise children well.

Families are best placed to raise, develop, protect and care for children and families must be at the centre of our approaches to improving the lives of all children including vulnerable children. To produce sustainable improvements in the well-being of Aboriginal children we need to support their families by planning and providing for their children's health, education and development. Whilst it is important to build effective intervention systems (child protection) that respond to deficits in children's safety and well-being this is not an adequate response to poverty and structural disadvantage that confronts Aboriginal families. It is widely acknowledged within the child welfare field that if you provide for children's well-being they will be safe but if you only provide for their safety children they will not necessarily have all their needs met.

SNAICC's observation and analysis of the situation in the Northern Territory over the past year is that the Northern Territory still has the least responsive child protection system. The system has severe capacity constraints, remains too centralised and remote from Aboriginal families, (including those in urban and rural areas), and is struggling to engage Aboriginal communities and families in the process of service reform and service delivery. This view is formed from our discussions and liaison with child focussed services and Aboriginal communities across the NT over the past 12 months.

There is a chronic lack of capacity within the Northern Territory typified by shortages of highly trained and experienced child protection staff, a lack of holistic community based family support services and programs and a lack of therapeutic healing and support services for children and families affected by violence, abuse and neglect. Investments in child care, early learning, primary health care, family and parenting assistance, child abuse prevention community education and awareness, early intervention and family support have improved through the intervention measures but remain fragmented, uneven and short term.

Discussion of capacity building most often focuses on a lack or perceived lack of capacity within Aboriginal communities and service providers. Whilst SNAICC acknowledges these difficulties there is an equally significant lack of service planning, program coordination, service delivery and management capacity within and between governments.

Negotiating and coordinating an agreed approach to secure children's well-being and respond where children are at risk within the NT

SNAICC believes that the package of measures introduced by the Federal and Northern Territory government remain highly splintered and poorly coordinated. Supporting children's development and protecting those children at risk is a task that cannot be carried by government alone. Nor should the approach that is taken be developed without the benefit of knowledge from communities, Aboriginal service organizations, international expertise and the expertise of non-Indigenous agencies.

Designing and coordinating a long-term response in partnership with Aboriginal agencies, non-Indigenous organisations and government is a task that should be taken up by the creation of a permanent high-level trilateral body. It should include representation from the Federal and Territory governments and from community based Indigenous and non-Indigenous organizations with expertise in child well-being and child protection. This would be consistent with the original parameters for the NT intervention which was presented as a joint Federal/Territory set of measures.

Unless there is some high level agreement between governments and Aboriginal agencies regarding children's well-being and protection Aboriginal communities will remain marginalised and excluded from high level decision making. SNAICC has previously advised that all states and territories need to establish with Aboriginal communities a set of principles that outline an agreed approach to child protection and key features of an effective child protection system.

SNAICC has drafted principles for consideration which are included in the SNAICC submission to the national child protection framework, copy enclosed

SNAICC response to Australia's Children: Safe and Well

In responding to the discussion paper, *Australia's Children: Safe and Well*, SNAICC outlined a number of proposals which are relevant to the review of the NT intervention measures. In relation to **income management** SNAICC outlined why it does not support compulsory income management in any of its current forms including community wide income management, the models developed in Cape York based on a family responsibilities commission, income management linked to child protection and income support penalties linked to school attendance.

SNAICC notes that the review process has been established on the basis that it will be evidence based and evidence informed. There was no strong evidence that compulsory income management was likely to be of long-term (intergenerational) benefit to Aboriginal families and children at the time it was introduced. We also note that despite the NT emergency measures being under review the Federal Government continues to push ahead with the extension of income management models suggesting that the advice of the review board is unlikely to have an impact on government policy.

There is still no evidence that this type of welfare reform is of benefit to children and families. In contrast this is very significant evidence, including from past policies and practices relating to the control of daily decision making for Aboriginal people by welfare

authorities and child removal, that such artificial daily management of people's lives is profoundly damaging. SNAICC believes that compulsory income management is an ill-founded policy that damages the self-esteem, parenting capacity and inter-generational well-being of families.

We are not persuaded that short term benefits of providing additional material benefit and daily nutrition to Aboriginal children could not be met with similar investments in nutrition programs, family support services, voluntary options for income management where families can opt in and opt out at their discretion and the development of appropriate banking services for Aboriginal communities. The review board should refer to the SNAICC submission to *Australia's Children: Safe and Well* for more details.

