

REVIEWING IMPLEMENTATION OF
THE ABORIGINAL AND
TORRES STRAIT ISLANDER
CHILD PLACEMENT
PRINCIPLE
NORTHERN TERRITORY
2021-23



SNAICC
National Voice for our Children

Acknowledgement

SNAICC shows respect by acknowledging the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally. SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted.

Contents

Acknowledgement	2
Contents	2
Acronyms and abbreviations	3
Introduction	4
Overview	5
Prevention.....	5
Partnership.....	5
Placement.....	6
Participation.....	6
Connection	6
Prevention	7
Over-representation in child protection	7
Social determinants of child protection involvement.....	9
Access to early childhood education and care	12
Amendments to child protection legislation.....	12
Early Support, Family Support and Intensive Family Support Services	13
Partnership	15
Amendments to legislation	15
Tripartite Forum.....	16
The Child Wellbeing and Safety Partnership Framework	16
The Aboriginal Carer Services Program	17
Placement	18
Participation	21
Family-led decision-making	21
Signs of Safety Practice Framework	21
Aboriginal Cultural Security Framework	22
Connection	23
Reunification	23
Cultural support plans	24
Reference list	25

Acronyms and abbreviations

Acronym	Full name of acronym
ABS	Australian Bureau of Statistics
ACCO	Aboriginal and Torres Strait Islander community-controlled organisation
ACS	Aboriginal Carer Services
AEDC	Australian Early Development Census
AFLDM	Aboriginal Family-Led Decision-Making
AIHW	Australian Institute of Health and Welfare
APO NT	Aboriginal Peak Organisations Northern Territory
Child Placement Principle the Department	Aboriginal and Torres Strait Islander Child Placement Principle Department of Territory Families, Housing and Communities
DFSV	Domestic, Family and Sexual Violence
ECEC	Early Childhood Education and Care
FLDM	Family-Led Decision-Making
FSS	Family Support Service
IFSS	Intensive Family Support Service
MACCSF	Multi-Agency Community Child Safety Framework
MACCST	Multi-Agency Community and Child Safety Teams
National Agreement	National Agreement on Closing the Gap
OCC	Office of the Children's Commissioner
OOHC	out-of-home care
RoGS	Report on Government Services
Safe and Supported	Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031
SCRGSP	Steering Committee for the Review of Government Service Provision
SNAICC	SNAICC – National Voice for our Children

Introduction

This report reviews the progress of the Northern Territory Government, through Territory Families, Housing and Communities (the Department), in implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle).

The five elements of the Child Placement Principle are: *Prevention, Partnership, Placement, Participation and Connection*.

The aim of the Child Placement Principle is to:

- embed an understanding that culture is integral to safety and wellbeing for Aboriginal and Torres Strait Islander children and young people and is embedded in law, policy and practice
- recognise and protect the rights of Aboriginal and Torres Strait Islander children, family members and communities in child safety matters
- support self-determination of Aboriginal and Torres Strait Islander people in child safety matters
- reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care (OOHC) systems.

This year's review analyses implementation efforts over 1 July 2021 – 30 June 2023. Quantitative data for 2022–2023 are included where available. The qualitative analysis considers developments occurring to 30 June 2024.

The annual jurisdictional reviews are developed by SNAICC – National Voice for our Children (SNAICC) with input from Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and state and territory governments. The reviews are informed by the best practice approach set out in SNAICC's Child Placement Principle resource series (SNAICC 2017, SNAICC 2018A), a 2018 baseline analysis (SNAICC 2018b), and subsequent annual reviews undertaken by SNAICC.

Quantitative and qualitative analysis is used to measure and review jurisdictions' progress against the five elements and across five interrelated systems elements—legislation, policy, programs, processes and practice.

Quantitative data is taken primarily from the 2024 Report on Government Services (ROGS) Chapter 16 – Child Protection (SCRGSP 2024), the Australian Institute of Health and Welfare (AIHW) *Child Protection Australia 2022–23* report (AIHW 2024a), and the AIHW *Aboriginal and Torres Strait Islander Child Placement Principle Indicators 2021–22* report (AIHW, 2024). OOHC figures in this review comprise 'out-of-home care' and 'third-party parental responsibility orders' from the AIHW report or, where indicated, 'out-of-home care' and other supported placement data from ROGS. Data on 'children of unknown Indigenous status in out-of-home care' have not been included in this review's figures, where relevant.

These reviews arise from *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported). These reviews map implementation progress and gaps across Australia, highlight governments' reform successes and hold governments accountable to their efforts—or lack thereof—in achieving better outcomes for Aboriginal and Torres Strait Islander children and their families. In this way, these reviews align with the priority reform areas of the National Agreement on Closing the Gap (National Agreement), including Priority Reform 4 on improving Aboriginal and Torres Strait Islander peoples' access to data that affects them and their communities.

Overview

Prevention

Aboriginal and Torres Strait Islander families and communities have been raising happy, healthy and resilient children who enjoy a strong connection to culture for generations. Despite these strengths, as of 30 June 2023 in the Northern Territory, Aboriginal children were 12.2 times more likely to be placed in OOHC than non-Indigenous children.¹ Whilst this is a slight decrease from 2022 (14.9), this figure is still alarmingly high, with the Northern Territory having the third highest rate of over-representation nationally (SCRGSP 2024, Table 16A.2, 16A.3 and 16.A.42). There were several developments in the primary prevention and early intervention space that aim to support Aboriginal children to grow up safe and supported with their families, and, ultimately, to reduce the likelihood of Aboriginal children entering OOHC. The Department increased investment in family support services and the total expenditure on early intervention and prevention services (\$65.1 million) represented 29.4% of all Northern Territory Government expenditure on child protection services in 2021–22 (NT Government 2023a).

Partnership

Whilst it is positive that several ACCOs have been engaged to deliver support to Aboriginal children and families, only six Child and Family Centres have been established across the Northern Territory in partnership with ACCOs in the past five years. This is well below the 11 centres that were committed to be developed by 2023 in the *Safe, Thriving and Connected: First progress report* that was published in November 2018. The Department reported that 59 Aboriginal organisations were engaged to deliver child and family services in the Northern Territory (NT Government 2023a). However, despite an increase in investment in early intervention and prevention during the 2021–22 review period, only 7% of the Department's \$223 million investment in children and family services was allocated to ACCOs (NT Government 2023a). The Children and Families Tripartite Forum released the finalised *10-Year Generational Strategy for Children and Families in the Northern Territory* (10-Year Generational Strategy) in 2023 (Commonwealth of Australia, Northern Territory Government et al. 2021). The ACCO sector has worked closely with the Department and the Australian Government on the First Action Plan for the 10-Year Generational Strategy and believes that—if fully implemented—it will lay a strong foundation to reform the child protection system (Commonwealth of Australia Government, Northern Territory Government et al. 2023). Despite the action plan being

¹ The source of this data is different from the Family Matters 2024 report and numbers will therefore differ

published there has been no indication of any new funding being allocated for implementation.

Placement

The Northern Territory's rate of placing Aboriginal children in care with their Aboriginal kin or other Aboriginal carers has continued to worsen over successive reporting periods. As of 30 June 2023, 23.8% of Aboriginal children were placed with an Aboriginal or Torres Strait Islander relative/kin, compared to 25.5% in 2022 and 27.3% in 2021 (SCRGSP 2024, Table 16A.23). Given that over 90% of children in care in the Northern Territory are Aboriginal, this data indicates a continued and widespread failure to ensure that OOHC care placements adhere to the Child Placement Principle placement hierarchy (SCRGSP 2024, Table 16A.24). However, there were welcome amendments made to section 12 of the *Care and Protection of Children Act 2007 (NT)* (Act) during the review period that relate to the placement element. The Act has been amended to state that an Aboriginal child has the right to be brought up within their own family, community and on the child's own country, and recognises the importance of ongoing connection to Aboriginal culture. Whilst these amendments are welcome, the statistics highlight a worrying trend that the legislation is not actively being applied in practice and adherence to the Child Placement Principle remains poor.

