

The role of the Productivity Commission

Key points

- Under the *Productivity Commission Act 1998*, the Treasurer can request the PC to review any matter he chooses.
- Careful framing of the review proposed by recommendation 6.1 of the *Final Report of the Royal Commission into the Protection and Detention of Children in the Northern Territory* would be advisable to ensure the Terms of Reference sits within the PC's usual remit.
 - The PC typically reviews policy problems with economy-wide implications rather than those with narrower, geographic-specific effects as proposed by this recommendation.
 - If tasking the PC, a Commissioned Study may be more suitable than an Inquiry, given the primary task of evaluating data and making findings rather than making recommendations.
 - Alternatively, the Australian National Audit Office may be a more appropriate body to undertake this review.
- The review proposed by the Royal Commission may sit more suitably within PC's forthcoming indigenous reporting and program evaluation functions.
 - However, this could be a delayed pathway to progress the review, as the enacting legislation to allow the PC to commence these new functions and for the Treasurer to task them with specific reviews is still pending.
- At this stage, the PC has two potential spots of spare capacity in their 2018 forward work program for reviews, starting in April/May, and October/November. This capacity is indicative only and is subject to change as Government priorities evolve.

Further information

- Once the Treasurer has agreed to a review, the lead Minister with policy responsibility will draft terms of reference to be formally approved by the Treasurer and the Prime Minister. After the relevant approvals have been gained, the Treasurer refers the terms of reference to the PC.
- This commissioning process can take between 3 to 6 months depending on the nature of the review. If the review will affect multiple layers of government, the lead Minister will usually consult the relevant State and Territory Governments which can significantly prolong this process.
- Once referred, reviews usually take between 9 to 12 months to complete however more pressing matters have been dealt with in 6 months or less, depending on the PC's resourcing capacity.
- The PC typically releases an issues paper and a draft report before handing the final report to Government.

Indigenous Policy evaluation role

- In the 2017-18 Budget, the PC received funding for an enhanced role in Indigenous policy evaluation. This role includes undertaking a limited number of evaluations of policies and programmes affecting Indigenous Australians.
 - This part of their enhanced role is not expected to start until 2019.

s 22

From: s 22
Sent: Wednesday, 21 March 2018 2:28 PM
To: Wilkinson, Vicki; s 22 FG SPD Education, Security, Jobs and Immigration Unit
Cc: FG SPD Transfers and Social Services Unit
Subject: FW: Background on Royal Commission for Treasurer's meeting with the NT Treasurer [DLM=For-Official-Use-Only]
Attachments: 15 March 2018 - joint NT media release.pdf

Hi all,

The Minister for Social Services and the Assistant Minister for Children and Families David Gillespie met Northern Territory Chief Minister, the Minister for Territory Families, and the NT Attorney-General on 15 March to discuss both Governments' response to the Royal Commission into Youth Justice and Child Protection in the Northern Territory.

At this meeting the Commonwealth and Northern Territory Governments agreed:

- to establish a joint Commonwealth/Territory Coordinated Funding Framework, which would provide an agreed approach to the planning, funding and delivery of services for families and children in the Northern Territory. (Recommendation #39.05);
- for the Productivity Commission to undertake a **joint study of children and families funding and services in the Northern Territory**. The review will identify duplication and inefficiencies, and set the groundwork to have a coordinated approach to funding – this would be a major step forward in providing coordinated services that support all children and families in the Northern Territory. (Recommendation #31.01/Recommendation #6.01);
- to establish a Tripartite Forum with representatives from the Northern Territory Government, Commonwealth Government and community sector. This will oversee policy and programs for children and young people in or at risk of entering the youth justice and child protection systems. (Recommendation #43.07); and
- oversee the development of a 10 Year Generational Strategy, building on the work of the Northern Territory's Early Childhood Plan, and would ensure strong Aboriginal engagement in the whole process. (Recommendation #39.02).

What was agreed in relation to the PC review appears to be broader than was what was originally proposed in the Royal Commission's final report, which limited the review to programs **relevant to the prevention of harm to children**. It is also not clear what is meant by a 'joint study'.

As such, once we get more detail from DSS (and the NTG) on what a draft ToR for the review may look like we will need to make a decision about whether the PC is the best organisation to undertake this work.

s 22

Transfers and Social Services Unit
Social Policy Division
The Treasury, Langton Crescent, Parkes ACT 2600
phone: +61 s 22
email: s 22 @treasury.gov.au

From: s 22 @dss.gov.au]
Sent: Wednesday, 21 March 2018 1:06 PM
To: s 22
Cc: FG SPD Transfers and Social Services Unit; s 22

Subject: RE: Background on Royal Commission for Treasurer's meeting with the NT Treasurer [DLM=For-Official-Use-Only]

Hi s 22

Thanks for sending this through. Please see our changes in the attached document.

I've also suggested including the attached media release for the Treasurer. This reflects the formal agreement between our Ministers and the NT Government reached on 15 March 2018.

Very happy to discuss.

Also on a related note and as a heads up, the attached includes a bit of an update in relation to the PC review. The NT Government has agreed for the review to look jointly at Cth and NT funding.

We have had some discussions with the NTG about beginning to draft a terms of reference. They are drafting a possible approach that we are hoping to receiving something today/tomorrow.

Once we have received this it would be great to touch base with you guys again to discuss the review in more detail.

Happy for you to pass this along to/confirm the other relevant areas of Treasury. From memory the other meeting attendees in February were s 22

Thanks



s 22

NT Royal Commission Response Taskforce

Families Policy and Programs Branch | Families and Communities Policy and Programs

Department of Social Services

P: 02 s 22 @dss.gov.au

DSS acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: s 22 @TREASURY.GOV.AU>

Sent: Tuesday, 20 March 2018 4:46 PM

To: s 22 @dss.gov.au>

Cc: s 22 @dss.gov.au>; s 22 @dss.gov.au>; FG SPD Transfers and Social Services Unit <FGSPDTASSU@TREASURY.GOV.AU>

Subject: Background on Royal Commission for Treasurer's meeting with the NT Treasurer [DLM=For-Official-Use-Only]

Hi s 22

Thanks for taking my call earlier. As discussed, I've attached some background material that we've pulled together for a briefing pack for the Treasurer ahead of his meeting with the NT Treasurer earlier next week.

I'd be grateful if you could have a quick look over the content and include any updates that may be useful for the Treasurer to be aware of, in particular any outcomes from your Minister's meeting with the NT government last week.

If you could get back to me by midday Thursday that would be great. If there are any issues with that timing please let me know.

Thanks again for your help.

Kind regards,

s 22

Transfers and Social Services Unit
Social Policy Division
The Treasury, Langton Crescent, Parkes ACT 2600
phone: +61 2 s 22
email: s 22 @treasury.gov.au

Please Note: The information contained in this e-mail message and any attached files may be confidential information and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail by error please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.

A way forward for Children and Families in the Northern Territory

15 March 2018

Joint with:

Northern Territory Chief Minister, The Hon Michael Gurner MLA

Minister for Social Services Dan Tehan and Assistant Minister for Children and Families David Gillespie met Northern Territory Chief Minister Michael Gunner, Minister for Territory Families Dale Wakefield, and Attorney-General Natasha Fyles this morning to discuss both Governments' response to the Royal Commission into Youth Justice and Child Protection in the Northern Territory.

Discussions were positive, constructive and practical. The importance of working together to address the recommendations of the Royal Commission was strongly supported.

The Commonwealth and Northern Territory Governments agreed:

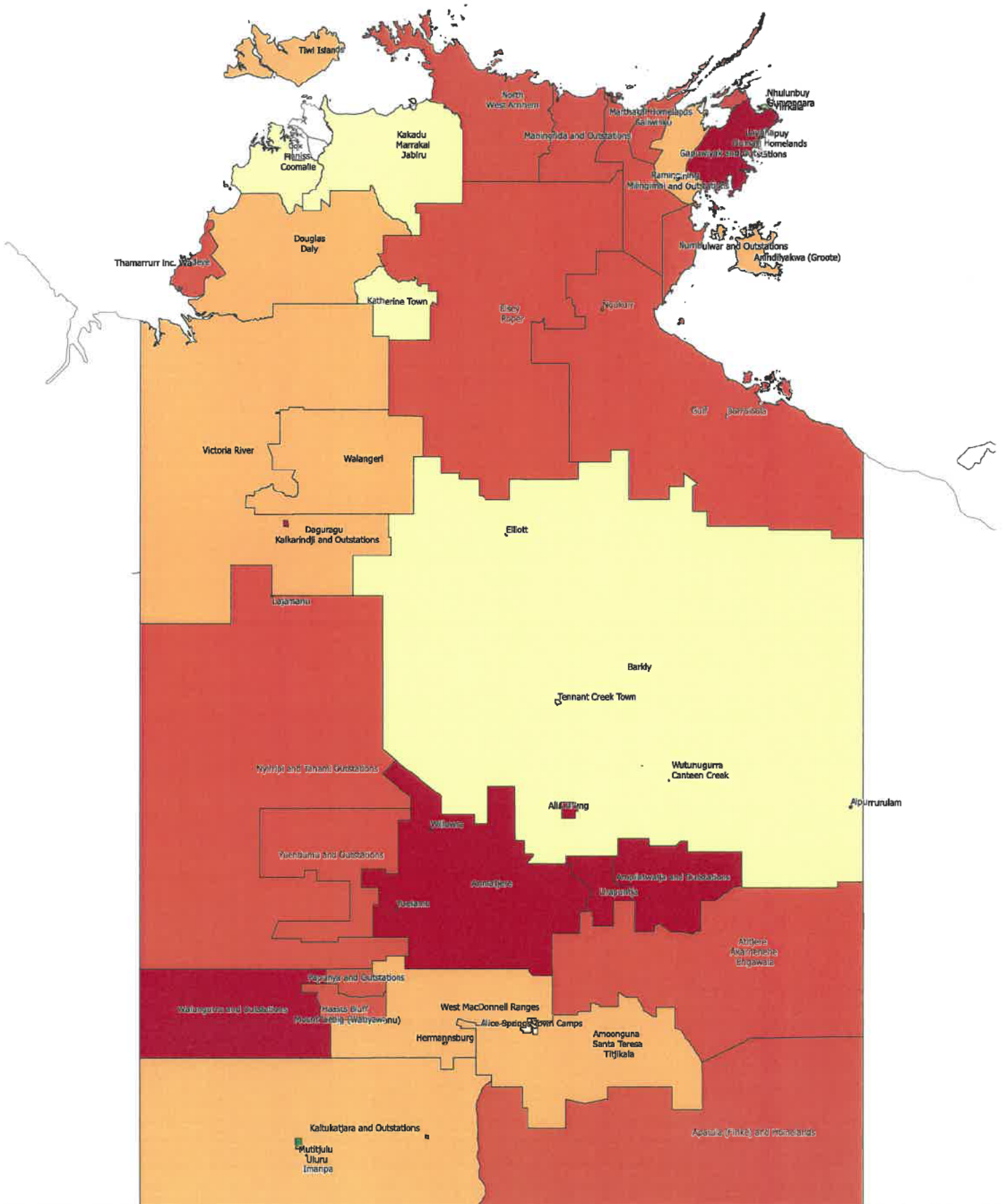
- To establish a joint Commonwealth/Territory Coordinated Funding Framework, which would provide an agreed approach to the planning, funding and delivery of services for families and children in the Northern Territory. (Recommendation #39.05)
- For the Productivity Commission to undertake a joint study of children and families funding and services in the Northern Territory. The review will identify duplication and inefficiencies, and set the groundwork to have a coordinated approach to funding – this would be a major step forward in providing coordinated services that support all children and families in the Northern Territory. (Recommendation #31.01/Recommendation #6.01)
- To establish a Tripartite Forum with representatives from the Northern Territory Government, Commonwealth Government and community sector. This will oversee policy and programs for children and young people in or at risk of entering the youth justice and child protection systems. (Recommendation #43.07)
- Oversee the development of a 10 Year Generational Strategy, building on the work of the Northern Territory's Early Childhood Plan, and would ensure strong Aboriginal engagement in the whole process. (Recommendation #39.02)

The Ministers welcomed the opportunity for a frank and positive conversation. They expressed confidence that agreements made will establish a way forward to addressing generational change for families and children in the Northern Territory.

Population Indicators for Select Indigenous Areas (IARE) in the Northern Territory (2016 ABS Census)

Indigenous Area - IARE (UR)	Estimated Residential Population (ERP)	Working Adult to Child Ratio	% Eligible ERP Completed Year 10 of School or Above	% Eligible ERP Engaged in Education, Employment or Training
Ali Curung	489	1.45	42%	24%
Alice Springs Town Camps	1024	2.12	45%	18%
Alpurrurulam	426	1.63	31%	30%
Amoonguna - Santa Teresa - Titjikala	1752	3.83	61%	45%
Ampilatwatja and Outstations	502	1.28	54%	21%
Anindilyakwa (Groote)	2486	2.12	84%	53%
Anmatjere	796	2.32	24%	32%
Apatula (Finke) and Homelands	259	2.00	50%	52%
Atitjere - Akarnenehe - Engawala	671	2.12	50%	47%
Barkly	929	2.86	71%	57%
Borrooloola	875	1.78	68%	51%
Cox - Finnis - Coomalie	2573	3.47	80%	54%
Daguragu - Kalkarindji and Outstations	573	1.39	54%	37%
Douglas-Daly	1836	1.85	69%	50%
Elliott	340	1.35	60%	44%
Elsy - Roper	2296	2.01	64%	42%
Gapuwiyak and Outstations	999	1.63	63%	55%
Gulf	1384	1.60	70%	40%
Haasts Bluff - Mount Liebig (Watiyawanu)	344	1.69	49%	46%
Hermannsburg	604	2.14	38%	34%
Kakadu - Marrakai - Jabiru	1995	2.67	81%	74%
Kaltukatjara and Outstations	634	3.42	62%	44%
Katherine Town	9780	2.52	85%	74%
Lajamanu	594	1.20	51%	41%
Laynhapuy - Gumatj Homelands	460	1.42	62%	26%
Maningrida and Outstations	2612	2.01	67%	30%
Marthakal Homelands - Galiwinku	2457	1.43	56%	38%
Mutitjulu - Uluru - Imanpa	1573	7.23	85%	84%
Ngukurr	1153	1.46	55%	46%
Nhulunbuy - Gunyangara	3489	2.12	89%	82%
North-West Arnhem	2161	1.84	68%	40%
Numbulwar and Outstations	739	1.91	55%	34%
Nyirripi and Tanami Outstations	324	2.26	51%	46%
Papunya and Outstations	479	2.48	37%	40%
Ramingining - Milingimbi and Outstations	2312	1.79	65%	36%
Tennant Creek Town	2997	2.62	75%	62%
Thamarrurr inc. Wadeye	2475	1.61	62%	32%
Tiwi Islands	2452	2.22	84%	37%
Urapuntja	621	1.66	44%	29%
Victoria River	756	2.69	68%	59%
Walangeri	569	1.88	65%	52%
Walungurru and Outstations	407	2.07	32%	29%
West MacDonnell Ranges	837	4.03	49%	40%
Willowra	298	1.87	33%	30%
Wutunugurra - Canteen Creek	358	1.80	37%	29%
Yirrkala	811	1.73	67%	43%
Yuelamu	219	1.66	61%	22%
Yuendumu and Outstations	762	1.97	60%	37%

INDIGENOUS AREAS - HEAT MAP OF ADULT/CHILD, EETP, HSCP



s 22

From: s 22
Sent: Thursday, 15 February 2018 2:21 PM
To: Wilkinson, Vicki
Cc: s 22
Subject: Media - PC review of expenditure in NT [SEC=UNCLASSIFIED]

Hi Vicki,

FYI, there has been some recent media coverage of the proposed PC review of government expenditure in the NT.
s 47B(b)

The Royal Commission's recommendation was for the PC to review only Commonwealth expenditure in the NT, but the Government's interim response which was released last Thursday supported "a review of Commonwealth and NT government expenditure". The intention behind the Royal Commission's recommendation was to ameliorate the fact that there is currently a lack of coordination and understanding of how money is spent and what outcomes are being achieved.

Scullion gunning for NT co-operation on audits

[The Australian, General News, 15/02/18, Amos Aikman, page 5](#)

Nigel Scullion has stepped up his row with the leader of the Northern Territory, accusing Michael Gunner of 'willfully not co-operating' with the recommendations of a royal commission. The federal government is this year investing \$4.2 billion in the Territory, making up about 75 per cent of the jurisdiction's general government sector revenue.

Federal response to youth detention royal commission 'a cop out', NT Children's Commissioner says

<http://www.abc.net.au/news/2018-02-09/youth-detention-royal-commission-response-cop-out-commissioner/9412134>

In addition to the commissioner's recommendation for a Productivity Commission audit of Commonwealth expenditure in the NT, the Federal Government said it also supported a review of Commonwealth and Territory government spending. Mr Gunner said Social Services Minister Dan Tehan did not inform him that the Commonwealth would seek to have the Territory's spending scrutinised as well. "He only acknowledged that there was going to be a Productivity Commission inquiry into the Commonwealth, so it was not a good start to the relationship it was fair to say, that that was not disclosed," he said.

Mr Gunner said the NT would refuse to participate in a review of its spending, and that the Federal Government could not say how Territory money was being spent.

"We opened our books. We provided 850,000 documents to the royal commission," he said. "I have instructed my public service that we are going to get on with the job. While the Commonwealth plays games, we are going to go to work."

"Not one public servant, not one document we're going to provide to that inquiry. We're going to get on with the job of fixing the system."

He said he would be "having words" with the Prime Minister about the "inadequacy" of the response"

Happy to discuss further.