Other aspects of the submission that are of relevance to the review of the NT intervention include the need for the Northern Territory Government and the Federal Government to plan and coordinate a long term approach to securing children's well-being which includes:

- Support for self determination and Aboriginal shared jurisdiction over Indigenous child welfare and protection
- Negotiating an agreed set of principles to underpin our approach to children's well-being and protecting children from harm as mentioned earlier
- Establishing in relation to children's well-being – a set of outcome measures, indicators and targets, and monitoring and planning mechanism to ensure that policy and program reform continues
- Targeting significant new investment in early learning, childcare and child and family well-being through a long term Northern Territory and Federal Government bi-lateral agreement
- Transform and direct the role of mainstream non-Indigenous service providers with the Northern Territory to ensure they can respectfully play a dual role in service delivery with and within Aboriginal communities whilst supporting the development of Aboriginal community based providers. (Note: the core intention here should include supporting Aboriginal ways of doing work with families and raising children - not developing Aboriginal services to mimic service models based exclusively on western knowledge systems)
- Building the capacity of the Aboriginal child and family services workforce to develop and deliver expanded early learning, childcare, family support, parenting and alternative care programs

SNAICC submission to the Northern Territory Board of Inquiry into the protection of Aboriginal children from sexual abuse

SNAICC has also enclosed a copy of our submission to the Northern Territory Board of Inquiry into the protection of Aboriginal children from sexual abuse for the review board to consider. It includes a summary of international evidence on Indigenous child protection, a summary of State of Denial recommendations and material from a briefing paper on child abuse prevention provided to all states and territories in 2007.

Community based engagement, education and awareness program

SNAICC would highlight a number of aspects from our submission to the NT board of inquiry that still require attention. Specifically the need for ongoing community level, but Territory managed, education and awareness in relation to child abuse prevention. This is a significant gap in the combined NT and Federal government responses to child abuse and neglect.

The second is the need to develop Aboriginal community healing and support programs and cultural revival and parenting programs consistent with Aboriginal family and kinship systems to supporting families parent children and young people well in a range of contemporary Aboriginal community contexts.

It is important that any parenting programs are realistic in their expectations of parents and that they do not expect individual parents to ameliorate the impact of structural disadvantage and poverty. Income management has become the dominant parenting intervention and SNAICC believes it is founded on the false assumption that individual parents should be held accountable for structural disadvantage that is beyond their control.

In our submission to the NT Board of Inquiry SNAICC recommended the development of a long term community based engagement, education and awareness program with three distinct elements focused on:

- child abuse and neglect, education and awareness and prevention
- community healing and support programs
- cultural revival and parenting programs

SNAICC outlined in *State of Denial* the need for long term community education and awareness in relation to prevention of child abuse and neglect (see recommendations six, nine and ten).

An outline of community healing and support programs and cultural revival and parenting programs was provided in our submission to the NT Board of Inquiry.

The combined NT government and Federal NT intervention measures have not responded to the need for a long term community based engagement, education and awareness program with these three distinct elements. This remains a significant problem and in part may explain the ongoing community level uncertainty surrounding what constitutes abuse and neglect, what the impact is of abuse and neglect and how people should respond.

SNAICC would urge the current review of the NT intervention to highlight this as a major gap in the current suite of measures that needs to be addressed.

More details on community healing and support programs and cultural revival and parenting programs can be found in our submission to the NT board of inquiry.

Summary

Unquestionably there has been significant benefit from some of the measures introduced as part of the Northern Territory intervention including those relating to additional funding for children's health, improved housing, additional policing and measures relating to children's services and prevention of family violence.

Notwithstanding the intervention has been divisive and destabilising. Key elements including land tenure reforms, the appointment of government administrators and income management communicate a message that Aboriginal families and communities are incapable of determining and managing their own destiny. This undermines efforts towards community leadership and capacity building.

The divisive nature of the intervention has set back efforts to build policy dialogue between governments and communities on how best to secure the well-being of children and protect those at risk. It has fuelled negative stereotypes of Aboriginal people, particularly Aboriginal men, and it has stripped away dignity from Aboriginal people through compulsory income management models that assume Aboriginal people are not willing to feed, cloth and care for their own children. It has created added service and program complexity absorbing significant public resources in administration that might otherwise have been available for direct service provision. Current funding measures remain short term and were developed with little time for the rigor and community input that is a precursor to effective social and economic policy.

A major unintended consequence of the NT intervention has been to stall and delay the necessary reform of the child protection systems that care needed to support children at risk of abuse and neglect. It has not uncovered the abuse of children or resulted in any significant change in child abuse notifications. Ironically the intervention seems to have swept to one side the very issues that precipitated it in the first place.

In concluding our submission to the NT Board of Inquiry we stated that,

“Aboriginal children in the Northern Territory remain at significantly higher risk of harm from all forms of abuse and neglect compared to other Australian children. This is everyone’s business and all parts of the Australian community bear some responsibility to resolve the issues under discussion.

The personal, social and economic costs of abuse to children, their families and communities are immense. The economic costs to governments and the broader community are no less immense. In the area of child protection and alternative care the fiscal costs are escalating at unsustainable rates. It costs far more to keep a child in out-of-home care than to keep them at home.

Child abuse and neglect are not unique to Aboriginal communities nor are they related to Aboriginal culture. They stem from underlying issues including poverty, dispossession, substance misuse and unresolved trauma. These issues can tear at the

stability and fabric of any community but Aboriginal communities continue to carry an unfair burden of these national social, political and economic problems.”

All of the above remains true. SNAICC trusts that this brief submission and the supporting material we have provided will prove useful to the board of inquiry in your deliberations on the Northern Territory intervention emergency measures.