Participation

There remain no legislatively mandated Aboriginal Family-Led Decision-Making (AFLDM) processes in the Northern Territory to support the active participation of Aboriginal and Torres Strait Islander children and their families in child protection decision-making. The Department's Signs of Safety practice framework, implemented in July 2019, remains the key mechanism to facilitate parents' and extended family members' participation in child protection decision-making. The ACCO sector strongly rejects the Department's view that the Signs of Safety framework is based on AFLDM principles. Instead, the sector sees the framework reinforce the unequal power dynamics between the Department and families, which does not create a culturally safe space for families to lead decision-making and does not provide for an independent facilitator to support families through the process.

Connection

The Northern Territory continues to have the poorest performance in the country for this element, with no improvement since the data was first recorded in 2017. In the Northern Territory, as of 30 June 2022, 76.8% of Aboriginal children who are in OOHC and required to have a cultural support plan did not (AIHW 2024, Table 10.5). This is a significant increase from previous reporting periods. The *Care and Protection of Children Act 2007* was updated to state that an Aboriginal child has the right to be supported to develop and maintain a connection with the child's family, community, culture, traditions, language and country, particularly when not placed with a person who is from the child's community or kinship network.

Prevention

The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe and within their own family and community. Preventing children and families from entering the child protection system requires collaboration among various services and programs that span multiple government sectors, such as health, education, housing and economic development. This review primarily focuses on the child protection-focused activities of the Department of Territory Families, Housing and Communities, while noting that holistic prevention can only be achieved with a whole-of-government approach.

Over-representation in child protection

The Northern Territory had the second highest rate nationally of Aboriginal children in receipt of child protection services. As of 30 June 2023, Aboriginal and Torres Strait Islander children were subject to a child protection notification at 385.5 per 1,000 children aged 0–17 years, compared to 73.7 per 1,000 non-Indigenous children (SCRS GP 2024, Table 16A.1).

There are a wide range of factors that can contribute to this, including poverty and ongoing systemic inequality, as well as the Northern Territory's mandatory reporting requirements. In the Northern Territory, any adult over the age of 18 years old is required to report suspected abuse or neglect of a child (see Section 26(1) of the *Care and Protection of Children Action 2007*). This differs from all other jurisdictions in Australia, where mandatory reporting only applies to certain professional groups. The reporting obligations in the Northern Territory may result in the over-reporting and ongoing surveillance of Aboriginal children and their families and contribute to the over-representation of Aboriginal children in OOHC. In 2022–23 alone, 77.5% (9,789 out of 12,633) of the notifications made were for Aboriginal and Torres Strait Islander children (SCRGSP 2024, Table 16A.1). It is noted, however, under Action 8 of the 10-Year Generational Strategy, there is a commitment to review mandatory reporting in the child protection system.

In 2022–23, Aboriginal and Torres Strait Islander children in the Northern Territory were the subjects of 89.1% of substantiated investigations (SCRGSP 2024, Table 16A.5). This was an increase from 84.6% in 2021–22, and 88.4% in 2020–21 (SCRGSP 2024, Table 16A.5).

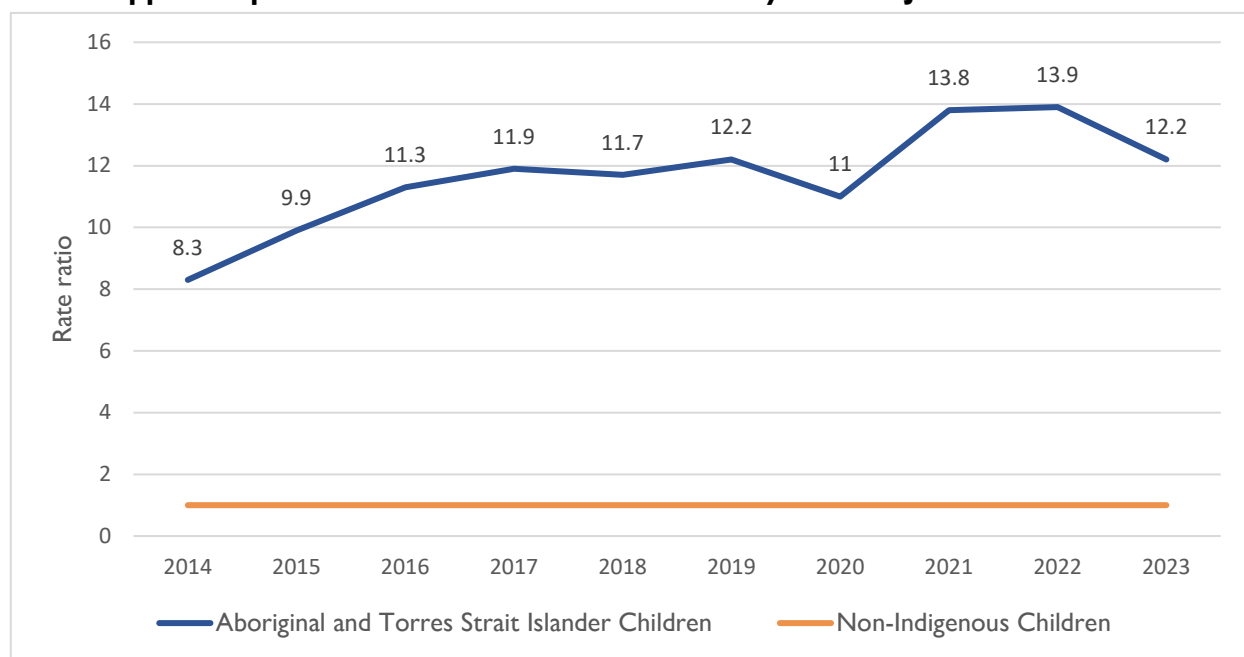
The over-representation of Aboriginal children in OOHC appears to be increasing at an accelerating rate in the Northern Territory indicating that—while the government have committed to the need for greater investment in prevention efforts—more must be done to ensure families can access necessary culturally safe services, especially before the Department intervenes. This requires a fundamental change in the way that the child protection system operates in the Northern Territory so that Aboriginal and Torres Strait Islander communities and organisations are empowered to address the risks that many children and families face and introduce responses that prevent the removal of children from their families.

As of 30 June 2023, Aboriginal children accounted for 89.3% of children in OOHC (797 out of 892 children), this is the highest percentage nationally (SCRGSP 2024, Table 16A.2). Between 2020 and

2023 there were reductions in the rate per 1,000 Aboriginal and Torres Strait Islander children in OOHC in the Northern Territory from 35.7 per 1,000 children to 31.4 per 1,000 children (SNAICC 2023).

As of 30 June 2023, Aboriginal and Torres Strait Islander children in the Northern Territory were placed into OOHC and other supported placements² at 12.2 times the rate of non-Indigenous children, compared to 14.9 times in 2022 and 13.8 in 2021 (SCRGSP 2024, Table 16A.2, 16A.3 and 16.A.42). Figure 1 shows the trend in rate ratios comparing Aboriginal and Torres Strait Islander children and non-Indigenous children in OOHC and other supported placements in the Northern Territory over the past ten years, whilst there has been a reduction from 13.9 in 2022, this number is still alarmingly high (SCRGSP 2024, Table 16A.2, 16A.3 and 16.A.42) It also raises significant concern around the Closing the Gap Target 12 to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45%. Unless there is a significant commitment to transformational change in the child protection system in the Northern Territory, the over-representation of Aboriginal and Torres Strait Islander children in OOHC will continue to rise.

Figure 1 – Rate ratios of Aboriginal and Torres Strait Islander children in OOHC and other supported placements in the Northern Territory as of 30 June 2014–2023.