Cheers,

s 22

Policy Analyst

Social Policy Division | The Treasury

+61 2 s 22

s 22 [?treasury.gov.au](mailto:s22@treasury.gov.au)

Langton Crescent | Parkes | ACT | 2600

s 22

From: s 22
Sent: Tuesday, 3 October 2017 1:18 PM
To: FG SPD Transfers and Social Services Unit; s 22
Subject: FW: Royal Commission into the Protection and Detention of Children in the Northern Territory s 46(b)
Attachments: s 46(b)

FYI.

s 22 I can call AGD and ask for more detail on what they'd like from us, but in general this seems like it might be more relevant for PMC?

s 22 cc'ing you in because of the AG/Royal Commission crossover – please let me know if you have anything to add to our response.

Cheers

s 22

From: s 22
Sent: Tuesday, 3 October 2017 1:14 PM
To: s 22
Cc:
Subject: FW: Royal Commission into the Protection and Detention of Children in the Northern Territory s 46(b)

Hi s 22

As s 22 mentioned, we don't think this is for CSRD to respond to, but if you need anything from us, just let me know.

Thanks

s 22

s 46(b)

Comma 15 on NTG Response to the RCPDNT

FOI 2555
Document 8

1. PUTTING CHILDREN AND FAMILIES AT THE CENTRE

1.1 Support Families Earlier

OUTCOME

Over time, reduce the need for child protection and youth justice responses through working more closely with children, young people and families experiencing vulnerability.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission identified that lasting change is required to stop the cycle of crisis and failed reform in the Northern Territory and that a public health approach is required to improve the service system, provide better support to children, young people and families and to address the unsustainable growth in child protection notifications in the Northern Territory.

The Royal Commission proposed the continued development of the Dual Pathways model, and the establishment of a Family Support Centre network of 20 centres that would coordinate the delivery of supportive services around families.

The Royal Commission recommended that the Commonwealth participate in the funding for the Family Support Centres and amend the eligibility for the Intensive Family Support Centres.

RECOMMENDATIONS

32.8, 32.11, 34.06, 34.16, 39.3, 39.4, 39.6

WORK SO FAR

Following the 2016 election, the Northern Territory Government committed \$3 million to introduce an alternative pathway to support that avoids the need for statutory intervention. s 46(b)

NEXT STEPS

Territory Families will work with Non-Government providers to continue to implement the Dual Pathways model, now referred to as the Family Enhanced Support Service.

Subject to resource availability and contingent on matched funding from the Commonwealth, the Northern Territory will work with the Commonwealth, Aboriginal Controlled Organisations and other NGOs to establish multiple Family Support Services, based on an initial pilot site in 2018-19.

Selection of local community sites will be informed by commissioned research involving needs assessment, service mapping and service model development. While capital funding will be required, the priority will be to use existing infrastructure where possible.

The selection of providers will include members of local communities and non-government providers.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

1.2 Respect Children's Voices

OUTCOME

The design and delivery of child protection and youth justice services reflects the needs and preferences (as far as possible) of the children and young people who require these services. These services will be fit-for-purpose, trauma-informed, therapeutic and closely matched to the assessed and expressed individual needs.

ROYAL COMMISSION SUMMARY

The Royal Commission found that children were not given sufficient opportunity to express their views and inform the way services were designed or delivered.

The Royal Commission recommended a number of mechanisms to hear and respect the views of children in the development of policy and legislation and the provision of services.

RECOMMENDATIONS

2.01, 2.02, 22.5, 33.1

WORK SO FAR

s 46(b)

NEXT STEPS

The Northern Territory Government will establish mechanisms for children and young people in the care and protection and youth justice systems to express their views on the design of policy and legislation and on the decisions that affect them. This will include:

- establishing representative groups of young people in care and detention
- introducing legislative amendments that strengthen the requirements to listen to children; and
- engaging young people in the design of legislation and policy.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

1.3 Work with Families

OUTCOME

Families are actively engaged in decisions affecting their children and young people who are at risk of or involved with the child protection or youth justice systems, and are supported in culturally secure ways to address these risks at an early stage to avoid the need for crisis intervention by the state.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the involvement of immediate and extended family in the decisions and lives of children and young people improved the outcomes for those children and young people.

The Royal Commission recommended that the Northern Territory Government remove procedural restrictions on family contact and engagement in youth justice, address the institutional barriers that limit the involvement of Aboriginal families due to language and culture, actively share information with families, and introduce Family Group Conferencing as a mechanism to engage and empower families in decision-making.

RECOMMENDATIONS

11.3, 11.4, 11.5, 18.1, 31.1, 33.2, 34.07, 34.08, 34.09, 34.10

WORK SO FAR

Territory Families is implementing the Family Enhanced Support Service. The service will provide alternative pathways from the child protection system for families seeking help. Territory Families is improving the policies and procedures in youth detention to remove restrictions to family contact.

NEXT STEPS

The Northern Territory Government (Territory Families) will remove restrictions and institute mechanisms to engage and work with families in the care and protection and youth justice systems. This will include:

- Where it does not compromise the security of the facility or safety of occupants, remove all restrictions on family contact for young people in youth detention and introduce more mechanisms for family to maintain contact with young people in detention;
- Engage with families in their first language where possible in care and protection and youth justice matters;
- Improve the cultural competence of its care and protection and youth justice workforce in engaging with Aboriginal people and endeavour to recruit more Aboriginal staff; and
- Review the progress in placing Aboriginal children in care with Aboriginal families.

Depending on resource availability, consideration will be given to developing and implementing an effective family group conferencing model in the Northern Territory.

REQUEST OF THE COMMONWEALTH

s 47B(b)

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

1.4 Support Targeted to Meet the Needs of Children

OUTCOME

Children and young people in care or detention receive the services, care and support they require (eg. in relation to health care, education)

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that children with additional or complex health, educational, and therapeutic needs in the youth justice and care and protection systems were not provided sufficient targeted support. The Royal Commission recommended that comprehensive assessments be introduced in youth detention and out of home care, and that children and young people then receive coordinated and targeted support to meet these needs.

RECOMMENDATIONS

3.02, 15.01, 15.02, 15.04, 16.02, 16.03, 16.04, 16.05, 16.06, 16.07, 16.08, 16.09, 16.10, 19.1, 33.14, 33.15, 33.16

WORK SO FAR

Territory Families has been working with the Department of Health and Education to improve the quality of services delivered to young people in detention. This includes the construction of a dedicated classroom in the Alice Springs Youth Detention Centre.

NEXT STEPS

The Northern Territory Government will introduce appropriate assessments for children and young people entering the care and protection and youth justice systems and target appropriate support. This will include:

- Introducing comprehensive assessment for children and young people in care and detention that includes a broader assessment of child wellbeing;
- Providing education and training services matched to the needs and ability of children and young people in care and detention;
- Providing health, mental health, and substance misuse services to children and young people in care and detention;
- Providing therapeutic and counselling support for children and young people in care and detention.
- Providing appropriate education and support for children and young people on sexual health and harm.
- Establish a taskforce for sexual health and harm and introduce appropriate education and support services relating to sexual health.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

1.5 A Legal System Designed for Families

OUTCOME

Legal interactions with children, young people and families involved in youth justice processes will be culturally competent and trauma-informed, and will actively support the full engagement of those individuals in the justice process.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that legal proceedings relating to children, families and the courts were not supportive of the needs of children and families. The Royal Commission found that in some cases Aboriginal people were not provided with sufficient information or appropriate support.

The Royal Commission recommended that the Northern Territory establish a youth and children's court to hear all matters relating to youth justice and care and protection and separate parole board for young people. The officers of the court, lawyers and judges should be trained, and expert advice sought. The Royal Commission also recommended legislative changes to ensure children are represented and to consider the introduction of a single act.

RECOMMENDATIONS

22.07, 25.23, 25.24, 25.25, 25.26, 25.27, 25.28, 25.29, 25.30, 25.31, 25.32, 25.34, 25.35, 25.36, 25.37, 25.38, 25.41, 25.43, 34.04, 34.05, 34.11, 42.01

WORK SO FAR

The Northern Territory Government opened a children's court in Darwin in 2016. The court is located on a separate premises from the local court.

The Territory Families legislative reform team has begun consultation on amendments to the youth justice and care and protection of children Acts consistent with the urgent recommendations of the Royal Commission. The bill is scheduled to be table in March 2018.

NEXT STEPS

The Northern Territory will:

- Introduce selected (urgent) amendments to the *Care and Protection of Children Act* and *Youth Justice Act* in March 2018
- Encourage judges and officers of the court to engage in further training;
- Close the court for proceedings relating to children;
- Consult and consider the introduction of a single Act for child wellbeing;
- Ensure Aboriginal children and families are not disadvantaged in the court due to language or cultural barriers.

REQUEST OF THE COMMONWEALTH

s 47B(b)

1.6 Support Transition and Re-integration

OUTCOME

Children and young people leaving the care and protection system successfully transition to a productive, rewarding life as contributing members of local communities.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that children and young people who transitioned from the care and protection system and youth justice system were often inadequately supported through and after the transition. Specifically the Royal Commission found that many young people who had left care did not have secure housing.

