

NT Government – Territory Families, Housing, and Communities
Law Reform and Strategic Policy Team
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RE: The CREATE Foundation response to the Northern Territory *Care and Protection of Children Amendment Bill 2022* Discussion Paper. The CREATE Foundation appreciates the opportunity to contribute our views on the discussion paper on the reforms to the *Care and Protection of Children Amendment Bill 2022*. We have developed responses to each of the questions set out in the discussion paper. Please find our responses outlined below.

Question 1: What are your views of the proposed objective for the Framework, to strengthen how community leadership and services work together alongside families and embed accountability to community aspirations for their children and families so they are safe and thriving? Should there be more reference to achieving community safety?

The CREATE Foundation supports the proposed objective for the Framework as long as this objective does not override the principle of the best interests of the child. Currently the objective focuses on community leadership and services rather than children and families. The best interests of the child should be a primary objective of the Framework within a culturally safe environment. An objective that could work is: *“to ensure children are safe within their communities and families are supported by services and community leadership”*. Community safety should be referred to within the objectives, but the framework should focus on the safety of the child first and foremost.

Question 2: How do we achieve the objective to support cooperation, coordination, information sharing?

The CREATE Foundation believes that cooperation, coordination, and information sharing within this framework is much more dependent on organisational structures, organisational culture, resourcing, and logistics. To transform these four things will require an overarching reform of how child protection matters are responded to within the department. The policies, frameworks, and legislation that support the safety of children are not the only ways to create better outcomes for children and young people in out-of-home care. The department could consider examining elements such as organisational development, community education, and professional relationship building to



encourage more effective cooperation, coordination, and information sharing across the framework partners and within the communities they operate. Additionally, we would encourage opportunities to engage with groups such as children and young people with a care experience to inform the processes, policies, and practices that are developed to operationalise the framework.

Question 3: How do we achieve the objective to support local decision making, self-determination and community control for the Framework?

A significant proportion of children in care in the NT are First Nations children and young people and, it is imperative that the way the Government can achieve this objective is through genuine First Nations community co-design for this framework. This means bringing together First Nations leadership and community to work together in a safe space to contribute to the framework and how it is implemented within community.

Question 4: What are your views on the proposed principles from the 10-year Generational Strategy for Children and Families to be enshrined as the principles for the Framework? Are there other principles, to be considered, for example how we can work together for community and child safety?

The principles listed in the discussion paper are comprehensive and positive. From CREATE's perspective however, we think there are areas that can be focussed on even more. Specifically, child safety, including children and young people in the decision-making process, and **acting** on what you hear from children, young people, and families rather than just through listening. Further, the principles should include an undertaking to support cooperation, coordination, and information sharing across organisations.


Question 5: How do we enliven the principles of the Framework to support cooperation, coordination and information sharing?

The Principles will only become meaningful if all parties (government, child protection sector, and communities) share the same values and commit to working together "in the best interests of the child." Sharing information between stakeholders is critical to ensuring all groups are working towards the same ends to achieve the best outcomes for young people.

Question 6: How do we enliven the principles to support local decision making, self-determination and community control for the Framework?

In the NT, given the overrepresentation of Aboriginal and Torres Strait Islander children and young people in the care system, it is critical that more attention be given to establishing and supporting more Aboriginal Community Controlled Organisations (ACCOs) and involving leaders of these groups more in decision-making concerning First Nations children and young people.

Question 7: What governance arrangements should be put in place to assist in the implementation and management of the Framework?



There are many examples of governance structures across jurisdictions and we would recommend a review and evaluation of these structures to determine a model that would work successfully within the Northern Territory. Any governance structure should employ the same principles from the Framework itself and ensure that the voice of children, young people and families as well as community plays a key part in the governance processes; all stakeholders must be represented. One suggestion could be the employment of an Independent Chair who is located within the community in which the multi-agency child safety team operates to coordinate activities.

Question 8: How will a governance structure ensure there is accountability to the uptake of the objective and principles at the community, regional and Northern Territory wide level?

An Independent Chair model in the governance structure could ensure accountability around the uptake of the objectives and principles of the framework. The Act should also stipulate who will be providing oversight for the framework, who will track progress, and the indicators relevant to the measures involved.

Question 9: How will we know if the Framework and Multi-Agency Community and Child Safety Teams are improving outcomes for children and families?

The CREATE Foundation would strongly recommend that the NT Government work with stakeholders to develop a robust evaluation framework. We would also recommend the development of clear performance standards and outcomes that are shared across the Multi-Community and Child Safety Teams. The critical way to determine if outcomes for children and families have been improved is to ask those affected. Monitoring must be a continual process.

Question 10: Should any of the above principles be adopted into the Act?

CREATE believes these principles should be included in the Act. The only changes we would suggest would be to highlight, as a principle, the participation by young people in the decision-making process. It is also the view of CREATE that further articulation of the right to sibling contact should be included within the Act.


Question 11 How may the Aboriginal and Torres Strait Islander Child Placement Principles developed by SNAICC be more incorporated into the Act?

CREATE believes all of the principles developed by SNAICC should be included in the Act.

Question 13: Should the Act be amended to provide that a parent under 18 can directly instruct a legal representative?

CREATE supports this amendment to the Act for a parent under 18 being allowed to directly instruct a legal representative.

Question 14: Should there be any limits on the basis on which a parent under 18 can directly instruct a legal representative?



CREATE believes that the only limitation to the ability of a parent under 18 to instruct a legal representative should be the requirement, as outlined in the UN Convention on the Rights of the Child, that they have the capacity to do so.

Question 15: Should section 51(b) be amended to remove the requirement that there be no protection order or temporary protection order in force before provisional protection is effected?

The CREATE Foundation agrees that the Act should be amended to make it possible for provisional protection to be ordered when a child is in the care of a relative or another person given parental responsibility via a protection or temporary protection order who is not the CEO. And that this should be only for the purposes of assessment of risk of harm to a child or young person.

Thank you for the opportunity to respond to the Northern Territory Care and Protection of Children Amendment Bill 2022 Discussion Paper. We have reviewed the proposed measures for inclusion and our responses are provided within this submission. If you have further queries please contact Kate Martin National Influencing Manager on 0412 955 437 or Kathleen.martin@create.org.au and Dr Joseph McDowall on 0428 448 808 or joseph.mcdowall@create.org.au

Yours sincerely

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