Source: SNAICC calculation of rate ratios, with data drawn from - Report on Government Services 2024, Part F, Section 16 Child Protection Services. Table 16A2, 16A3 and 16A42

² National out-of-home care counting rules changed for all states and territories in 2018-19 and now exclude children on third-party parental responsibility orders (TPPROs) from the count of children in OOHC. SNAICC believes that this change seriously undermines transparency and accountability, effectively rendering these children invisible in the system. The number of children on TPPROs is reported in the annual AIHW Child Protection Australia publication. Children in 'other supported placements' includes TPPROs and certain types of immigration orders. SNAICC has elected to use data on other supported placements for 2022-23 as disaggregated data about children on TPPROs has not yet been released. Past years' data are included for comparison. Because these calculations are based on other supported placements, they will differ slightly from overrepresentation data which only includes children in out-of-home care and on TPPROs. For calculations of over-representation rates based on only children in out-of-home care and on TPPROs, see the annual Family Matters Reports.

Whilst it appears that there has been a significant decrease in the over-representation of Aboriginal and Torres Strait Islander children in OOHC in the Northern Territory from 2022 to 2023, it is important to examine the reason behind this decrease. The Office of the Children's Commissioner (OCC) noted that the threshold to meet grounds for investigation in the Northern Territory may be considered higher than in other jurisdictions and, therefore, may account for lower numbers of Aboriginal and Torres Strait Islander children being placed in OOHC (NT OCC (2023a)).

When looking more closely at the data, the number of children entering and exiting care fluctuates from year to year. As the total number of children in care in the Northern Territory is quite small (797 children), even slight changes in the total number of Aboriginal and Torres Strait Islander children entering and exiting care will cause a significant change to the over-representation rate ratio calculation.

The number of Aboriginal and Torres Strait Islander children in OOHC in the Northern Territory has decreased since 30 July 2021, however, the proportion of Aboriginal and Torres Strait Islander children as a total of all children in OOHC has fluctuated. As of 30 June 2023, Aboriginal and Torres Strait Islander children made up 89.3% (797 out of 892 children) of the total OOHC population, compared to 90.6% (816 out of 901 children) in 2022 and 90.7% (880 out of 970 children) in 2021 (SCRGSP 2024, Table 16A.2).

In 2022–23, 115 Aboriginal and Torres Strait Islander children entered OOHC in the Northern Territory. This is a significant drop in admissions compared with previous years, with 157 Aboriginal and Torres Strait Islander children entering OOHC in 2021–22, and 187 Aboriginal and Torres Strait Islander children entering OOHC in 2020–21 (SCRGSP 2024, Table 16A.4).

The number of Aboriginal and Torres Strait Islander children exiting care has reduced over recent years. In 2022–23, 173 Aboriginal and Torres Strait Islander children exited OOHC in the Northern Territory, with 199 Aboriginal and Torres Strait Islander children exiting OOHC in 2021–22, and 220 in 2020–21 (SCRGSP 2024, Table 16A.4). It is important to note that the Department does not currently provide breakdowns on the type of exits so it is not possible to determine if these children are being reunified with their families, ageing out of the system or entering the youth justice system.

Social determinants of child protection involvement

Some of the key drivers of children and families entering the child protection system relate to social determinants of health. Access to adequate housing, education, employment and affordable food has a significant impact on an individual's health and wellbeing. For Aboriginal and Torres Strait Islander families, these factors are further complicated by the enduring effects of colonisation and intergenerational trauma.

The relationships between social determinants and the primary reasons for child protection involvement are complex. There is a multi-faceted and dynamic relationship between social determinants and child protection processes of notifications, investigations, substantiations, making of

care and protection orders, and removal into OOHC. For example, poverty can often be conflated with neglect during child protection investigations and can result in inappropriate child protection interventions. The interplay between social and economic factors that can contribute to children being mistreated, abused, and neglected is complex and is intertwined with ongoing institutional biases and systemic racism.

In the Northern Territory, 30.8% of the population is Aboriginal and 74.6% of the Northern Territory's Aboriginal population lives in remote or very remote areas (NT Government 2023b). This review recognises the challenges that exist with remote living and the inequity that disproportionately impacts Aboriginal communities, including access to services, housing, education and affordable and healthy food.

Throughout 2021 to 2023 in the Northern Territory, there continued to be a range of social, economic and health challenges that can contribute to Aboriginal and Torres Strait Islander children entering OOHC. These challenges, as well as recent activities to address them, are outlined below.

Cost of living

The cost of living increased substantially again in the Northern Territory, which is a continuation of the last review period (NT Government 2023c). Poverty can often be conflated with neglect during child protection investigations and can result in inappropriate child protection interventions.

A shortage of safe, affordable and quality housing also continued, and the cost of food continued to increase. Several ACCOs noted that lack of housing is often the direct causal factor for the risk of contact with the child protection system and highlighted that access to suitable and safe housing continues to be the area of most critical need for vulnerable families. These factors cause significant stress for families and are compounded by the ongoing impacts of colonisation and intergenerational trauma experienced by and within Aboriginal communities. These stressors have a significant impact on families' ability to care for their children and provide essential shelter and nutrition. Inadequate housing can also be linked to adverse preventable health conditions, such as infections.

Homelessness

According to the ABS data from the 2021 census Aboriginal and Torres Strait Islander people living in the Northern Territory experienced homelessness at a rate of 1,865 people per 10,000 (ABS 2023). Nationally, Aboriginal and Torres Strait Islander peoples experienced homelessness at over 8 times the rate of non-Indigenous Australians (AIHW 2021). The majority of homelessness experienced by Aboriginal and Torres Strait Islander people living in the Northern Territory (52%) is due to severe overcrowding (AIHW 2021).

The rate of youth homelessness in the Northern Territory is 12 times higher than in the rest of Australia (NT Office of the Children's Commissioner 2023b). On census night in 2021, it is estimated that over 3,200 young people aged 12–24 years experienced homelessness (NT Office of the Children's Commissioner 2023b). This included 47 sleeping rough/improvised, 276 in supported accommodation, 89 in temporary arrangements and 2,839 in severely overcrowded housing. Whilst

this number does not identify the number of Aboriginal and Torres Strait Islander young people experiencing homelessness, given the over-representation of Aboriginal and Torres Strait Islander people experiencing homelessness, it is reasonable to assume that a high proportion of the young people experiencing homelessness in the form of overcrowding in the NT identified as Aboriginal and Torres Strait Islander.

In its 2022–23 Annual Report, the Department extended grant funding arrangements with 19 non-government organisations to deliver homelessness services in the Northern Territory (NT Government 2023e). Whilst this is a positive development, the Department did not mention any partnership or funding arrangements that have been made with Aboriginal organisations. Investment in Aboriginal-led homelessness services must be made to address the homelessness crisis for Aboriginal and Torres Strait Islander people in the Northern Territory.

Early entry into Youth Justice

Of note in the Northern Territory is the significant increase in young people entering the youth justice system following changes to bail-related legislation. In 2021–22, the number of young people under community-based supervision was 150 and in 2022–23 this increased to 382 (NT Government 2023e). Data on receptions into a youth detention facility also increased significantly over the reporting period—in 2020–21 this figure was 294, in 2021–22 the figure increased to 588 and in 2022–23 the figure increased again to 689 (NT Government 2023e).

The rate of Aboriginal and Torres Strait Islander young people aged 10–17 in detention in 2022–23 was 42.9 per 10,000 young people aged 10–17 years compared to 1.0 per 10,000 non-Indigenous young people (SCRGSP 2024, Table 17A.5). The intersection between child protection and youth justice is well-evidenced—in the Northern Territory there were 69.4% of Aboriginal children under youth justice supervision who had also had an interaction with the child protection system in the previous 5 years in 2020–21 (AIHW 2023b).