The Royal Commission recommended improving the planning and support for young people leaving care and detention, and establish a dedicated housing service for care leavers and a through-care service for young people leaving detention.

RECOMMENDATIONS

24.01, 33.21, 33.22, 33.23, 33.24

WORK SO FAR

The Northern Territory Government committed to establish additional positions to plan and support young people leaving care in 2016. Staff commenced in these roles in 2017.

The North Australian Aboriginal Justice Agency is funded by the Department of the Prime Minister and Cabinet to provide a through-care service.

NEXT STEPS

The Northern Territory will:

- Improve the planning and support for young people leaving care and detention;
- Ensure young people leaving care are fully informed of the obligations of Government, and follow up after they have left care;
- Develop an evaluation plan to measure the effectiveness of transition from care.

Depending on resource availability, the NT Government will also support young people leaving care to access and retain accommodation.

REQUEST OF THE COMMONWEALTH

s 34(3)

2. IMPROVING CARE AND PROTECTION

2.1 Care and Protection Practice

OUTCOME

Children who enter the child protection system receive consistently high quality services.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the child protection system in the Northern Territory was designed for another era and in some cases exacerbated issues rather than resolved them.

The Royal Commission recommended changes to care and protection practice including improving the intake and assessment process for child protection notifications to ensure they are appropriate for the Northern Territory, developing guidelines for reporters and investigators, providing adequate resources and training, improving case management and care planning, and strengthening quality improvement mechanisms.

RECOMMENDATIONS

32.01, 32.02, 32.03, 32.04, 32.05, 32.06, 32.07, 32.09, 32.10, 33.04, 37.01, 37.02

WORK SO FAR

Territory Families is working to improve the intake and assessment process through the implementation of the Dual Pathways, or Enhanced Family Support Services program.

NEXT STEPS

Territory Families will continue to implement improvements to care and protection practice in line with the Royal Commission's recommendations. This includes:

- Improving the intake and assessment process and guidelines and introducing guidance for reporters;
- Building the capacity of case managers in Aboriginal cultural competence, child development, and therapeutic models of care;
- Improving the recruitment, allocation and training of case managers to ensure that the workload does not exceed the workforce capacity;
- Ensuring that quality care plans are developed in a timely manner.

Territory Families will also strength oversight and the quality of care and protection practice.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

2.2 Taking Children into Care

OUTCOME

Vulnerable families and communities are assisted to address vulnerabilities and are supported in caring for and protecting their children so as to avoid the need for the state to intervene and place a child in out of home care.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that care and protection orders had been issued authorising the removal of children without the Northern Territory Government providing reasonable access to services and without communicating effectively with families.

The Royal Commission recommended that the *Care and Protection of Children Act* be amended to ensure that the issue of care and protection orders was in the best interest of children and that all reasonable steps have been taken by Government to provide services necessary to address vulnerabilities. The Royal Commission also recommended increasing the options for appeal for families.

RECOMMENDATIONS

33.17, 34.01, 34.02, 34.03, 34.13, 34.14, 34.15

WORK SO FAR

s 46(b)

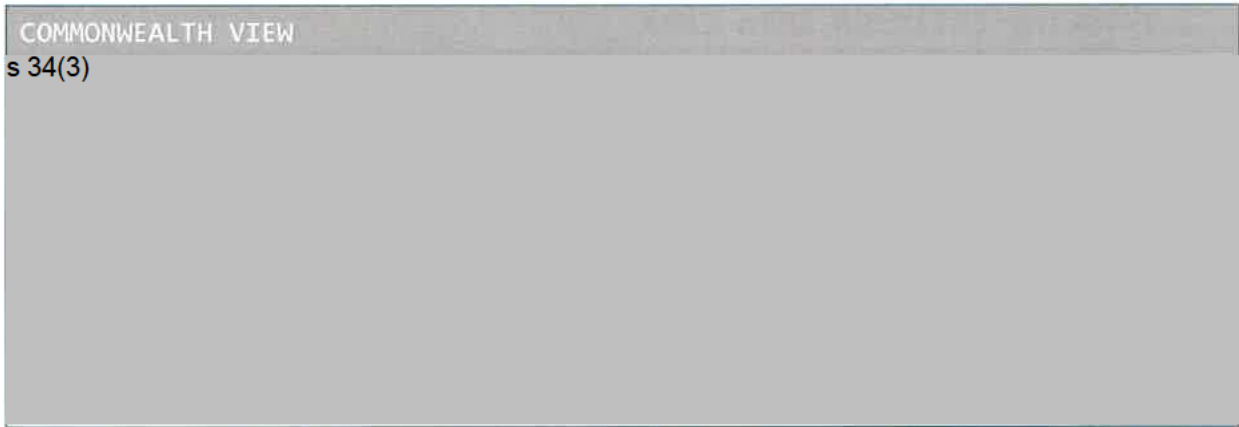
NEXT STEPS

The Northern Territory will:

- amend the legislation relating to care and protection orders to ensure that orders are issued in the best interests of the child and will only be issued if reasonable steps have been taken by Government to assist families address vulnerabilities; and
- improve communication with families about the reason for orders; and
- improve the appeals processes.

REQUEST OF THE COMMONWEALTH

s 47B(b)



2.3 Children in Care and Youth Justice

OUTCOME	
Over time, there will be a reduction in the number of children in care who are also engaged with the youth justice system, and improved quality and continuity of care for children in this circumstance.	
SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS	
<p>The Royal Commission found that the child protection and youth justice systems in the Northern Territory have failed to recognise the specific vulnerabilities and needs of the children in both systems. Entry into the youth justice system often included a break in continuity of care and the case managers in both systems did not have the expertise to manage the complexity of youth justice and child protection.</p> <p>The Royal Commission recommended that a new protocol be developed between Territory Families and Police to respond to criminal behaviour in care and that callouts be monitored. The Royal Commission also recommended that the Northern Territory create a specialised cross-over unit to manage children in care who enter the youth justice system.</p>	
RECOMMENDATIONS	35.02, 35.03, 35.05, 35.06
WORK SO FAR	
Territory Families and NT Police, Fire and Emergency Services have been working together to improve the response to young people absconding from care or causing damage in care.	
NEXT STEPS	
<p>The Northern Territory will:</p> <ul style="list-style-type: none">• continue the development of a protocol for Territory Families and Police to respond to criminal behaviour in care and monitor police callouts.• build the capacity of child protection case management teams in Darwin and Alice Springs to provide specialised support to young people in care who are also involved in the youth justice system.• improve the continuity of case management for young people in care and in youth justice.	
REQUEST OF THE COMMONWEALTH	
s 47B(b)	
COMMONWEALTH VIEW	
s 34(3)	

2.4 Transforming Out Of Home Care

OUTCOME

Where a child, for their own safety and wellbeing, is deemed by legal process to require alternative care arrangements, those arrangements will match the child's needs, be culturally secure, trauma-informed, therapeutic, and reviewed regularly to ensure that any care arrangements are in the child's best interests (which may change over time).

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the out-of-home care system in the Northern Territory did not reflect the needs of children and young people and that the system should emphasise reunification, and placements that meet the therapeutic and individual needs of children. The Royal Commission found that Aboriginal children were overrepresented in the system and the system did not meet their specific needs.

The Royal Commission recommended that the Northern Territory implement strategies to increase the number of foster and kinship carers and improve the support to carers, revise the structure of the out-of-home care system to better meet the needs of children particularly Aboriginal children, and implement measures to increase the number of Aboriginal children living with Aboriginal families.

RECOMMENDATIONS

33.05, 33.06, 33.08, 33.09, 33.10, 33.11, 33.12, 33.13, 33.18, 33.19, 33.02, 37.05

WORK SO FAR

Territory Families has partnered with SNAICC (Secretariat of National Aboriginal and Islander Child Care) and APONT to develop an Aboriginal Out-of-Home Care (OOHC) strategy seeking to better meet the needs of Aboriginal children and families.

Territory Families with the Foster Care Association of the Northern Territory (FCANT) has introduced a foster and kinship carer charter of rights that clearly identifies the rights of carers. Territory Families has partnered with Tangentyere Council to pilot a program to identify kinship carers for Aboriginal children in care in Alice Springs.

NEXT STEPS

The Northern Territory will:

- Work with FCANT to better support and engage foster carers;
- Continue to develop an Aboriginal OOHC strategy in partnership with APONT and SNAICC;
- Continue to transition OOHC to the non-government sector with a focus on developing a system that meets the therapeutic needs of children and includes robust oversight and monitoring;

Depending on resource availability, Territory Families will develop new services with Aboriginal Controlled Organisations aimed at improving outcomes for Aboriginal children in care and kinship carers.

REQUEST OF THE COMMONWEALTH

s 47B(b)

3. IMPROVING YOUTH JUSTICE

3.1 Police and Young People

OUTCOME

There is a greater emphasis on youth engagement and diversion in policing practice to deter risky or offending behaviour in young people and avoid unnecessary apprehension, and all police responses to young people are culturally secure and trauma-informed.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that police are integral to a well-functioning, effective youth justice system and that the interactions between police and young people are pivotal to determining a young person's future. The Royal Commission found that the training provided to police in working with young people was insufficient and that the culture and arrest practice of police was impacted by pressure for a 'tough on crime' approach, and young people were held in the watch house for unreasonably long periods of time.

