The Northern Territory Parliament has tabled withering criticisms of its own Child Protection Agency, which has actively allowed children at high risk of social and sexual harm to fall through legislated and previously mandatory safety nets.

The report by the Ombudsman describes a dysfunctional agency and departmental managers playing bureaucratic games which cause children to continue to suffer.

The massive problems of inadequacy, incompetence, poor decision making, lack of funding, active covering up of issues and almost certainly deliberate misleading of the Minister are here and now: the problems raised do not pre-date the 2007 NT Intervention by the federal government.

The issues in the report – concerning mainly Aboriginal children – relate to the period between 2008 to end of 2010, when the NT Intervention was in full operation.

They demonstrate that the NT Government – or at least its bureaucracy – was ill equipped in many ways to respond appropriately to the demands introduced by the Intervention. To this day, no assessment of the capability and culture of the NT Public Service has been made, even though it is a critical co-deliverer of what the federal government is trying to achieve in spending billions of extra dollars.

The latest report proves beyond a shadow of doubt that Aboriginal children in the Northern Territory were not receiving proper or adequate or even semi-competent protection in the period 2008-1010 from the agency – Child Protection Agency, CPA – of the NT Government set up for the sole purpose of protecting them.

Whether they are being protected appropriately now is uncertain...but on the evidence of the report, and the response by the departmental bureaucracy, it is highly unlikely the children are much if any better looked after now.

The report, by the NT Ombudsman, Carolyn Richards, finds:

- Five notifications to the CPA were ignored before a girl, aged 2 with a “stretched vagina” and in high danger, was followed up;
- There were 11 notifications for a boy between the ages of 2 and 10 and no action taken: they included a doctor raising concerns when the boy was 5 over his “sexually charged and unpredictable behaviour” and the boy telling the doctor he had been forced into oral and anal sex when 3 years old;
10 notifications about another boy, including by his school (one by the principal) over assaulting a teacher and truancy, were ignored because “school absences were a school-related matter rather than a CPA issue”.

14 times – 7 by police including for stealing grog, assault and a break-in – CPA was told about another boy between the ages of 8 and 10. Action was not even taken when police reported the 10-year-old and his 13-year-old brother were having “inappropriate sexual activity” with a 28-year-old woman.

The assessment system as to whether a child is in danger may be inappropriate; it certainly misses extremely serious cases, some involving children at risk from their very birth.

There used to be a rule that three notifications about children from the same family within 12 months prompted a mandatory investigation: the department abandoned that rule, so there can be limitless reports before action must be taken.

Bureaucrats created a “dummy” reporting system to disguise how bad the situation was, and how many reports of children potentially in danger of serious harm were being ignored.

They misled their minister in formal advice to the minister.

The bureaucracy shut down a facsimile and email reporting system and made everyone (except police) file reports by phone of children in actual or potential danger.

The phone system was antiquated and overloaded: it could not take messages, or record conversations, nor did it have a queueing log to indicate how many people were waiting; “There is good reason to believe” the 6000 notifications a year is an understatement.

The phones were grossly under-manned, with at best two social workers available to take calls. Once having taken details of a call, each worker was then unavailable for 30 minutes or more because they had to manually transcribe their handwritten notes into a computer system on which they had received virtually no training.

Staff trying to bring the problems to the attention of management were bullied, harassed and suffered reprisals.

“I found (the CPA) has been understaffed for years, and still is,” the Ombudsman said, in the report tabled in the Legislative Assembly on 8 August 2011.
The report is a “partial investigation” by the NT Ombudsman of the NT Child Protection Authority. It is “partial” – that is, incomplete – because the NT Government’s first reaction was to shoot the messenger.

In March 2011, the Legislative Assembly removed the Ombudsman’s power to investigate complaints about vulnerable children and, from 1 July 2011, gave the role to the Children’s Commissioner (except for matters involving children and police). The Children’s Commissioner powers were not increased to match what was removed from the Ombudsman.

The report calls into serious question whether the government bureaucracy of the Northern Territory is capable of looking after its citizens, particularly its children. It throws serious doubt on whether the NT is even close to being ready to become a State in its own right, for which it is actively campaigning and on which it is spending significant sums which might be deployed better if used to improve child protection.

And it is not as if the scathing Ombudsman’s report is newly-emerged beacon suddenly appearing from the mists which cloud the lives of NT Aboriginal children. Ms Richards’s 2011 report follows:

- The *Growing Them Strong Together* report in October 2010;
- The *Little Children Are Sacred* report (The Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse) of 2007;
- Several reports by the NT Coroner in recent years over deaths of Aboriginal children; and
- The NT Intervention by the Australian Government in 2007, and continuing.

The report is titled *A Life Long Shadow*, and contains as its opening words the following quote:

CHILD ABUSE CASTS A SHADOW THE LENGTH OF A LIFETIME

*Herbert Ward*

The cases highlighted in the report are the tip of a termite’s nest of mistreatment of Aboriginal children in the NT: by their parents, relatives, extended family...and by the NT Government through its agencies and departments.

No amount of federal money spent on adult programs or even education initiatives will make much difference if children aged 2-5 are being abused and their lives shaped for disaster before they even enter school.

The Ombudsman makes 28 recommendations, some of which the CPA and the department have agreed to implement. But the ones the bureaucracy has “not agreed” to, or “opposed” are highly revealing of a continuing abysmal attitude towards service by a service agency, and a complete lack of understanding of the human rights and civil liberties of all citizens of the NT.

For example, the bureaucrats/government are opposing – that is, they will not agree to – the following:
• an extra phone 24 hours a day, 7 days a week, be dedicated to professional notifiers (health workers, etc) and the phone number be made available to NT Police and the principals/deputies of schools;

• That the number of people answering the normal phone lines be increased.

• That email/fax notification capability be restored.

• That the Third Report rule triggering a mandatory investigation be restored.

• That there be a review of orientation (including computer) training.

• That the cases in the Ombudsman’s report about how particular children slipped through a supposed safety net be examined to learn how best to set up an assessment system that improves the way things work.

Given that these measures, probably costing no more than about $1m a year, have been rejected, there is every likelihood that the “Aboriginal Cycle” in the Northern Territory will be repeated in this case: the cycle is:


The Aboriginal Cycle operates normally to a period of about 5-10 years, so that a similar report saying roughly the same things about the same problems, relating to the same group of people (children), ignored by the same type of bureaucrat and government can be expected in about 2016-2021.

Meanwhile, a life-long shadow is cast over Australian children, a shadow that darkens all their days...and then greys the lives of the next generation of Aboriginal Aussie kids.

And so the cycle of official abuse of children repeats.

– Bill Rowlings, CEO, CLA

For the full Ombudsman’s report: click here

* Bill Rowlings and CLA President Dr Kristine Klugman spent 10 days in May-June 2011 researching and analysing the civil liberties and human rights status of the NT. To read their 30 June 2011 report, click here

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