The Northern Territory Government was the first Australian jurisdiction to raise the age of criminal responsibility from 10 to 12 years, prior to a decision in 2024 to reverse this change. This reversal is deeply concerning and disappointing to the sector. Aside from raising the age of criminal responsibility to 14—in line with international evidence—further investment into family strengthening and child safety and wellbeing is needed. This must include investment in trauma-informed support for children and their families to address the systemic issues of poverty, disadvantage and intergenerational trauma, as well as a strategy to prevent children from engaging in youth offending behaviours and to address recidivism. The incarceration of children leads to a lifetime of poor outcomes for children.

Family violence

In the Northern Territory, Aboriginal women and children are victims of domestic, family and sexual violence at 18 times the rate for non-Indigenous people (NT Government 2018). An investigation by the NT Coroner in October 2023 found that of the 81 women who have died as a result of domestic violence since 2000, 93% were Aboriginal women (Parkinson A 2023).

In 2022–23, the Department established the Domestic, Family and Sexual Violence (DFS) Aboriginal Advisory Board (NT Government 2023e). Whilst this is an important step forward, there was significant criticism and concern from Aboriginal and Torres Strait Islander people and organisations in the Northern Territory around the establishment of this Advisory Board. Aboriginal Advisory Board members were selected via ministerial appointment and Aboriginal and Torres Strait Islander community leaders had no decision-making powers in the process. More needs to be done to engage in meaningful partnerships and shared decision-making to ensure that Aboriginal and Torres Strait Islander people partner in driving solutions that work for Aboriginal and Torres Strait Islander communities.

Access to Early childhood education and care

Aboriginal and Torres Strait Islander children represent 41% of three- and four-year-olds enrolled in pre-school in the Northern Territory (Nous Group et al., 2023). In a review of preschool as part of the broader early childhood education system, the research and consultation that informed *NT Preschool Review – Discussion Paper* identified that future delivery models of preschool in the Northern Territory need to be culturally relevant, empower Aboriginal children to embrace their identity and culture, and ensure Aboriginal families feel supported to consistently access quality, culturally inclusive services (Nous Group et al. 2023).

In 2021, only 16.4% of Aboriginal children in the Northern Territory were assessed as being developmentally ‘on track’ for all five domains of the Australian Early Development Census (AEDC) (Productivity Commission 2023). This was the lowest rate of any state or territory in Australia and is much lower than the national average of 34.3% (AEDC National Report 2021 et al., 2022). Attendance rates of Aboriginal and Torres Strait Islander children at early childhood education and care (ECEC) services in the Northern Territory are also relatively low. Only 48% of Aboriginal and Torres Strait Islander children meet the ABS definition of ‘600-hour attendance’, which is that a child attended preschool for at least the pro-rata equivalent of 600 hours per year in the four-week reference period. (Australian Bureau of Statistics Preschool Education, 2023 release).³

This is deeply concerning and requires focused investment in Aboriginal community-led solutions to prevent longer-term costs to individuals, communities and governments.

Amendments to child protection legislation

During the review period amendments were made to the *Care and Protection of Children Act 2007*. The *Care and Protection of Children Amendment Act 2023* (Act) addresses the recommendations of the Coroner of the Northern Territory following inquests into the deaths of six Aboriginal children in remote communities in 2020. The Act was amended to improve the NT Government’s engagement and cooperation with service providers, families and communities. The amendments to the Act were intended to:

- strengthen the principles relating to Aboriginal children in the Act

³ It is worth noting that this reference period occurred during the dry season at a time of typically low attendance due to cultural and other commitments, and in 2022 the COVID-19 biosecurity measures saw a decline in Aboriginal and Torres Strait children’s enrolment and attendance rates.

- recognise the equal rights of children living with a disability when decisions are made in accordance with the Act
- empower young parents to be involved in child protection proceedings relating to their own children
- improve the safety and wellbeing of children in the Northern Territory by providing a legislative framework for the Child Wellbeing and Safety Partnership Framework (NT Government 2023d).

The latest amendments intend to strengthen the principles in the Act as they relate to Aboriginal and Torres Strait Islander children, particularly those with disability. Those principles are required to be upheld by anyone exercising a power or function under the *Care and Protection of Children Act 2007*. The most relevant changes to the Act are in Section 12, which addresses the disproportionate rates of Aboriginal and Torres Strait Islander children either being adopted or taken into OOHC. Whilst these amendments to the Act are welcomed—and are reviewed below as they apply to the other elements of the Child Placement Principle—the OCC is unclear how this legislative reform will make a practical difference for Aboriginal children and their families (NT OCC 2023a).

The 10-Year Generational Strategy for Children and Families in the Northern Territory

During the review period, the Northern Territory Children and Families Tripartite Forum released *Kids Safe, Family Together, Community Strong: 10-Year Generational Strategy for Children and Families in the Northern Territory (Generational Strategy)* (Commonwealth of Australia, Northern Territory Government et al.2023). The Generational Strategy sets out how governments, service providers and local communities can work together to provide better service delivery and support. The Generational Strategy promotes the Child Placement Principle element of prevention by having holistic prevention as one of its focuses for pathways for change. As part of holistic prevention, the Generational Strategy aims to shift its focus and efforts to addressing root causes and preventing disadvantage.

The first Action Plan of the Generational Strategy commits to establishing partnerships between communities and schools under Action 4; to review pathways into support and child protection for children and families and the development of recommendations on how to effectively support families earlier to reduce contact with the child protection system under Action 8. Unfortunately, no resourcing has been provided to support the implementation of this Action Plan. This raises concerns amongst community members over the limited commitment from the Northern Territory Government to implement this strategy and influence systemic change to improve the health and wellbeing outcomes of children and families in the Northern Territory.

Early Support, Family Support and Intensive Family Support Services

There were several promising developments in the primary prevention and early intervention space that aim to support Aboriginal children to grow up safe and supported with their families and, ultimately, to reduce the likelihood of Aboriginal children entering OOHC.

In 2021–22, an additional two Child and Family Centres were opened as part of the Department’s

commitment to establish 11 centres by 2022–23 (NT Government 2023a). The Department reported that six centres have been established and are operating in the northern suburbs of Darwin, Wadeye, Katherine, Kalkarindji, Tennant Creek and Alice Springs Town Camps (NT Government 2023a). A further three centres have been contracted in Wurrumiyanga, Gapuwiyak and Papunya and are undertaking a period of co-design that is expected to be completed late in 2024 (NT Government 2023a).

To support the establishment and operation of the centres, the Department reported that Wurrumiyanga and Gapuwiyak have partnered with other organisations before operating as a stand-alone centre (NT Government 2023a). No further detail was provided on which organisations are involved, nor on the nature of the partnerships.

Established under the Northern Territory Government's Early Childhood Development Plan, the Child and Family Community Fund includes an allocation of \$260,000 each year for communities with a Child and Family Centre to identify priorities and support improved outcomes for children aged 0–5 (NT Government 2023a). Whilst this is a welcomed initiative, the availability and access of the Centres and the funding allocation fall short of addressing the needs identified by ACCOs for primary prevention. ACCOs continued to express concerns about the availability of supports for children aged 0–5 and the lack of culturally safe programs for parents to develop their parenting skills for children within this age range (APONT 2023). ACCOs have also highlighted the limited understanding and recognition of differences in child-rearing practices between Aboriginal and non-Aboriginal families and cultures. Community and collective care in Aboriginal communities can still be associated with the removal of Aboriginal children (APONT 2023).

During this review period, there was also expansion and increased investment in the Family Support Services (FSSs) program. During this period there were several changes made to the services which must be considered when interpreting the data. In 2020, the Commonwealth Intensive Family Support Services (IFSSs) was replaced by the Children and Family Intensive Support (CaFIS) program. In 2021, the Northern Territory Government's Intensive Family and Parenting Services (IFPS) program was replaced by the Family Support Services (FSSs) program.