The Royal Commission recommended that the Northern Territory establish a specialised police division based on the New Zealand model and improve the training provided. The Royal Commission also recommended the Commissioner for Police reissue directives relating to young people and introduce changes to arrest practice and the treatment of children in the watch house.

RECOMMENDATIONS

25.01, 25.02, 25.04, 25.03, 25.06, 25.07, 25.18, 25.20, 25.33

WORK SO FAR

In 2017, NT Police, Fire and Emergency Services created 18 new roles directly targeted at youth and related issues including diversion, engagement and investigations.

NEXT STEPS

The Northern Territory will improve the capacity and practice of police in engaging with young people. This will include:

- Supporting the introduction of the Commonwealth funded custody notification scheme;
- Developing and maintaining the skills and capacity of officers and Aboriginal Community Police Officers in youth diversion and engagement and encouraging them to gain specialist qualifications;
- Embedding into daily practice the requirement that arrest is to be used only as a last resort; and
- Ensuring that young people who are taken into custody are appropriately accommodated and represented.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

3.2 Keeping Children out of Detention

OUTCOME

To the maximum extent possible and consistent with ensuring personal and community safety, young people are diverted away from the youth justice system and kept out of detention.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission's report emphasised the need to divert young people away from the youth justice system and keep them out of detention. The Royal Commission found that the procedures and requirements for diversion were overly restrictive and there were not adequate services for young people on bail.

The Royal Commission recommended that the age of criminal responsibility be raised to twelve, that youths under fourteen years cannot be placed in detention except where convicted of a serious, violent crime and presenting a serious risk to the community, and that restrictions on diversion be lifted and programs strengthened. The Royal Commission also recommended an expansion of Bail Support Services.

RECOMMENDATIONS

25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.15, 25.16, 25.17, 25.19, 25.21, 25.22, 25.39, 25.40, 27.01

WORK SO FAR

In 2017, the Northern Territory Government established an \$18 million program to improve bail support services and improve youth engagement and diversion. Territory Families introduced the Youth Outreach and Re-engagement Program and established supported bail accommodation services in Darwin and Alice Springs.

NEXT STEPS

The Northern Territory will:

- Remove legislative and policy restrictions on access to diversion for young people;
- Consider raising the age of criminal responsibility and restricting the entry of young people under 14 into youth detention;
- Target youth diversion program funding to regional and remote areas;
- Improve support to young people on bail and remove restrictions to them being bailed;
- Continue to support youth engagement programs in urban, regional and remote areas.

Depending on resource availability, Territory Families will expand access to restorative justice conferencing and bail support services for girls and young people with special needs.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

3.3 Youth Detention Operations

OUTCOME

Policies, practices, procedures, services and amenities in youth detention facilities conform with best practice.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the youth detention system in the NT failed on multiple levels and young people in detention in the Northern Territory were kept in dreadful conditions. The Royal Commission found that the system in some cases exacerbated the problems the children and young people faced.

The Royal Commission recommended a broad improvement program for youth detention that included changes to policy and practice in the restraint and isolation of young people, better assessment of the needs of young people, equitable access for girls, better record keeping and capacity development for staff working within detention.

RECOMMENDATIONS

10.1, 11.1, 11.2, 11.6, 11.7, 11.8, 11.9, 13.1, 13.2, 13.3, 13.4, 13.5, 13.6, 13.7, 13.8, 13.9, 14.1, 15.3, 17.1, 17.2, 17.3, 17.4, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.7, 20.8, 20.9, 21.1, 21.2, 21.3, 21.4, 21.5, 22.1, 23.1, 23.2

WORK SO FAR

Since 2016, Territory Families has improved the culture of detention and capacity of youth justice officers through targeted recruitment and new training packages in child development and therapeutic care. In 2016, Territory Families engaged Danila Dilba Health Services and Central Australian Aboriginal Congress to provide health and wellbeing services to young people in detention.

In 2017 the Northern Territory Government passed legislation prohibiting the use of identified restraint devices.

NEXT STEPS

The Northern Territory will:

- Continue its improvement program in youth detention by recruiting and developing staff;
- Close the High Support Unit (completed) and adopt the Royal Commission recommendations on isolation, restraint and day-to-day operations in detention;
- Appoint staff specifically responsible for the girls in detention and ensure equitable access for them; and
- improve the surveillance systems in youth detention to record video and sound and retain footage.

The NT is also progressing reforms of the workforce model and operations in youth detention facilities and professionalising the training for youth justice officers.

REQUEST OF THE COMMONWEALTH

s 47B(b)

3.4 Youth Detention Infrastructure

OUTCOME

The location and built environment of youth detention facilities conforms with best practice.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the current and former youth detention facilities in the Northern Territory were not fit for accommodating young people and were outdated and harsh, and did not provide necessary space, facilities or outdoor areas. The Royal Commission found that the design of the facilities jeopardised security and the safety, health and wellbeing of young people.

The Royal Commission recommended a program of works to improve the existing infrastructure while the Northern Territory design, construct and implement a new model of secure accommodation based on international best practice.

RECOMMENDATIONS

10.2, 28.1, 28.2

WORK SO FAR

In 2017, the Northern Territory implemented a program to fix and make safe the current youth detention centres that included significant investment in the facilities to improve safety, hygiene and comfort.

NEXT STEPS

Territory Families will continue the "fix and make safe" program at Don Dale and Alice Springs Detention Centres.

Subject to matched funding from the Commonwealth, Territory Families will design, construct and implement new youth detention infrastructure in Darwin and Alice Springs based on the secure accommodation model outlined in the Royal Commission's report.

REQUEST OF THE COMMONWEALTH

s 47B(b)

4. STRENGTHENING GOVERNANCE AND SYSTEMS

4.1 Managing and Sharing Information

OUTCOME

Best practice care and support for children, young people and families at risk of involvement, or in the child protection and youth justice systems is enabled and underpinned by a contemporary client data and information management system.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the outcomes for children in care and protection and youth justice were sometimes compromised through poor information management and failures to share information. The Royal Commission also found that the Northern Territory was not compliant with national reporting requirements and did not monitor key performance measures.

The Royal Commission recommended that the Northern Territory Government implement changes to information management systems and processes to facilitate accurate and useful information retention and sharing. The Royal Commission also recommended that the Northern Territory improve its performance reporting and monitoring relating to youth justice and child protection.

RECOMMENDATIONS

16.01, 33.03, 34.12, 35.07, 41.01, 41.02, 41.04, 41.05

WORK SO FAR

Territory Families has been working with the Department of Corporate Information Services to scope a new information system for child protection and youth justice. The scope of the system includes a data brokerage layer to enable operations data sharing across all human services agencies.

NEXT STEPS

The Northern Territory will:

- improve the quality of performance reporting and introduce reporting on reunification, referrals to diversion and recidivism.
- develop a plan to move towards compliance with the National Juvenile Justice Minimum Data Set;
- adopt operational procedures to enable information sharing for operational workers across agencies;

Depending on resource availability, Territory Families will develop a new client information system for youth justice and child protection that enables proactive, appropriate and informed case management.

Also subject to resource availability, Territory Families will establish a data warehouse and brokerage service to enhance the analysis, reporting and sharing of data.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

4.2 Community-Led Responses

OUTCOME

Local communities and Aboriginal controlled organisations have a central role in designing and delivering child protection and youth justice services for local residents, particularly in remote communities.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that although Aboriginal people were overrepresented in the youth justice and child protection systems, there was a lack of Aboriginal participation and absence of avenues through which participation could occur. The Royal Commission found that community engagement was crucial to resolving issues in care and protection and youth justice.

The Royal Commission recommended that the Northern Territory and Commonwealth communicate the outcomes of the Royal Commission and commit to place-based implementation and engagement with Aboriginal community representatives. The Royal Commission also recommended that communities be more involved and resourced to participate in the youth justice system.

RECOMMENDATIONS

1.01, 7.01, 7.02, 7.03, 25.42

WORK SO FAR

s 46(b)

NEXT STEPS

The Northern Territory will:

- Continue to engage with Aboriginal Controlled Organisations and Community Representatives on the design and operations of programs;
- Communicate the Northern Territory's plan to reform in response to the Royal Commission's report;
- Commit to a partnership with Aboriginal community representatives based on the principles outlined in the Royal Commission's report;
- Through the commitment to Remote Diversion programs, provide opportunity for communities to provide information to the court.

Depending on resource availability, the NT will progress the program to roll out local decision making, and continue building the capacity, governance and leadership of Aboriginal Controlled Organisations.

REQUEST OF THE COMMONWEALTH

s 47B(b)

4.3 Evidence-Based Practice

OUTCOME

Child protection and youth justice service models and practices in the NT are informed by research and evidence, and supported by comprehensive planning, monitoring and evaluation.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that the Northern Territory and Commonwealth governments did not rigorously track, monitor or evaluate investment in the Northern Territory. The Royal Commission also found that there was no proper assessment of need.

