



NTCOSS Submission to the Care and Protection of Children Legislation
Amendment Bill

April 2019

NTCOSS welcomes the opportunity to make a submission to Social Policy Scrutiny Committee on the Care and Protection of Children Amendment Bill 2019 (the Bill).

The Northern Territory Council of Social Service (NTCOSS) is a peak body for the Social and Community Sector in the Northern Territory (NT) and an advocate for social justice on behalf of people and communities in the NT, who may be affected by poverty and disadvantage.

NTCOSS has a broad membership base, made up of non-government and community organisations, Indigenous organisations, and community councils across the NT, as well as other organisations and individuals committed to social justice issues for people and communities who are socially and financially disadvantaged in the NT.

NTCOSS recognises the specific 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. In particular, NTCOSS supports submissions by our Aboriginal community controlled member organisations.

NTCOSS is a member of the Legislative Amendment Advisory Committee (LAAC), which has worked closely with Territory Families' Law Reform Team in the development of the Bill over the past 16 months. The process of the LAAC enabled consultation and collaboration with members in identifying and developing legislative solutions to implement reforms to the Youth Justice and Care and Protection systems. The work of the LAAC is 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*.

The amendments proposed in this Bill seek to progress the NT Government's commitment to the reforms recommended by the Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission), in relation to the protection of children. The Royal Commission's report and the NT Government's response provided an opportunity to create significant change in the lives of children in the Northern Territory.

Feedback on the Care and Protection of Children Amendment Bill 2019

In light of the timeframe for the preparation of submissions in this consultation process and acknowledging that specialist organisations will provide comprehensive submissions, this feedback is not exhaustive. Rather, it draws on key issues raised in consultations with NTCOSS members.

1. NTCOSS supports embedding early intervention and prevention in the *Care and Protection of Children Act* (the Act). NTCOSS supports a more proactive approach to fostering the wellbeing of children and young people experiencing vulnerability. A greater focus on early intervention and prevention where risk has been identified, and before harm has occurred or can re occur is fundamentally important. In order to give full effect to this principle, a whole of government approach in partnership with the

non-government/community sector is required, with increased funding for family support services and an open referral process across the NT.

2. NTCOSS supports changes to strengthen the Aboriginal and Torres Strait Islander Aboriginal Child Placement Principle in the Act. This principle, 'recognises the importance of connections to family, community, culture and country in child and family welfare legislation, policy and practice'¹. The core elements of this principle are prevention, partnership, placement, participation and connection², with the clear focus on prevention, placement, participation and connection in this Bill.
3. NTCOSS supports embedding the best interests of the child in the Act, including specific considerations relating to a child's connection with family and culture. This guiding principle, which acknowledges the best interests of the child as the paramount consideration, is in keeping with the United Nations Convention on Rights of the Child³, and responds to findings by the Royal Commission⁴.
4. NTCOSS supports changes to strengthen the obligation for the CEO of Territory Families to develop and implement care plans that meet the needs and best interests of the child, including planning for reunification and thoughtful, informed transition planning. Furthermore, NTCOSS supports changes to include specific considerations of family; and where the child is Aboriginal, considerations to family, culture, language and community under Clause 5 Section 10, thereby embedding their relevance when determining what is in a child's best interests.
5. NTCOSS supports the changes to strengthen the obligation for the CEO to facilitate the participation of the child and their family in the development and review of a care plan. Additionally, NTCOSS recommends extending this obligation to include facilitating the participation of the child and family in the decision making processes in all matters pertaining to their care and protection.
6. NTCOSS supports changes to strengthen the obligation of the CEO to provide assistance to a young person up to the age of 25 years of age, in transitioning to independence. This proposed change recognises the vulnerability of young people in out-of-home care, and their need for additional support in order to successfully transition to independence. NTCOSS recommends that this be strengthened further to include an obligation to provide or arrange financial assistance to access education, training, housing and health care, through the insertion of 'must' rather than 'may' in Clause 15 Part 2.2, Division 5, section 85(A) sub-section 5.

In order to give full effect to this proposed amendment, it will be necessary to increase service provision and access to resources across the NT. Given the increased risk of

¹ Secretariat of National Aboriginal and Islander Child Care 2017, 'Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle'

² *ibid*

³ Article 31. United Nations Convention on the Rights of the Child

⁴ p22. Royal Commission into the Protection and Detention of Children in the Northern Territory, Findings and Recommendations

homelessness or housing instability for young people exiting out-of-home care, it is recommended that the Transitional Housing Program for Care Leavers be extended beyond Darwin and Palmerston.

Furthermore, NTCOSS recommends that consideration be given to including a provision under section 85(A), to oblige the CEO to implement a follow up procedure for a young person who has left the care of the CEO. In line with recommendation 33.23 of the Royal Commission⁵, it is recommended that a caseworker or other delegated entity, contacts a young person who has left the care of the CEO every six months until they turn 21, to provide update information about available services and how to access these. It is recommended that there be an opt-out process for young people who do not wish to receive this service, similar to the 'Next Step Check-in Call' service in Queensland.⁶

⁵ Royal Commission into the Protection and Detention of Children in the Northern Territory, Findings and Recommendations

⁶ Queensland Government, July 2018, 'After your transition to independence', retrieved from <https://www.qld.gov.au/youth/family-social-support/young-people-in-care/leaving-care/after-transition-independence#next>