In 2021–22, the Department reported an increased investment of \$5.7 million to expand regional FSSs with 10 Aboriginal organisations being engaged to provide these services (NT Government 2023a). In the 2022–23 review period, investment in FSS increased to \$8.9 million and two additional ACCOs in the Top End Region were engaged to deliver the program (NT Government 2023a). In 2021–22, investment in the Northern Territory into both FSS and IFSS increased by the highest proportion of any state or territory to \$65.1 million (NT Government 2023a). In 2021–22 the Northern Territory had the highest proportion of investment in family support and IFSS nationally (from 26.5% in 2020–21 to 29.4% in 2021–22) (SNAICC 2023). The Department's total expenditure on early intervention and prevention services (\$65.1 million) represented 29.4% of all Northern Territory Government expenditure on child protection services (NT Government 2023a). This was an increase from 26.5% in the 2020–21 review period.

According to data provided by the Department, 891 children commenced FSS in 2021–22. The Department’s 2022–23 Annual Report shows a significant decrease in children commencing family support in 2022–23, the Department reported 623 children commencing family support in 2022–23 (NT Government 2023e). Whilst increased investment in early intervention and prevention is welcomed, equitable access to these services is essential to ensure families are best supported.

Partnership

For the wellbeing of Aboriginal and Torres Strait Islander children and families, it is important for governments and key stakeholders to establish and maintain genuine partnerships with Aboriginal and Torres Strait Islander communities. Ensuring meaningful involvement of Aboriginal and Torres Strait Islander people in all aspects of design, delivery and decision-making within child protection systems is an essential element of the Child Placement Principle. However, there is a need for governments to further prioritise the full implementation of this essential principle.

Amendments to legislation

In the review period, the changes made to the *Care and Protection Act 2007* (Act) intend to strengthen the partnership between the Department and non-government organisations, including ACCOs, as highlighted in the Prevention section above. Whilst this is a welcomed amendment to the Act, the ACCO sector remains concerned about whether these partnerships were guided by shared decision-making principles. ACCOs are waiting to see a genuine shift for ACCOs to lead service design and delivery, and a change in the nature of the power dynamics between the Department and ACCO sector.

Despite these amendments and an increase in investment in early intervention and prevention during the 2021–22 review period, only 7% of the Department’s \$223 million investment in children and family services was allocated to ACCOs (NT Government 2023a). The Department further reported that in 2021–22, Aboriginal organisations were most likely to be engaged to deliver OOH and FSSs. Only 4% of OOH and 14% of FSSs and IFSSs funding was, respectively, invested in Aboriginal organisations (SNAICC 2023). Given the significant majority of children involved in the child protection system are Aboriginal children, the ACCO sector and the OCC have called for the Northern Territory Government’s commitment and a formal strategy to achieve a level of investment in ACCOs commensurate with the needs of Aboriginal and Torres Strait Islander children and families (NT OCC 2023a). This commitment must ensure that alongside additional investment, the Northern Territory Government must also transfer decision-making responsibilities across the entire child protection system to ACCOs.

It is positive that several ACCOs have been engaged to deliver support to Aboriginal children and families, and that Child and Family Centres continue to be opened across the Northern Territory in partnership with ACCOs. The Department reported that 59 Aboriginal organisations were engaged to deliver child and family services in the Northern Territory (NT Government 2023a). ACCOs provide the best support for Aboriginal families. ACCO-led family support services have seen an

increase in self-referrals to Aboriginal carer services from families when challenges first arise. The same services report referrals from the Department remain low and families often sit with open child protection cases, receiving limited support (APONT 2023). The number of Aboriginal and Torres Strait Islander children being referred to and accessing ACCOs for services was not able to be reported by the Department during this review period.

Tripartite Forum

During the review period, the Children and Families Tripartite Forum, comprised of the Northern Territory Government, the Australian Government and the Community Sector, released the *10-Year Generational Strategy for Children and Families in the Northern Territory* (Generational Strategy) (Commonwealth of Australia, Northern Territory Government et al.2021). The Generational Strategy sets out how governments, service providers and local communities can work together to provide better service delivery and support for children and families. The ACCO sector has worked closely with the Department and Commonwealth on the First Action Plan for the Generational Strategy and believes that, if fully implemented, it will lay a strong foundation to reform the child protection system (Commonwealth of Australia, Northern Territory Government et al.2023). The ACCO sector reported concerns about significant delays and the absence of resourcing for the implementation of the First Action Plan (APONT 2023).

The Children and Families Tripartite Forum continues to provide advice to Northern Territory and Commonwealth ministers for improving outcomes for children and families in the Northern Territory and monitors the delivery of commitments under the Northern Territory National Partnership.

The Child Wellbeing and Safety Partnership Framework

The Multi-Agency Community Child Safety Framework (MACCSF) was introduced by the Department in 2020, underwent significant review and re-design during 2021–2023, and was renamed the Child Wellbeing and Safety Partnership Framework. This review was welcomed, after ACCOs raised several concerns about the MACCSF, noting that:

- there is no specific means for families to be involved or to articulate their needs, resulting in a power imbalance that acts to shift more control away from families and communities and into the hands of statutory authorities
- some key ACCOs, including those delivering Aboriginal Carer Services (ACS), have not been included in their local Multi-Agency Community and Child Safety Teams (MACCSTs), even though they would provide valuable input
- MACCSTs are generally dominated by city-based representatives from government agencies, with the inclusion of any Aboriginal community members being rare in some locations
 - one ACCO noted that the MACCST structure required only two Aboriginal members of ACCOs, local Aboriginal staff of Northern Territory Government agencies and/or Aboriginal community members with cultural authority
- ACCOs also expressed concerns about a proposal to legislate information-sharing protocols between MACCST members—noting that this posed risks to privacy and confidentiality—would act as a mechanism for increased surveillance of families and could discourage families

from engaging with services due to fears of statutory involvement and child removal leaving them unsupported and at a higher risk.

It is important to note that whilst the review was welcomed, the framework does not appear to have a formal monitoring and evaluation process. This has raised concern as to how progress will be measured in its accountability to the local communities and families for whom it has been developed. This was considered not to meet the requirements of the Partnership element as set out in SNAICC's Child Placement Principle resource series, which clearly states that Partnership must extend beyond consultation and participation to involve the exercise of genuine decision-making power by Aboriginal organisations and communities if it is to support self-determination (SNAICC 2018a, p. 31-33). As reported by the Department, the review of MACCSF was led by representatives from the Department, Aboriginal Medical Services Alliance Northern Territory, Northern Territory Council of Social Service and Danila Dilba Health Service (NT Government 2023a). In response to the review of the MACCSF, the Child Wellbeing and Safety Partnership Framework (Framework) was established and embedded into legislation in March 2023, building upon the amendments to the *Care and Protection of Children Act 2007*.

The Department reported that the Framework enables the voices of local community leaders to provide culturally informed, place-based advice to inform the response to the safety and wellbeing risk of children in their own community (NT Government 2023a). However, there is no evidence to suggest how these communities and families have been empowered to participate. Aboriginal Peak Organisations Northern Territory (APO NT) have voiced concerns around the implementation of this framework, suggesting that it will not result in the significant systemic changes that are needed. Community leaders are best placed to promote and facilitate children being placed in kinship care arrangements when their primary carers are unable to provide care for them and facilitate positive engagement with families and the broader community on issues that affect the safety and wellbeing of children in the community. The Framework operates in 22 locations across the Northern Territory and supports a more collaborative, holistic way for stakeholders and agencies to work together to promote the safety and wellbeing of children and young people. As the Framework was embedded in legislation in March 2023 more time is required to assess how the re-designed Framework will address the concerns previously raised by ACCOs. There is currently no evidence to suggest that the functionality of the MACCSF meetings has changed.