The Royal Commission recommended that the Northern Territory commit to a public health approach and introduce outcomes monitoring for children and families involved in the child protection and youth justice systems in partnership with National analytical bodies, and include evaluation as a mandatory component of program design. The Royal Commission also recommended that the Northern Territory establish an early support research unit and commission prevalence, needs and service mapping studies across the NT.

RECOMMENDATIONS

24.02, 25.05, 33.25, 35.01, 35.04, 39.01, 41.03, 43.01, 43.02, 43.4

WORK SO FAR

Territory Families has partnered with the NT Council of Social Service to develop an online service register for the Northern Territory. The service register is now publicly available and will continue to be refined over the next twelve months.

NEXT STEPS

The Northern Territory will:

- Work with the Australian Institute of Criminology and the Australian Institute of Health and Welfare to develop outcomes data and reporting for youth justice and care and protection.
- Establish evaluation as a mandatory component of policy and service design.
- Consider the current funding allocated to research across government and prioritise according to need and urgency;

Subject to a funding contribution from the Commonwealth, the Northern Territory will co-fund commissioned research on the needs of children and young people and the characteristics and pathways of young people in the child protection and youth justice systems.

Also subject to resource availability, the Northern Territory will embed a program of independent evaluation in the design of programs and policy in youth justice and care and protection.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

4.4 Advocacy, Accountability and Quality Improvement

OUTCOME

All child protection and youth justice providers are held to account for ensuring that the services they provide reflect, or are on a monitored pathway towards evidence-informed best practice and are achieving desired outcomes.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that there was not sufficient oversight of the care and protection and youth justice systems and that complaints processes were not advertised or effectively used.

The Royal Commission recommended that the complaints processes employed in youth justice and care and protection be better communicated and improved. The Royal Commission also recommended the establishment of a Commission for Children and Young People with significantly expanded powers that include monitoring, advocacy and inspection.

RECOMMENDATIONS

22.2, 22.3, 22.4, 22.6, 33.7, 37.3, 37.4, 37.6, 37.7, 37.8, 37.9, 37.1, 40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 43.3

WORK SO FAR

The Northern Territory Government committed to increase independent oversight in youth detention in 2016. Territory Families funded Danila Dilba Health Services and Central Australian Aboriginal Congress to ensure the health and wellbeing of young people in detention in late 2016.

NEXT STEPS

The Northern Territory Government will improve the complaints processes in youth justice and care and protection, and communicate the process and rights to children and families.

Subject to resource availability, the resources of the Office of the Children's Commissioner will be expanded to strengthen the oversight of the youth justice and child protection systems while further consultation is conducted on the design and structure of a Commission for Children and Young People.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

4.5 Coordinated Effort towards Better Outcomes

OUTCOME

The Northern Territory and Commonwealth Governments will work in partnership with other key stakeholders, and particularly with local communities, to develop and successfully implement a long-term strategy to improve outcomes for children and young people in the NT.

SUMMARY OF THE ROYAL COMMISSION'S FINDINGS AND RECOMMENDATIONS

The Royal Commission found that achieving the change required would require financial and political commitment and active and coordinated engagement. The Royal Commission found that a lack of coordination between services to families had led to inefficiency, waste and disjointed services.

The Royal Commission recommended that the Northern Territory and Commonwealth Governments work together with the Non-Government sector through a tripartite forum and work with communities to develop a shared, generational strategy for children and families underpinned by robust evaluation and a coordinated funding framework. The Royal Commission also recommended the Northern Territory improve cross-border coordination and establish mechanism to ensure implementation of reforms.

RECOMMENDATIONS

3.01, 6.01, 39.2, 39.5, 39.7, 43.5, 43.6, 43.7

WORK SO FAR

The Northern Territory Government has committed to a strategic and consultative approach to social reforms in the key areas relating to children including Early Childhood; Domestic, Family and Sexual Violence Reduction, Alcohol, Homelessness, Preventing Child Abuse and Neglect, and Child and Adolescent Health.

The Northern Territory Government has also established the Reform Management Office to lead the development and implementation of a comprehensive reform program to improve the child protection and youth justice systems in the NT, including by strengthening co-investment (with the Commonwealth) in a range of prevention and early intervention services available to vulnerable families in local communities.

NEXT STEPS

The Northern Territory Government will:

- Drive the establishment of the Tripartite Forum, lead the development of the generational strategy, and actively participate as one of the two parties in the development of a NT-CW coordinated funding framework;
- Improve cross-border coordination of services;
- Embed structures to coordinate and report on the implementation of reforms.

REQUEST OF THE COMMONWEALTH

s 47B(b)

COMMONWEALTH VIEW

s 34(3)

DSS NT Royal Commission Response - Progress on Recommendation 6.1

Background

On 8 February 2018, the Commonwealth supported recommendation 6.1 in principle subject to further consultation. While the Commission recommended a review of Commonwealth expenditure, the Commonwealth supports a review of expenditure by both the Commonwealth and the Northern Territory Government (NTG).^{s 47B(b)}

Progress

On 26 February 2018, DSS met with ^{s 22} from Treasury. The following was discussed:

- the role of the Productivity Commission looking at the efficiency and effectiveness of policy and programs, not the funding trail,
- the scope of the review, i.e. what types of funding and which agencies will be impacted,
- that a jurisdictionally limited review would be unique,
- ^{s 47B(b)}
- availability of rich data sources will be key to a robust review, and
- the potential involvement of a new Indigenous Productivity Commissioner, pending the passage of legislation.

^{s 47B(b)}

On 15 March 2018 during their visit to the NTG, Ministers Tehan and Gillespie reached an agreement with the NT Chief Minister and Minister for Territory Families that the NTG would participate in the review. The Ministers issued a joint media release following this meeting.

DSS discussed the review with NTG officials on 19 March 2018. The NTG agreed to provide some input into a terms of reference. We expect to receive this today.

Next steps

Develop a terms of reference to be approved by the Treasurer in consultation with the NTG, Treasury, PM&C and other impacted Commonwealth agencies.^{s 47C}

^{s 47C}

s 22

From: s 22 @dss.gov.au
Sent: Wednesday, 21 March 2018 1:06 PM
To: s 22
Cc: FG SPD Transfers and Social Services Unit; s 22
Subject: RE: Background on Royal Commission for Treasurer's meeting with the NT Treasurer [DLM=For-Official-Use-Only]
Attachments: 180320_Background for Treasurer meeting with the NT Treasurer_Royal Comm....docx; 15 March 2018 - joint NT media release.pdf

Hi s 22

Thanks for sending this through. Please see our changes in the attached document.

I've also suggested including the attached media release for the Treasurer. This reflects the formal agreement between our Ministers and the NT Government reached on 15 March 2018.

Very happy to discuss.

Also on a related note and as a heads up, the attached includes a bit of an update in relation to the PC review. The NT Government has agreed for the review to look jointly at Cth and NT funding.

We have had some discussions with the NTG about beginning to draft a terms of reference. They are drafting a possible approach that we are hoping to receiving something today/tomorrow.

Once we have received this it would be great to touch base with you guys again to discuss the review in more detail.

Happy for you to pass this along to/confirm the other relevant areas of Treasury. From memory the other meeting attendees in February were s 22

Thanks



s 22

NT Royal Commission Response Taskforce
Families Policy and Programs Branch | Families and Communities Policy and Programs
Department of Social Services
P: 02 s 22 @dss.gov.au

DSS acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

From: s 22 @TREASURY.GOV.AU>
Sent: s 22
To: s 22 @dss.gov.au>
Cc: s 22 @dss.gov.au>; s 22 @dss.gov.au>; FG SPD Transfers and Social Services Unit <FGSPDTASSU@TREASURY.GOV.AU>

Subject: Background on Royal Commission for Treasurer's meeting with the NT Treasurer [DLM=For-Official-Use-Only]

Hi s 22

Thanks for taking my call earlier. As discussed, I've attached some background material that we've pulled together for a briefing pack for the Treasurer ahead of his meeting with the NT Treasurer earlier next week.

I'd be grateful if you could have a quick look over the content and include any updates that may be useful for the Treasurer to be aware of, in particular any outcomes from your Minister's meeting with the NT government last week.

If you could get back to me by midday Thursday that would be great. If there are any issues with that timing please let me know.

Thanks again for your help.

Kind regards,

s 22

Transfers and Social Services Unit
Social Policy Division
The Treasury, Langton Crescent, Parkes ACT 2600
phone: +61 2 s 22
email: s 22 @treasury.gov.au

Please Note: The information contained in this e-mail message and any attached files may be confidential information and may also be the subject of legal professional privilege. If you are not the intended recipient, any use, disclosure or copying of this e-mail is unauthorised. If you have received this e-mail by error please notify the sender immediately by reply e-mail and delete all copies of this transmission together with any attachments.

