

ESTIMATES COMMITTEE

Question Taken on Notice

Question Number: 9-24

Output Number: 5-2

Date: 17/06/2026

From: Mr Matthew Kerle

To: Hon Marie-Clare Boothby

Portfolio: Attorney-General

Agency: Attorney-General's Department

Subject: Number of information reports as basis for own-initiative investigations

QUESTION:

Can I have the number of information reports to the Children's Commissioner's office that could provide the basis of an own-initiative investigation for the reporting period?

ANSWER:

In accordance with mandatory reporting laws, section 26(1) of *Care and Protection of Children Act 2007* places an obligation on all persons in the Northern Territory to report any incidents of child harm, abuse or exploitation to the Department of Children and Families or Northern Territory Police.

These notifications or information reports do not come to the Office of the Children's Commissioner (OCC).

The OCC is an independent statutory office with functions articulated in the *Children's Commissioners Act 2013* (the Act). This remit includes oversight of services delivered to vulnerable children in the Northern Territory, including children living with disability or mental health conditions, and children subject to orders arising through the operation of the Territory's youth justice or children protection system. A key way the OCC does this is through management of complaints on behalf of vulnerable children relating to the adequacy of service delivery.

Enquiries, approaches and complaints

An 'enquiry' is a brief contact from a person seeking basic advice or guidance on the role of the OCC or another simple matter. Due to their simple and brief nature, enquiries are not formally recorded for reporting purposes.

An 'approach' is any form of contact by a person seeking assistance, guidance or advice in relation to services required to be provided to vulnerable children. This includes where a person has made contact to lodge a complaint about such issues, but the complaint does not meet the criteria under the Act or was redirected to the service provider if they have an established mechanism to deal with the complaint in the first instance. Approaches make up the bulk of MI team contacts.

A 'complaint' is any form of contact made by a person wishing to make a complaint which meets the criteria under the Act (i.e. relates to services required to be provided to a vulnerable child). An initial assessment is undertaken to decide whether the complaint meets the grounds to be dealt with by the Children's Commissioner (the Commissioner). If the Commissioner decides the complaint does meet those requirements, the Commissioner may then decide to either:

- not to deal with the complaint under section 23(1)(b)(i) of Act;
- refer it to another person under section 23(1)(b)(ii) of the Act;
- resolve the complaint without an investigation under section 23(1)(c) of the Act; or
- investigate the complaint under section 23(1)(a) of the Act.

The following figures provide the number of approaches and complaints received by the OCC within the reporting period:

- Approaches: 133
- Complaints: 15

In addition, during the reporting period the OCC dealt with and finalised 24 complaint matters involving 52 distinct issues; and completed three investigations and reports.

The Commissioner may investigate a matter on the Commissioner's own initiative only if satisfied the matter may form a ground for making a complaint. In order to make that determination, the Commissioner may undertake preliminary inquiries prior to launching a full investigation.

Preliminary inquiries involve scoping the issues; confirming statutory criteria is met, including consistency with objects and principles and the exercise of specific powers; sourcing various forms of evidence and analysing and assessing these materials alongside relevant laws, policies and procedures to determine the best way forward.

The Commissioner will undertake preliminary inquiries on the Commissioner's own initiative in relation to serious and systemic issues in service provision and to identify areas for systems improvements. This may occur where:

- Multiple complaints have been received about a similar issue.
- An anonymous tip off or information source has been provided of concern, which cannot be progressed as a complaint (due to anonymity or sufficient interest by complainant).
- During inquiries into another matter, the OCC becomes aware of concerning issues that require further attention.

There were three own initiative preliminary inquiries initiated during the reporting period. All three related to conditions in youth detention.