The Aboriginal Carer Services Program

In 2022–23, five-year Grant Agreements were negotiated with eight ACCOs to deliver the Aboriginal Carer Services (ACS) program. Under the ACS, these organisations have varying levels of authority in identifying potential kinship carers, conducting kinship assessments, and training and supporting kinship carers to ensure that Aboriginal children in care are placed with their Aboriginal kin (NT Government 2023a). The program recognises the *Aboriginal Carers Growing Up Aboriginal Children* model developed by Tangentyere Council Aboriginal Corporation and the Victorian Aboriginal Child Care Agency (VACCA) (NT Government and Tangentyere Council Aboriginal Corporation 2019). The NT government noted that whilst this model is recognised it is not a grant condition (NT Government

2023a).

However, Regulation 5 of the *Care and Protection of Children (Placement Arrangement) Regulations 2010* (enlivened by Section 78 of the *Care and Protection of Children Act 2007*) stipulates that the Department must approve—or decline to approve—each proposed kinship care placement, meaning that the recommendations made by the ACCOs delivering these programs are not binding and can be overruled by the Department. Some ACCOs delivering the ACS program provided feedback that this creates a significant power imbalance and frustrates their efforts to identify the best possible carer for each child (APONT 2023). The transfer of child protection decision-making to a delegated Aboriginal authority is fundamental to transforming service delivery and addressing the over-representation of Aboriginal children in child protection. Efforts to support the transfer of agreed services are outlined by the Department below.

The Department reported it allocates \$1.7 million per year ongoing for the ACS program, however, many ACCOs noted that their services were operating at—or beyond—capacity and increases in funding through the reporting period were not sufficient to meet the demand for their programs. A continued commitment to transition services out of the statutory child protection agency to ACCOs is imperative to progress the Partnership element. This should be supported by the Australian Government to ensure that funding streams, such as the Remote Aboriginal Investment National Partnership, extend beyond 2023–24.

While the appointed NT Children’s Commissioner is an Aboriginal person, there remains no dedicated Aboriginal peak body for children and families leading the design of policies and services that impact Aboriginal children and families, nor a dedicated Commissioner for Aboriginal children and young people, which have been key priorities for several ACCOs in the NT. It is noted that a key commitment under the Northern Territory’s Generational Strategy’s first 2-year Action Plan is to develop a model for an NT children and family peak body and sector strengthening plan that will form the foundational work over the next 18 to 36 months to transition mutually agreed services to Aboriginal community control (NT Government 2023a). The NT Government is also seeking the support of SNAICC and the APO NT to co-design this work with Aboriginal families and communities (NT Government 2023a).

Placement

When an Aboriginal and Torres Strait Islander child is to be placed in OOHC, the Child Placement Principle placement hierarchy aims to ensure that Aboriginal and Torres Strait Islander children maintain connection to their family, community, culture and Country.

As seen in Table 1, the rates of placement of Aboriginal and Torres Strait Islander children with relatives/kin have continued to decline since the last reporting period. As of 30 June 2023, 23.8% of all Aboriginal children in care were placed with relatives or kin, compared to 25.5% in 2022 and 27.3% in 2021 (SCRGSP 2024, Table 16A.22). In the data provided, The NT Government does not distinguish between placements of Aboriginal children with Aboriginal relatives or kin against non-Indigenous

relatives or kin and, instead, reports all such placement in a combined category of ‘placements with Aboriginal relatives or kin’. As such, it is not possible to determine what proportion of Aboriginal children are being placed with Aboriginal relatives or kin, in accordance with the Child Placement Principle placement hierarchy.

In addition, the Northern Territory’s rate of placing Aboriginal children in care with their Aboriginal kin or other Aboriginal carers has continued to decline since the last reporting period. The Northern Territory reported all children not placed with Aboriginal and Torres Strait Islander kin, non-Indigenous relatives or another Aboriginal and Torres Strait Islander carer as being in an ‘other care arrangement’, with the proportion in such an arrangement at 69% of all children in care. This was significantly higher than any other jurisdiction, following Tasmania at 38.5% (SCRGSP, Table 16A.23). This is deeply concerning, given that over 90% of children in care in the Northern Territory are Aboriginal. The data indicates only a small proportion of placements reflect the placement hierarchy as set out in SNAICC’s Child Placement Principle resource series (SCRGSP 2024), which is indicative of inadequate compliance with the Child Placement Principle as reflected in the Northern Territory’s legislation.

As at 30 June 2023, there were 73 Aboriginal and Torres Strait Islander children placed in residential care (SCRGSP 2024, Table 16A.21). In its Annual Report, the Department stated that ‘[a]s at 30 June 2023, there were 45 young people living in Intensive Therapeutic Residential Care’ (NT Government 2023e). Whilst this does not specify the number of Aboriginal and Torres Strait Islander children, given the significant over-representation of Aboriginal and Torres Strait Islander children in care, it is reasonable to assume that this over-representation is reflected in the number of Aboriginal and Torres Strait Islander children living in residential care. This raises significant concerns over the cultural safety of residential care services and whether enough is being done to look after and nurture the specific needs of Aboriginal and Torres Strait Islander children in residential care.

Table 1 – Aboriginal children in the NT aged 0–17 in out-of-home care, by caregiver type (per cent), as of 30 June 2017–2023.

	2017	2018	2019	2020	2021	2022	2023
Placed with relatives/kin or other Aboriginal carer							
Aboriginal relative/kin	27.5	27.3	31.2	29	27.3	25.5	23.8
Non-Indigenous relative/kin	0	0	0	0	0	0	0
Total placed with relatives/kin	27.5	27.3	31.2	29	27.3	25.5	23.8
Other Aboriginal and Torres Strait Islander carer	4.7	5.9	5.6	5	4.5	5.1	4.3
Total	32.2	33.2	36.8	34.1	31.8	30.6	28.1
In another care arrangement							

Other non-Indigenous carer	67.5	66.5	63	65.1	65.1	68.9	69.0
Residential care or family group home	n.p ⁴	n.p	n.p	n.p	n.p	n.p	n.p
Independent living/living arrangements unknown	0.3	0.3	0.2	0.9	3.1	0.5	2.9
Total	67.8	66.8	63.2	65.9	68.2	69.4	71.9

Source: Report on Government Services 2024, Part F, Section 16 Child Protection Services, Table 16A.23⁵

ACCOs report that they would expect that there are more Aboriginal kinship carers available to look after Aboriginal children in care than are currently engaged as kinship carers, given the broad kinship structures present in Aboriginal communities in the Northern Territory (APONT 2023). Further, some ACCOs delivering the ACS program noted that they had observed very long wait times for ACS referrals to be made by child protection practitioners within the Department (APONT 2023).

The Office of the Children’s Commissioner referenced the Northern Territory Government’s roadmap for OOHC reform *Transforming Out-of-home Care in the Northern Territory*, which focused on delivering a system that prioritises and increases Aboriginal family/kin and foster carers and phasing out purchased home-based care by December 2021 (NT Government 2019). In 2021–22 purchased home-based care increased for a fourth consecutive year while foster care and kinship care placements decreased (NT Government 2023a). The 2023–24 Northern Territory Government budget allocation for purchased home-based care is \$35.15 million compared to \$5.86 million for kinship care services and \$10.82 million for foster care services (NT Government 2023a).

The ACCO sector has raised significant concerns on how the funding for the *Transforming Out-of-home Care in the Northern Territory* plan was allocated, given that very few of the targets outlined were met. There are currently no publicly available plans that indicate how purchased home-based care will be phased out or any motion to increase the funding and support for kinship care. As mentioned in the Partnership section above, the Department continued to fund the ACS initiative, through which eight ACCOs are now funded to find, assess, train and/or support kinship carers. The Department reported that in 2022–23, the Program found 87 Aboriginal kinship carers who are now providing care for 58 Aboriginal children (NT Government 2023a). ACS continue to support 72 Aboriginal and kinship carers to care for Aboriginal children in their homes (NT Government 2023a). While this is promising, ACCOs noted that the funding is not sufficient to keep up with the demand for kinship carers and that organisations delivering the program have no authority in decisions about children’s care and protection, so their work on identifying appropriate kinship carers can be—and is—overruled (APONT 2023).