A way forward for Children and Families in the Northern Territory

15 March 2018
Joint with:

Northern Territory Chief Minister, The Hon Michael Gurner MLA

Minister for Social Services Dan Tehan and Assistant Minister for Children and Families David Gillespie met Northern Territory Chief Minister Michael Gunner, Minister for Territory Families Dale Wakefield, and Attorney-General Natasha Fyles this morning to discuss both Governments' response to the Royal Commission into Youth Justice and Child Protection in the Northern Territory.

Discussions were positive, constructive and practical. The importance of working together to address the recommendations of the Royal Commission was strongly supported.

The Commonwealth and Northern Territory Governments agreed:

- To establish a joint Commonwealth/Territory Coordinated Funding Framework, which would provide an agreed approach to the planning, funding and delivery of services for families and children in the Northern Territory. (Recommendation #39.05)
- For the Productivity Commission to undertake a joint study of children and families funding and services in the Northern Territory. The review will identify duplication and inefficiencies, and set the groundwork to have a coordinated approach to funding – this would be a major step forward in providing coordinated services that support all children and families in the Northern Territory. (Recommendation #31.01/Recommendation #6.01)
- To establish a Tripartite Forum with representatives from the Northern Territory Government, Commonwealth Government and community sector. This will oversee policy and programs for children and young people in or at risk of entering the youth justice and child protection systems. (Recommendation #43.07)
- Oversee the development of a 10 Year Generational Strategy, building on the work of the Northern Territory's Early Childhood Plan, and would ensure strong Aboriginal engagement in the whole process. (Recommendation #39.02)


The Ministers welcomed the opportunity for a frank and positive conversation. They expressed confidence that agreements made will establish a way forward to addressing generational change for families and children in the Northern Territory.

Process to finalise arrangements for the PC study in expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children

Next steps


- Minister Fletcher has written to the Treasurer providing a draft terms of reference that have been agreed with the Northern Territory Government (first attachment is draft terms of reference).
- Treasury provided briefing to the Treasurer on 24 October seeking agreement to the draft Terms of Reference, providing a draft letter from the Treasurer to the PM seeking the PM's agreement to the terms of reference.

s 47B(b)




- The PM will write to the Chief Minister seeking his agreement.
- Once the Chief Minister responds to the Prime Minister, the Prime Minister will write to the Treasurer indicating his agreement to the ToR.
- The Treasurer signs the terms of reference and refers the study to the PC.

s 47B(b)




Provision of report to NTG:

s 47B(b)



s 47C

s 47B(b)



Tracking the Commonwealth response to the Royal Commission into the Protection Detentions of Children in the Northern Territory

<p>Recommendation: 6.1 The Productivity Commission undertake a review and audit of Commonwealth expenditure in the Northern Territory in the area of family and children's services relevant to the prevention of harm to children. The review should address co-ordination of programs, funding agreements and selection of service providers, service outputs and evaluations.</p>	
Government Position	The Government supports a review of Commonwealth and Northern Territory (NT) expenditure in the area of family and children's services relevant to the prevention of harm to children.
Current Status/Progress update	The Government released the terms of reference for the PC's study into government expenditure in the NT on children and family services preventing harm to children on 14 March 2019.
Next Steps/Milestones	The PC is scheduled to commence the study on 1 April 2019.
Critical Issues, Sensitivities and Risks	<p>Available data and access</p> <p>The Prime Minister has committed the Commonwealth to fully participating in the study and providing any relevant information requested by the PC. The NT Chief Minister has agreed to consider, in good faith, all reasonable requests for information by the PC.</p> <p>Report release</p> <p>The Prime Minister has committed to provide the NTG with copies of the draft and final PC study without delay after being received by the Commonwealth.</p>
Financial and Regulatory Implications	N/A



PRIME MINISTER

Reference: MC18-151426

11 JAN 2019

The Hon Michael Gunner MLA
Chief Minister of the Northern Territory
GPO Box 3146
DARWIN NT 0800

Dear Chief Minister *Michael*

I am writing in relation to the proposed Productivity Commission study into expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children.

As you are aware, the final report of the *Royal Commission into the Protection and Detention of Children in the Northern Territory* (Royal Commission) found that funding arrangements in the Northern Territory lacked coordination between and within Governments. The Royal Commission recommended the Productivity Commission examine these issues and for this work to support the development of a joint Commonwealth and Northern Territory Government funding framework.

Following the 15 March 2018 agreement between the Commonwealth and Northern Territory Governments to the joint study of children and families funding and services in the Northern Territory, I understand extensive discussions have occurred between officials from our respective Governments on the terms of reference for the Productivity Commission's work. For your information, the terms of reference are enclosed.

To ensure the Productivity Commission's study can usefully inform the development of the joint funding framework, I commit the Commonwealth to fully participating in the study and providing any relevant information requested by the Productivity Commission.

I am also seeking your agreement that the Northern Territory Government will consider in good faith all reasonable requests for information from the Productivity Commission. I understand that, in the first instance, the Productivity Commission will access information compiled in the course of the Royal Commission, and will only make further requests where it is necessary to fulfil their requirements under the terms of reference.

To support the collaborative approach to this joint project, I confirm the Commonwealth will provide the Northern Territory Government with copies of the draft and final Productivity Commission reports without delay after being received by the Commonwealth.

Thank you for your continued commitment to this important work.

I have copied this letter to my colleagues, the Treasurer, the Hon Josh Frydenberg MP, and the Minister for Families and Social Services, the Hon Paul Fletcher MP.

Yours sincerely

A handwritten signature in black ink, appearing to read "Scott Morrison". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

SCOTT MORRISON



PRIME MINISTER

Reference: MC18-151426

11 JAN 2019

The Hon Josh Frydenberg MP
Treasurer
Parliament House
CANBERRA ACT 2600

Dear Treasurer

A handwritten signature in black ink, appearing to read 'Josh'.

Thank you for your letter regarding the terms of reference for the Productivity Commission study into expenditure in the Northern Territory relating to children and family services relevant to the prevention of harm to children.

The terms of reference for the Productivity Commission's study reflect the recommendation of the *Royal Commission into the Protection and Detention of Children in the Northern Territory* for the examination of funding and governance arrangements of Commonwealth and Northern Territory Government expenditure relating to children and family services. I therefore agree to the terms of reference and support your referral of the 12-month study to the Productivity Commission, to commence in April 2019.

I have enclosed a copy of my letter to the Chief Minister of the Northern Territory, the Hon Michael Gunner MLA, seeking his agreement to participate in the Productivity Commission study, including providing access to any requested data. In addition, I committed to the Northern Territory Government being provided with copies of the draft and final reports without delay after being received by the Commonwealth.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Morrison'.

SCOTT MORRISON

FOR OFFICIAL USE ONLY

TREASURY MINISTERIAL SUBMISSION

20 February 2019

PDR No. MS19-000386

Treasurer

PRODUCTIVITY COMMISSION - REFERRAL OF STUDY INTO EXPENDITURE IN THE NORTHERN TERRITORY ON CHILD HARM PREVENTION

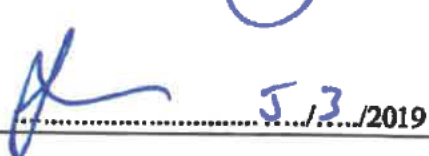
TIMING: By 20 March, to enable the Productivity Commission (PC) to start the study in April.

Recommendation

- That you sign, but do not date, the final terms of reference at Attachment A to commission the PC study into expenditure in the Northern Territory (NT) on children and family services relating to the prevention of child harm (the Study).

Signed/Not Signed

Signature:



.....5/3/2019

KEY POINTS

- On 11 January 2019, the Prime Minister requested that you refer the Study to the PC subject to the NT's commitment to give the PC data needed to conduct the Study (MC19-000532 and MS18-001501 refers).
- On 1 February 2019, the NT Chief Minister, the Hon Michael Gunner MLA, agreed to consider all reasonable PC requests for information (a copy of the Chief Minister's letter is at Attachment B).
 - In return for the NT's participation in the Study, the Commonwealth has agreed to provide the NT with copies of the draft and final reports without delay after being received by the Commonwealth.
- Once you sign the letter at Attachment A, the terms of reference will be referred to the PC and the Study will commence on 1 April 2019.
- A draft media release, joint with the Assistant Minister for Children and Families, the Hon Michelle Landry MP, announcing the referral of the Study is at Attachment C.
 - The Assistant Minister's office has agreed this media release.

s 22

Contact Officer:

s 22

Manager
Macroeconomic Modelling & Policy
Division
Ext: 02 s 22

Consultation: Social Policy Division, Department of Social Services, Department of Prime Minister and Cabinet, Productivity Commission, Northern Territory Government

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

ATTACHMENT A

Final terms of reference

FOR OFFICIAL USE ONLY

Productivity Commission study into expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children

Terms of Reference

I, the Hon Josh Frydenberg MP, Treasurer, pursuant to Parts 2 and 4 of the *Productivity Commission Act 1998*, hereby request that the Productivity Commission undertake a study into Commonwealth and Northern Territory Government expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children.

Background

The Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission) found that funding arrangements in the Northern Territory appear to be characterised by a lack of coordination between the Northern Territory and Commonwealth Governments, and within each government.

