



MINISTER FOR CHILDREN AND FAMILIES

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Senator Claire Moore
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Dear Senator

Thank you for your letter dated 23 September 2008 inviting the Northern Territory Government to provide a submission to the Inquiry by the Community Affairs Committee into the Implementation of the Recommendations of the *'Lost Innocents: Righting the Record'* and *'Forgotten Australians: A Report on Australians who Experienced Institutional or Out-of-Home Care as Children'* reports.

Attached is a submission outlining the progress of the Northern Territory Government on the recommendations of the reports and other initiatives that have been undertaken within the Northern Territory to address the issues raised in the reports (Attachment A "Northern Territory Government Progress on Recommendations of *'Lost Innocents: Righting the Record'* and *'Forgotten Australians: A Report on Australians who Experienced Institutional or Out-of-Home Care as Children'* Reports").

The Northern Territory Government has recently introduced the new *Care and Protection of Children Act 2007* which incorporates a number of the recommendations that have been raised in the two reports and continues to actively work towards improving Child Protection and Out of Home Care services.

Yours sincerely


MALARNDIRRI McCARTHY

23 OCT 2008

Northern Territory Government Progress on Recommendations of
'Lost Innocents: Righting the Record' and
*'Forgotten Australians: A Report on Australians who Experienced Institutional
or Out-of-Home Care as Children'* Reports

1. *'Lost Innocents: Righting the Record'*

Many of the recommendations of the *Lost Innocents* report apply directly to the Australian Government and a combination of State portfolios including Community Services, Education and Justice. However, information to hand suggests that no British child migrants were placed in the Northern Territory (NT), either in institutions or with foster parents. While it is possible that there may be adults living in the NT today who are former British child migrants, no inquiries have been received from former child migrants to date.

The Department has previously provided the Commonwealth, States and United Kingdom with the contact details of the Adoptions Practitioner in Darwin who is responsible for handling inquiries from former child migrants and making any necessary referrals.

The Adoptions Practitioner can provide the following services to former child migrants (regardless of whether legally adopted or not):

- referral for the purposes of record searching;
- short term counselling on grief and separation issues;
- assistance in interpreting the information retrieved;
- pre and post reunion counselling.

Responses to Specific Recommendations

Recommendation 1.

All child welfare institutions in the NT were closed down very shortly after self government. The Commonwealth is best placed to conduct any inquiries into such institutions as it was responsible for both their administration and guiding policy.

Recommendation 7, 8 & 9.

NT has distributed contact details for the Adoptions Practitioner.

NT is unable to contribute further to any national index as no child migrants were placed here.

The Family & Children's Services Policy Manual enables former residents to access personal files in the custody of the NT Government. A *'Protocol to Enable Access to NT Government Records by Aboriginal People Researching Their Families'* was negotiated with representatives of the Stolen Generations community, as well as financial and other in kind assistance provided.

Recommendation 23.

The counselling and referral service provided by the Adoptions Practitioner will continue to be available.

Recommendation 5 & 22.

The Department is unable to provide any financial support to organisations to assist former child migrants, or to enable overseas travel.

2. 'Forgotten Australians: A Report on Australians who Experienced Institutional or Out-of-Home Care as Children'

Many of the recommendations of the *Forgotten Australians* report apply directly to the Australian Government and a combination of State portfolios including Community Services, Education and Justice. Actions taken within the NT Families and Children portfolio that relate to the *Forgotten Australians* recommendations are summarised below.

Care and Protection of Children Act 2007

The *Care and Protection of Children Act* is now being implemented. The new Act contains some new features that relate to the report's recommendations. The first is the creation of a Commissioner for Children and Young People, key functions as described in the *Care and Protection of Children Act 2007* include to:

- investigate complaints;
- monitor the ways in which service providers respond to reports made by the Commissioner;
- monitor the administration of the *Care and Protection of Children Act* in so far as it relates to protected children;
- monitor the implementation of any government decision arising from the Inquiry into the Protection of Aboriginal Children from Sexual Abuse; and
- report to the Minister on a matter mentioned in paragraphs (a) to (d) as requested by the Minister.

The other feature being the introduction of Leaving Care provisions which will provide a statutory framework to deliver after care services to young people who have left care up until the age of 25 years.

The Act makes provisions for the following assistance to be provided:

- (a) accommodation;
- (b) education or training;
- (c) employment;
- (d) legal services;
- (e) health services;
- (f) counselling services.