ACCOs mentioned that, due to limited resources and miscommunication, some kinship carer assessments were not pursued in a timely manner during the investigation process in certain situations (APONT 2023). This resulted in Aboriginal children being placed outside their families and

⁴ n.p = no data provided

⁵ Note 2017 and 2018 data included % for Aboriginal and Torres Strait Islander residential care and non-Indigenous residential care - these have been added together.

communities.

Kinship carers in the Northern Territory only receive financial support from the Department if children in their care are under care and protection orders. No additional financial support is available through the Department for children in voluntary placements or where children may have been subject to an investigation or short-term order but are not under care and protection orders. Similarly, services highlighted that reunification policies and procedures are setting families up to fail as the supports put in place for children in OOHC do not continue when they are reunited with family (APONT 2023). As noted in the previous section on Prevention, the cost of living in the Northern Territory, particularly in remote communities, has increased significantly, which impacts many Aboriginal families' capacity to care for children.

There were welcomed amendments to the *Care and Protection of Children Act (2007)* (Act) relating to the Placement element which were progressed into legislation in March 2023. Amendments were made to Section 12 of the Act so that where a decision about an Aboriginal or Torres Strait Islander child is to be made under the Act the decision should be healing-focused and trauma-informed.

There is no information available on the Department's internal oversight mechanisms to ensure compliance with the placement element of the Child Placement Principle and broader legislative requirements. The Department is currently working with SNAICC, the Australian Government and other jurisdictions to develop outcome, performance and monitoring frameworks under Safe and Supported First Action Plans. In May 2023, as part of the 2023–24 Northern Territory Government Budget, the Department also reported the introduction of a range of key performance measures for children and families output including a measure on the number of Aboriginal children placed with an Aboriginal carer (NT Government 2023a). The Department reported that the target for 2023–24 is above 35% of Aboriginal children in OOHC placed with an Aboriginal carer (NT Government 2023a).

Participation

It is important that children in contact with the child protection system, along with their families, are actively involved in any decisions concerning their care. This is particularly important for Aboriginal and Torres Strait Islander children and young people.

Family-led decision-making

It is disappointing that the Northern Territory Government's commitment to embedding family-led decision-making (FLDM) in the *Care and Protection of Children Act 2007* (Act) has not been actioned with the recent legislative amendments to the Act during the reporting period. Enabling legislation is essential for ensuring that policies, processes, procedures and practices reflect the importance of Aboriginal families and children being able to meaningfully participate in decision-making. FLDM must be embedded in the legislation, including provision for family conferences to be independently facilitated by Aboriginal people.

Signs of Safety Practice Framework

The Department's Signs of Safety practice framework, implemented in July 2019, remains the key

mechanism to facilitate parents' and extended family members' participation in child protection decision-making. The ACCO sector strongly rejects the Department's view that the Signs of Safety framework is based on FLDM principles. The ACCO sector considers this framework to instead reinforce unequal power dynamics between the Department and families and fails to create a culturally safe space for families to lead decision-making, nor does it provide for an independent facilitator to support families through the process (APONT 2023).

There are certain Signs of Safety materials that are publicly available online and that do refer to families participating in decision-making. However, there does not appear to be a high priority placed on families leading those processes in a genuine shared decision-making structure (Turnell and Murphy 2017). Further, several ACCOs expressed major concerns about Signs of Safety not being an appropriate model for Aboriginal families in the Northern Territory (APONT 2023). It was reported that the model does not include sufficient contextual information relating to the Northern Territory, does not highlight the importance of a nuanced approach when working cross-culturally, nor does it support the empowerment of families in substantive decision-making (APONT 2023).

The Department was unable to report on network meetings that provide a forum for families to participate in decision-making about children.

Aboriginal Cultural Security Framework

In the previous review period of 2020–21, several ACCOs also expressed concerns regarding very low numbers of Aboriginal people employed as child protection practitioners within the Department, noting that local staff from within each community would offer irreplaceable cultural knowledge and authority. The Department reported in this review period that, in 2023–24, a new version of the Department's Aboriginal Cultural Security Framework (Framework) would be released and will aim to strengthen the approach to cultural security within the Department (NT Government 2023a). This will reportedly include the implementation of a practice guide to support child protection practitioners and youth justice officers to embed the Aboriginal Cultural Security Framework into interactions with children, young people, their families and communities (NT Government 2023a).

The Framework is overseen by Dr Christine Fejo-King, the Department Elder in Residence, who was appointed in 2021. The Department's Elder in Residence fosters Aboriginal and Torres Strait Islander social work students on placement and develops existing staff by providing opportunities for work experience and project work to enable them to move into higher levels within the Public Service. The Elder in Residence promotes and ensures systemic change to increase the number of Aboriginal and Torres Strait Islander staff working in child protection within remote communities.

The Department's Annual Report for 2022–23 indicated that 20.13% of staff identified as Aboriginal and that 9.13% of leadership positions were occupied by Aboriginal people (NT Government 2023a). Compared to the Department's Annual Report for 2021–22, which indicated that 16.9% of staff identified as Aboriginal and that 6.2% of leadership positions were occupied by Aboriginal people (NT Government 2023a).

Connection

When placing an Aboriginal and Torres Strait Islander child in OOHC, maintaining a strong connection with culture, family and community is a vital component to ensuring a child's ongoing wellbeing and safety.

The *Care and Protection of Children Act 2007 (Act)* was updated to state that an Aboriginal child has the right to be brought up with the child's own family and community and on the child's own country, as well as the right to be supported to develop and maintain a connection with the child's family, community, culture, traditions, language and country, particularly when not placed with a person who is from the child's community or kinship network. There is limited information to assess the Department's compliance with the amendments made in March 2023 and whether it has had meaningful impacts on the lives of Aboriginal children and their families.

Reunification

Children on long-term guardianship custody orders (GCOs) and third-party parental responsibility orders (TPPROs) are not considered to be candidates for reunification, due to the fact they are placed on orders that typically last until they are 18 years old—reflecting policymakers' desires for permanent outcomes. Nationally, 73% of Aboriginal and Torres Strait Islander children in OOHC in 2021–22 were on long-term GCOs and TPPROs (AIHW 2024c, Table S4.10). This means the majority of Aboriginal and Torres Strait Islander children in OOHC are on orders that do not prioritise reunification. SNAICC has calculated the proportions of children reunified using the total number of children in OOHC, including children on long-term GCOs or TPPROs as the denominator (AIHW, 2024a: Table T3).

Children on long-term orders have often progressed to long-term care as a result of inadequate efforts to prioritise reunification or even connection with their families—or inadequate efforts to support families to address the barriers to providing safe care for their children, or as a result of policies that limit reunification due to short and unreasonable legislative or policy-imposed timeframes. Excluding these children from the denominator masks the failures of child protection systems to prioritise reunification and artificially inflates reunification rates. Including these children in these calculations provides a more accurate overview of the proportions of children reunified, even though children on long-term care orders are substantially less likely to be reunified.

As of 30 June 2022, 7.8 % of Aboriginal children were reunified from OOHC (including long-term GCOs) in the Northern Territory (AIHW 2024a T3, AIHW 2024b: Table 10.18). In comparison, 10% of non-Indigenous children were reunified from OOHC in the same period (AIHW 2024a T3, AIHW 2024b: Table 10.18). Children who are reunified with their families from OOHC occasionally return to care, but this is not the case for the majority of children. This is significant because it is a potential indicator of whether the supports provided to the family has been sufficient and effective for the family in the longer term. AIHW reports this data by whether a child returned to OOHC within 12 months after exiting to reunification. Unfortunately, no data was available for the Northern Territory.