The Royal Commission found that Commonwealth and Northern Territory Government investment is not rigorously tracked, monitored or evaluated to ensure that it is appropriately distributed and directed.

The Royal Commission was concerned that government funds were directed to programs without reference to the existence of other programs, their target locations or the outcomes of the services delivered. A study into expenditure in the Northern Territory will supplement information already provided as part of the Royal Commission, and will support the development of a joint funding framework as recommended by the Royal Commission (Rec 39.05 refers).

A joint funding framework is an important step in ensuring the efficient and effective allocation of resources.

Scope

The Commonwealth and Northern Territory Governments have agreed to a joint study of children and families funding and services in the Northern Territory as a response to the Royal Commission.

The Productivity Commission will examine ways to improve funding arrangements across and within the Commonwealth and Northern Territory Governments and the services delivered via these funding arrangements. The Productivity Commission should have regard to relevant funding arrangements including for payments to or through the States (such as those made under National Partnerships), and grants (such as those made under the Indigenous Advancement Strategy and other selected programs related to the prevention of harm to children).

In undertaking the study, the Productivity Commission should consider:

- the objectives, governance and implementation of current funding arrangements including assessment of:
 - the extent of duplication and lack of coordination across Commonwealth and Territory funding arrangements, individual programs and service providers;
 - whether the approach to the design of programs aligns with policy objectives;
 - the approach to engaging service providers and allocating funds;

- accountability, reporting and monitoring requirements for service providers and governments;
- levels of access to services;
- approaches to service delivery, including continuity of funding for services over time and levels of coordination and integration between services where a variety of service providers are used;
- principles and approaches for governance and funding to promote better outcomes and improve:
 - the coordination of Commonwealth-Territory funding
 - the coordination, funding, design and administration of programs; and
 - the delivery of services and levels of access.

The Productivity Commission should have regard to:

- a. the federal financial relations framework, set out in the Intergovernmental Agreement on Federal Financial Relations and the *Federal Financial Relations Act 2009*;
- b. the Commonwealth Grant Rules and Guidelines;
- c. existing funding agreements and contractual arrangements between relevant parties; and
- d. existing accountability controls and conditions under (a), (b) and (c).

The scope of the study does not include an assessment of the Northern Territory's expenditure relative to the GST revenue received through the Commonwealth Grants Commission assessment process.

Process

The Productivity Commission will commence the study on 1 April 2019.

The Productivity Commission should undertake appropriate consultation including with the Aboriginal and Torres Strait Islander community sector. The Productivity Commission should release a draft report to the public and provide the final report to Government within 12 months.



The Hon Josh Frydenberg MP
Treasurer



CHIEF MINISTER

Parliament House
State Square
Darwin NT 0800
chief.minister@nt.gov.au

GPO Box 3146
Darwin NT 0801
Telephone: 08 8936 5500
Facsimile: 08 8936 5576

The Hon Scott Morrison MP
Prime Minister of Australia
Parliament House
CANBERRA ACT 2600

Dear Prime Minister

Thank you for your letter of 11 January 2019, regarding the proposed Productivity Commission study (the Study) into expenditure for family and children services in the Northern Territory.

I am pleased you have committed the Commonwealth Government to fully participate in the Study, and have acknowledged the significant role the Department of Prime Minister and Cabinet plays in advancing outcomes for Aboriginal families and children in the Northern Territory.

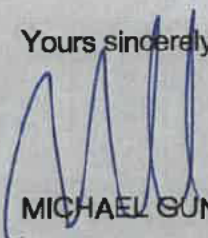
I approve the Study to commence with the proposed Terms of Reference and the shared outcome of developing a meaningful coordinated funding framework for families and children. It is essential we work together effectively to provide a safe and bright future for the children of the Northern Territory.

The Northern Territory Government agrees to consider, in good faith, all reasonable requests for information by the Productivity Commission, noting the recommendation of the *Royal Commission into the Protection and Detention of Children in the Northern Territory* (the Royal Commission) was to undertake a review and audit of Commonwealth funding. The Royal Commission was satisfied with the breadth of data and information originally provided by the Northern Territory Government, and it is hoped this will provide a sufficient starting point for analysis by the Productivity Commission.

I have nominated the Northern Territory's Department of Treasury and Finance to be the point of contact for the Productivity Commission. For any further queries or information, please contact s 22

I look forward to the Study commencing on 1 April 2019, to our governments working collaboratively to achieve this shared outcome, and to receiving a copy of the report, prior to its release.

Yours sincerely



MICHAEL GUNNER

- 1 FEB 2019

GPO BOX 3146
DARWIN NT 0801

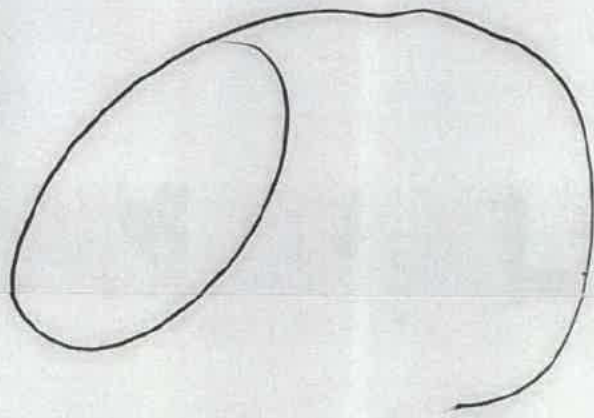
CANB ML 549 07 FEB 10

POSTAGE
PAID
AUSTRALIA

The Hon Scott Morrison MP
Prime Minister of Australia
Parliament House
CANBERRA ACT 2600



Handwritten text in a non-Latin script, possibly Indic, located at the top of the document.



Background to Productivity Commission study into expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children

The Royal Commission into the Protection and Detention of Children in the Northern Territory (the Royal Commission) found that *the underlying problem (with funding and expenditure on these programs) is not the level of overall funding, but that the Commonwealth and the Northern Territory Government investment is not rigorously tracked, monitored or evaluated to ensure that it is appropriately distributed and directed.*

The Royal Commission recommended (**Recommendation 6.1**) that *the Productivity Commission undertake a review and audit of Commonwealth expenditure in the Northern Territory in the area of family and children's services relevant to the prevention of harm to children. The review should address **co-ordination of programs, funding agreements and selection of service providers, service outputs and evaluations.***

- In its response, the Government supported *a review of Commonwealth and Northern Territory government expenditure with further consideration of implementation details.*

The Royal Commission found that:

1. *Coordination of Programs*

- The amalgamation of numerous Aboriginal-related programs into the Department of the Prime Minister and Cabinet provides opportunities for strategic engagement and coordinated service design and a platform to initiate an integrated approach.
- Money is being directed to programs without reference to the existence of other programs, their target locations or outcomes.
- National partnership agreements don't specify how coordination is to take place.
- Implementation plans (referenced in National Partnership Agreements) don't specify how coordination is to take place. If there is coordination, it is not apparent at the community level.
- Across Australia, remote Aboriginal communities are contending with dozens of different programs delivered by a myriad of government agencies and contracted service providers, as a consequence of the extensive funding.

2. *Funding agreements and selection of service providers*

- Constant change in funding arrangements creates difficulty and complexity when tracking funding decisions and the objectives of service delivery over time. It also means that service providers who receive or seek funding are operating on a changeable, unstable strategic foundation.

The ANAO (2017) found that:

- PM&C's grants administration for the Indigenous Advancement Strategy processes fell short of the standard required to effectively manage a billion dollars of Commonwealth resources. The basis by which projects were recommended to the Minister was not clear and as a result,

limited assurance is available that the projects funded support the department's desired outcomes.

- High administration costs for Indigenous Advancement Strategy despite the lack of administration identified by ANAO.
- The performance framework and measures established for the Strategy do not provide sufficient information to make assessments about program performance and progress towards achievement of the program outcomes. The monitoring systems inhibit the department's ability to effectively verify, analyse or report on program performance.
- The department has commenced some evaluations of individual projects delivered under the Strategy but has not planned its evaluation approach after 2016–17.

3. *Service outputs*

- There continues to be only limited progress in 'closing the gap' that these programs were set up to achieve - even if these programs are operating in accordance with public finance accountability standards.
- There has been an emphasis on delivering services to Aboriginal communities, rather than with or by Aboriginal communities.

4. *Evaluations*

- The cumulative benefit of various agreements and programs to the people of the Northern Territory is not readily apparent.
- The number of simultaneous activities (many unrelated to the Intervention), the long lag time between actions and outcomes, and the short duration of the Intervention mean it is rarely possible to attribute outcomes to individual measures.
- Improving the standard of evidence will require reform in the public finance methods used to collect it. Routine accountability measures will need to continue, but generally be streamlined and made to comply with the 'collect once, use often' principle.
- Local and regional performance should be monitored and assessed in terms of negotiated local priorities, strategies and services.
- The establishment of a central database that identifies what services are available by location and nature (onsite, outreach or as needed) is a critical step towards mapping needs and planning the delivery of services.