In addition, the CEO may give financial assistance to eligible persons.

Independent Audit of Clients At Risk by Howard Bath

In July 2007 the NT government initiated an independent audit of clients at risk to assess whether “current risk management strategies for client care in the Community Services Division reflect appropriate professional practice and models of care” (Bath, 2007). The focus of the Audit was on those approaches and interventions that were specifically designed or described as being for risk assessment and/or management. Another focus was on the areas of practice where specific tools, processes or services were needed but not available or not being used. The Bath report highlighted the need to utilise sensitive and accurate screening and risk assessment tools for improved decision-making in Child Protection and Out of Home Care assessments and investigations and recommended a review of the current framework and tools in use in the NT.

Review of Risk Assessment and Management in Child Protection and Care System

A critical review of current approaches to risk assessment and management in Out of Home Care (OHC) services within NT and other jurisdictions has taken place throughout 2007 – 2008. The need to analyse current policy around all the risks involved in placing children with foster carers and other Out of Home Care services and how best to manage this risk was instigated in part as a result of the Bath Report. Consideration and adoption of recommendations (where appropriate) arising from the review is currently being undertaken.

NT Government Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse

The 2006 Anderson-Wilde Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse recommended as a matter of urgency, the adoption of legislative and system reforms governing the function and administration of Child Protection and Out of Home Care services in the NT. The Inquiry specifically supported implementation of the *Care and Protection of Children Act (NT) 2007* and the development of a Differential Response Framework (DRF) as critical child protection measures.

‘Closing the Gap’ of Indigenous Disadvantage: NT Government’s Response to the 2006 Anderson-Wilde Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse.

The report from the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse included 97 recommendations across 22 themes, addressing the child protection system as well as broader social and economic factors including housing, unemployment, offender rehabilitation, health, alcohol misuse and education. In response to the report, the NT Government has committed \$286.43 million over five years to *Closing the Gap*, the Northern Territory’s Indigenous Generational Plan, aimed at closing the gap in outcomes between Indigenous and non-Indigenous Territorians. *Closing the Gap* focuses on the protection of children and families; improving health outcomes; enhancing community safety; and education and training. Of the \$286.43 million, \$79.36 million over five years has been allocated specifically for Child Protection and Out of Home Care services.

Differential Response Framework (DRF)

The implementation of a Differential Response Framework (DRF) in the NT is considered critical in addressing the issue of high demand on the child protection system. DRF enables a 'dual track' or 'multiple track' response to protective concerns and focuses on creating better, more integrated, partnerships between Child Protection and Out of Home Care services and family support agencies.

Out of Home Care Partners Reference Group

In 2005, the Out of Home Care Partners Reference Group was formed. It is the central body in the Northern Territory to co-ordinate and progress reforms to the Northern Territory out of home care system.

Out of Home Care Strategic Framework 2006-2010

The Out of Home Care Strategic Framework 2006-2010 is now in its third year of implementation. The Strategic Framework is a central point of reference to the short and long-term strategies to be taken to reform the Out of Home Care system. Several strategies in the Framework relate to the Forgotten Australians recommendations. A copy of the Strategic Framework can be sourced via the following link: http://www.nt.gov.au/health/comm_svs/facs/outofhomecare.shtml

Breach of Duty of Care Policies

In 2006, Family and Children's Services (FACS, now NT Families & Children) re-developed and implemented revised Breach of Duty of Care policies to improve responses to current allegations of abuse in care. These policies were developed in consultation with Foster Carers and endorsed via the Out of Home Care Partners Reference Group.

Records Management

The Department of Health and Families do not have a disposal schedule for client records and as such client records are retained for future reference. People wishing to apply to access their personal client information can apply through the Freedom Of Information processes.

Freedom of Information

The *Information Act* commenced in the Northern Territory on 1 July 2003 and gives the public a general right of access to information held by the Department of Health and Families. Further information about requests or copies of application form for access to information can be sourced from <http://www.infoprivacyhealth.nt.gov.au/>

Access to Client Files

Limited services exist to support care leavers wanting to access their government Out of Home Care records. Currently, this service is delivered by the Adoptions Unit who extend support to adoptees and/or birth parents sourcing personal information.

Complaints

The NT Families and Children Program has developed a Complaints policy and now has a Principal Practice Advisor to co-ordinate timely responses to client complaints. NT Families and Children has created its own complaints database to monitor and report on complaint trends.



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