Nationally, 83.1% of Aboriginal and Torres Strait Islander children who were reunified did not return to care within 12 months (85.6% for non-Indigenous children) (AIHW 2024a T3, AIHW 2024b: Table 10.18).

Note: The source for these calculations has changed from previous reviews, due to changes in AIHW reporting. Source data is from Table 10.18 of the Aboriginal and Torres Strait Islander data table from Child Protection Australia 2021–22 (which includes reunifications for children on long-term orders) while previous reviews drew from Table S2.3a from the ATSI CPP Supplementary tables 2022 released by AIHW (which excludes reunifications for children on long-term orders). Proportions have been calculated as the total number of Aboriginal and Torres Strait Islander children who exited to reunification (regardless of the type of reunification) each year divided by the number of Aboriginal and Torres Strait Islander children in OOHC and TPROs. The same formula was used for non-Indigenous children.

Cultural support plans

Cultural support planning is critical in ensuring Aboriginal children in OOHC are able to establish and maintain a connection to their culture, community, language, kin and Country. SNAICC's Child Placement Principle resource series stipulates that best practices for cultural support plans include involving children and their families in the development of each plan and ensuring that plans commit to specific, current actions for keeping children connected to their family, community and culture while in care (SNAICC 2017, SNAICC 2018a). ACCOs in the Northern Territory have also advocated for cultural support plans to incorporate provisions for a child's access to time with their parents and other family members, as this promotes close connections with culture, language and Country.

In the Northern Territory as of 30 June 2022, 76.8% of Aboriginal children who are in OOHC and required to have a cultural support plan do not have a current plan (AIHW 2024, Table 10.5). This is a significant increase from the previous year. In June 2021, it was reported that only 43.8% (371) of children in OOHC had a cultural support plan and, in the most recent reporting period, this has decreased to only 23.2%, which equates to 181 Aboriginal children (AIHW 2024, Table 10.5). The Northern Territory continues to have the poorest performance in the country for this indicator with a declining rate of children with current cultural support plans since 2019 (AIHW 2024, Table 10.5). The Department reported that face-to-face contact with families and children in care has remained high since 2019. However, there is no way to verify if this contact is meaningful for the children or families (NT Government 2023a). No details were provided on what face to face contact entails.

The Department also reported that more than half of children in OOHC are under long-term parental responsibility orders (NT Government 2023a). In the Northern Territory, 67% of children were under long-term parental responsibility protection orders, compared to 24% under short-term parental responsibility orders (NT Government 2023a). Long-term parental responsibility orders can be for a minimum of two years and up until a child turns 18 years old. The OCC has also identified concerns with the residential care facilities in the NT and their compliance with the connection element of the Child Placement Principle (NT OCC 2023a). In a review of Aboriginal children in residential care in 2019, the OCC found that out of 14 care plans that were reviewed, only two adequately set out contact arrangements with family to ensure that connection was properly maintained (NT OCC 2023a).

Reference list

- ABS (Australian Bureau of Statistics) (2023)** [Aboriginal and Torres Strait Islander peoples experiencing homelessness](#), accessed 8 April 2024.
- AIHW (Australian Institute of Health and Welfare) (2021)**, [Aboriginal and Torres Strait Islander Health Performance Framework:2.01 Housing](#), accessed 8 April 2024.
- AIHW (2022a)** [Child Protection Australia 2020–21](#), catalogue number CWS 87, AIHW, Australian Government, accessed 20 December 2023.
- AIHW (2022b)** [Young people under youth justice supervision and their interaction with the child protection system 2020–21](#), catalogue number CSI 29, AIHW, Australian Government, accessed 20 December 2023.
- AIHW (2023)** [Child Protection Australia 2021–22](#), catalogue number CWS 92, AIHW, Australian Government, accessed 20 December 2023.
- AIHW (2024a)** [Child protection Australia 2022–23](#), AIHW, Australian Government, accessed 25 October 2024.
- AIHW (2024b)** [Child protection Australia 2021–22. Data tables: Aboriginal and Torres Strait Islander children 2021–22](#), AIHW, Australian Government, accessed 25 October 2024
- AIHW (2024c)** [Child protection Australia 2021–22 - Data tables: Child protection Australia 2021–22](#), Australian Institute of Health and Welfare, Australian Government.
- APONT (2023)** Response to SNAICC request for information.
- Commonwealth of Australia (Department of Social Services and National Indigenous Australians Agency), Northern Territory Government (Reform Management Office and Department of Chief Minister and Cabinet), et al. (2021)** [NT Government 10 Year Generational Strategy for Children and Families in the Northern Territory](#), Australian Government and Northern Territory Government, accessed 20 December 2023.
- Commonwealth of Australia (Department of Social Services and National Indigenous Australians Agency), Northern Territory Government (Reform Management Office and Department of Chief Minister and Cabinet), et al.(2023)** [NT Government 10 Year Generational Strategy: Planting the Seeds Action Plan 1: 2023-2025](#), Australian Government and Northern Territory Government, Australian Government, accessed 20 December 2023.
- Australian Government and Tangentyere Council Aboriginal Corporation (2019)** [Children Safe, Family Together: A model and implementation guide for Aboriginal family and kin care services in the Northern Territory](#), NT Government, accessed 20 December 2023.
- NT Government (2018)** [Domestic, Family and Sexual Violence Reduction Framework 2018-2028](#), NT Government Department of Territory Families, Housing and Communities, accessed 20 December 2023.

- NT Government (2019)** [Transforming Out-of-Home Care in the Northern Territory](#), NT Government Department of Territory Families, Housing and Communities, accessed 20 December 2023.
- NT Government (2022)** [Market Basket Survey](#), Department of Health, NT Government, accessed 20 December 2023.
- NT Government (2023a)** Response to SNAICC request for information.
- NT Government (2023b)** [Population](#), Department of Treasury and Finance, NT Government, accessed 20 December 2023.
- NT Government (2023c)** [Consumer Price Index 2023 June](#), Department of Treasury and Finance, NT Government, accessed 20 December 2023.
- NT Government (2023d)** [Care and Protection of Children Amendment Bill](#), NT Government, accessed 20 December 2023.
- NT Government (2023e)** [Territory Families, Housing and Communities Annual Report 2022-23](#), NT Government, accessed 20 December 2023.
- Nous Group et al. (2023)** [NT Preschool Review – Discussion Paper](#), NT Department of Education, accessed 8 April 2024.
- NT Shelter and NT Office of the Children’s Commissioner (2023)** [“They can’t go back home” Young People and Homelessness in Mparntwe \(Alice Springs\)](#) NT Shelter and NT Office of the Children’s Commissioner, accessed 8 April 2024.
- NT Office of the Children’s Commissioner input to SNAICC (2023a)** Response to SNAICC request for information.
- NT Office of the Children's Commissioner (2023b)** [Annual Report 2022-23](#), Northern Territory Children’s Commissioner, accessed 8 April 2024.
- SCRGSP (Steering Committee for the Review of Government Service Provision) (2022)** [Report on Government Services 2022](#), Productivity Commission, Australian Government, accessed 20 December 2023.
- SCRGSP (Steering Committee for the Review of Government Service Provision) (2024)** [Report on Government Services 2024](#), Productivity Commission, Australian Government, accessed 20 December 2023.
- SNAICC (2017)** [Understanding and applying the Aboriginal and Torres Strait Islander Child Placement Principle](#), SNAICC, accessed 20 December 2023.
- SNAICC (2018a)** [The Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation](#), SNAICC, accessed 20 December 2023.
- SNAICC (2018b)** [Baseline Analysis of Child Placement Principle](#), SNAICC, accessed 20 December 2023.
- Turnell A and Murphy T (2017)** [Signs of Safety Comprehensive Briefing Paper](#), 4th edn, Resolutions Consultancy, Perth.