

Jackie Morris
Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
PO Box 6100
Parliament House
Canberra
ACT 2600 Australia

Re: Committee Inquiry into NT National Emergency Legislative measures

- Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007
- Northern Territory National Emergency Response Bill 2007
- Families Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007

- Appropriation (Northern Territory National Emergency Response) Bill (No. 1) 2007-2008
- Appropriation (Northern Territory National Emergency Response) Bill (No. 2) 2007-2008

SNAICC, the Secretariat of National Aboriginal and Islander Child Care, is the national peak body representing the interests of Aboriginal and Torres Strait Islander families. SNAICC works particularly in the child protection field. Our member agencies include Aboriginal and Torres Strait Islander services from all parts of Australia, Their work encompasses working with statutory agencies to assist investigate notifications of abuse and neglect, advising on the best interests of children, providing alternative care placements, early intervention and family support to minimize the need for child removals, parenting education and support, community education and awareness in relation to child abuse prevention and family reunification to support children return to their birth families and community.

SNAICC welcomes this opportunity to provide some input into the Committee Inquiry process examining legislation pertaining to the Northern Territory national emergency. We have to state however that we believe the legislation has been developed without the considered input of a range of Aboriginal communities and organisations and without the input of the Northern Territory government who have primary responsibility for child protection. SNAICC does not believe that the welfare reform measures, applied on a community wide basis, are justifiable as there is no evidentiary link between these measures and improved outcomes for children across the life course.

Since 1996 SNAICC has been calling for and outlining detailed proposals for a National Action Plan to Prevent Child Abuse and Neglect in Aboriginal communities. With over 25 years experience in this field we believe it is important that the legislation before the Senate be assessed in terms of the impact it will have in reducing child abuse and neglect. This appears to be the public rationale for the legislation put forward by the Prime Minister and the Minister for Families, Community Services and Indigenous Affairs.

SNAICC believes that the current legislative measures before the Senate fail to provide any certainty that the child protection system in the Northern Territory will work more effectively to protect children from harm or respond when they have been harmed.

In 2003 SNAICC researched and published a comprehensive report on the inadequacy of the Northern Territory child protection system. The report, *State of Denial – the Neglect and Abuse of Indigenous children in the Northern Territory*, outlined a number of recommendations for reforming the child protection system. A copy is available at www.snaicc.asn.au

In SNAICC's experience effectively responding to child abuse in any part of the country and for any Indigenous community requires a sustained and coordinated response involving statutory child protection, police and community based agencies with strong knowledge of a child's circumstances and family. Without a robust statutory child protection system notifications are not responded to and communities lose faith in the system. Without appropriate and adequate levels and forms of policing prosecutions cannot proceed, community members are open to intimidation for having reported possible abuse and justice is not seen to be done. Without strong child focused community involvement it is extremely difficult to stabilize a family in crisis, to arrange appropriate ways to keep children safe or to support families and children to overcome the trauma of abuse.

SNAICC would stress that even the most functional, stable and resource rich community requires an effective child protection system with the above three elements working in partnership.

SNAICC has consistently argued since the Federal Government outlined its Northern Territory emergency measures on June 21st that simply bolstering one element of this three way partnership – namely the policing element – will not create or sustain an effective child protection system. To date the Federal Government has not outlined how it will support the development of community based services to work with families affected by abuse nor has it responded to the need for additional specialist child protection staff. SNAICC acknowledges that the Northern Territory government has an equally important role in providing additional resources for child protection staff and specialist community based services. The Commonwealth should be negotiating a long term response to issues of child abuse and neglect with the NT government and other stakeholders.

SNAICC's immediate concerns are that the Northern Territory (NT) emergency measures developed by the Federal Government and outlined in the legislation before the Senate lack expert guidance in the area of child protection, are too short term in focus, and fail to provide a way for stakeholders to contribute their expertise so the measures can have a lasting effect on the safety and welfare of children. As mentioned earlier since 1995 SNAICC has advocated for a national action plan to prevent child abuse and neglect. As

recently as May 2006 SNAICC wrote to every Premier and Chief Minister from each state and territory government and to the Prime Minister calling for a national action plan to prevent child abuse.

In relation to the current emergency measures for the NT:

SNAICC supports:

- provision of additional policing, child protection services and resources for Aboriginal non-government agencies across the NT to prevent abuse, respond to abuse where it has occurred, support victims and families, prosecute perpetrators and refer perpetrators to appropriate healing and rehabilitation programs
- voluntary health checks for children facilitated by existing health services, where necessary with additional short term staff, with parental consent and involvement
- appropriate follow up and comprehensive response to the identified health needs of children
- developing child protection systems at the local community level so that children at risk of abuse can receive immediate support and protection when abuse is reported
- establishing a statutory Aboriginal Child and Family Services authority within the Northern Territory to monitor and enforce standards for the care and protection of children
- the development of full and comprehensive responses by the Federal and Northern Territory Governments to the Little Children are Sacred Report
- Federal Government leadership in responding to child abuse and neglect within all states and territories – not just the Northern Territory.

SNAICC does not support:

- issues of land tenure and the NT permit system (currently used to authorise entry onto Aboriginal land) being changed or removed as part of an emergency child protection response
- short term interventions developed with inadequate planning and little or no local input
- unilateral federal government intervention with no clear commitment to funding long term programs and services

SNAICC provided a detailed written submission to the Northern Territory Board of Inquiry into the sexual abuse of Aboriginal children and has provided a copy for the committee's consideration. We would highlight the recommendations section of that submission for the committee to consider.

We look forward to the committee's report on the legislation and appreciate the opportunity to provide this submission.

Julian Pocock
SNAICC Executive Officer