



Katherine Womens Information & Legal Service Inc.

A community legal service initiative of Wurlji Wurljjang Aboriginal Corporation and Katherine Regional Aboriginal Legal Aid Service funded by the Commonwealth Attorney General's department.

24 November 2016

Royal Commission into the
Protection and Detention of Children
in the Northern Territory
PO Box 4215
KINGSTON ACT 2604

Dear Commissioners,

Re: Child Protection matters – Katherine Region

The Katherine Women's Information and Legal Service (KWILS) welcomes the opportunity to provide these submissions to the Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission).

Background

KWILS is a community-based Community Legal Centre providing legal information, advice and representation to vulnerable women in the Katherine region for nearly 20 years. Significantly, KWILS provides comprehensive Child Protection legal services to clients in the region.

It is from this experience these submissions are provided to the Royal Commission for its consideration.

It is our opinion there has been an improvement in the workings of the Katherine Territory Families Office over the last couple of years. Whether this improvement is attributable to changes in management, individual staff members, or a combination of both, is best left for others to determine. KWILS has had instances of positive engagement with the Katherine office over the past 2 years resulting in good outcomes for those particular children and their families.

Having said that, there are still a number of concerns we hold, which, in our opinion, impedes resolutions of matters in the best interests of the child/ren and our clients. These are:

1. Kinship assessment

Firstly, the assessment process for kinship carers can often be protracted. Admittedly, this may be, due in part to:

- difficulties in communicating with potential carers living in remote communities;
- obtaining documents and information associated with the application process; and
- road and weather restrictions.

The impact of the above translates to children remaining in placements (usually in Darwin) away from family and community for longer periods waiting for an outcome to the assessment process.

Second, there appears to be little or no process available to review adverse kinship assessment decisions.

It is an unfortunate feature of life in the region that Domestic Violence (DV) has affected a vast majority of Katherine families. Historic DV incidents in a potential kinship carer's life can indelibly stamp any future application to care for a child family member in circumstances when, but for the previous explainable incident/s, they would appear to be a safe and culturally appropriate kinship carer.

A speedy and transparent process of review in these instances can facilitate efficient resolutions for these families.

2. Vulnerable Adolescents

The shortage of suitable foster/kinship care placements in Katherine for children aged between 10 -14 years invariably leads to their placement in residential/group homes, again usually in Darwin. These types of accommodation arrangements lead to an escalation in anti-social behaviour and criminal offending for these children.

Anecdotally, KWILS knows of specific instances of Katherine children, after being placed in residential/group homes, absconding from departmental accommodation. Their whereabouts unknown to the department for lengthy periods of time until there is police intervention due criminal offending.

The lack of suitable accommodation in Katherine places these young children at significant risk of absconding and finding their way into the juvenile justice system for criminal offending.

3. The Katherine Office

Firstly, there appears to be, at times, decisions and positions taken by individual case workers that are based more on "saving face", and governed by individual personalities, than in the best interests of the child. Such positions, although infrequent, lead to lengthy and acrimonious litigation that serves no beneficial purpose for the child/ren.

This is exacerbated by Territory Families policy limiting each file to one case worker. In the event the particular case worker is away (on leave, sick, attending training, or in a meeting) there is no other responsible person available to respond to concerns about the matter.

Second, there has been a high turnover in staff in the Katherine Office (the Office) for a number of years. This situation tends to produce:

- A constant “brain drain” of cultural and local knowledge within the Office;
- Reinforcing the external perceptions that decisions are considered and made from a position of theory rather than one of practice;
- Regular changes of case workers/managers can result in inconsistent case management of matters (this may have positive outcomes, however it is when the reverse applies is the concern);
- A lack of *Katherine specific* cultural competency exhibited by case workers and team leaders;
- External stakeholders having to practice within a “ground hog day” matrix when dealing with the Office.

4. Lawyers

The role of lawyers in the process, if restricted to just the Court proceedings, limits the usefulness of skilled and culturally competent advocates. We see our role as advocates to include ensuring our clients fully understand the concerns the Department holds for the child/ren. At times, we have found it extremely useful to accompany our clients to meetings with the Department so as to ensure there is equality in communication and, importantly, a full understanding of all parties’ concerns. The result from this type of advocacy is our clients are better, if not fully, informed and thus able to give clear and reasoned instructions.

Should the Royal Commission wish to discuss any of the above further please contact KWILS on (08) 8972 1712.

Yours faithfully

Katherine Women’s Information and Legal Service Inc.

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