

# Northern Territory

In 2016, the Royal Commission into the Protection and Detention of Children in the Northern Territory found systemic failings in the systems dealing with Aboriginal children and their families. In response, the Northern Territory Government made promises to fundamentally shift the way that it works with Aboriginal children, families and their communities.

Commitments were made in strategic plans and other documents to introduce family-led decision-making, rewrite legislation, substantially increase family support funding for ACCOs, and co-design the new system with the Aboriginal community. While the government's high-level strategic frameworks might reflect some of this, on the ground little has changed. In its first term, the government squandered an opportunity to instil fundamental change. We hope that in its next term things will be different.

ACCOs remain deeply concerned about the continued systemic flaws within the current system and the continuing increasing rate of Aboriginal and Torres Strait Islander children being placed in out-of-home care. Ninety per cent of children in out-of-home care in the Northern Territory are Aboriginal, and Aboriginal children are 12.2 times more likely to be placed in out-of-home care than a non-Indigenous child. This is an increase from last year's rate (11.5) and remains higher than the Australian average (10.6).

Aboriginal children and their families continue to face discriminatory treatment due to institutional racism that is highly prevalent in the Northern Territory. Despite approximately 60% of the Aboriginal population speaking an Aboriginal language at home, government and court processes are predominantly conducted in English, subjecting many children and families to punitive systems they do not understand. Co-design of systems with the Aboriginal community is limited, with the *Expenditure on Children in the Northern Territory: Productivity Commission Study Report* finding: "It remains that community input into service selection and design is often belated or superficial – the end result of these processes is that the system of children and family services in the Northern Territory is fragmented with government expenditure poorly targeted and failing to best address the needs of children and families" (Australian Government Productivity Commission 2020). Many Aboriginal children and their families continue to be subjected to a culturally unsafe system, with staff that do not have awareness of the impact of the Stolen Generations on contemporary care and protection proceedings and who fail to use interpreters when necessary.

A positive development has been the Aboriginal Carers Growing Up Aboriginal Children program, which funded six ACCOs to find, assess and support Aboriginal carers for Aboriginal children in care. While there has been some progress in placements of Aboriginal and Torres Strait Islander children with kin or other Aboriginal and Torres Strait Islander carers over the last year, increasing from 33.3% in 2018 to 36.9% in 2019, the percentage remains lower than in 2014 (42.6%) and is the lowest in the country.

The Northern Territory Government announced a number of commitments to reforming the system through the Safe, Thriving and Connected: Generational Change for Children and Families program; however, many substantive reforms and commitments have not been delivered. There is no evidence of any significant shift in resources to move towards the public health model as recommended by the Royal Commission and further supported by the Productivity Commission Inquiry into the Expenditure on Children in the Northern Territory. Most recently, the Territory Families 2019-2020 budget shows a slight decrease funding for family support, while funding for child protection and out-of-home care has increased since the 2018-2019 budget. Similarly, despite promises of implementing family group conferencing, rewriting existing legislation into a single Act for children and raising the

age of criminal responsibility to 12, no progress has been made on any of these important reforms. When programs are funded there is rarely a component that allows for extra training for local Aboriginal people to step into qualified roles. Governments should prioritise training Aboriginal youth workers, social workers, health workers, and other support roles, but instead they continue the fly-in fly-out model, employing non-Indigenous people to do work that should be done by the local Aboriginal population.

Another positive development was the co-design of the *Care and Protection of Children Amendment Act 2019* with non-government experts and service providers, although the impact of this in practice is not apparent. The rollout of the Child and Family Centres also has the potential to offer families access to prevention and holistic family support.

Most recently, the harrowing evidence examined by the Coroner regarding apparent suicides and possible sexual assault of three teenage girls in the Top End again shows the systemic failures that have been known for decades. The government continues to implement knee-jerk responses to media reports without looking at evidence of what works. A fundamental paradigm shift is required to put children at the centre of decisions, implement trauma-informed and prevention practices. It's time to move away from the traditional adversarial approaches that have done little to improve child safety and move towards a therapeutic system that supports the health, wellbeing and safety of all children.

In the future, we would like to see further investment in ACCOs and Aboriginal family-led decision-making processes, meaningful co-design of systems and policies with the Aboriginal community, and a recognition of cultural authority in decision-making. We would like to see Aboriginal children and families respected and supported by an evidence-based system that is free of racism and promotes children's safety and wellbeing.