

# CHILD PROTECTION OBLIGATIONS – NORTHERN TERRITORY



In this tool, you will find:

- » An overview of obligations under the Northern Territory Care and Protection of Children Act
- » How to meet your obligations under this legislation as a CaFIS provider
- » Answers to common questions you may have
- » Links to additional resources.

## BACKGROUND AND CONTEXT

This document provides information for CaFIS providers in the Northern Territory about their obligations under the *Care and Protection of Children Act (2007)* (the Act).

Whilst this is an overview of obligations under the Act, it is expected CaFIS organisations will have their own processes for ensuring employees are aware of their legal responsibilities as part of onboarding and ongoing training.

## KEY GUIDANCE

### Care and Protection of Children Act

In Australia, child protection legislation empowers state and territory governments to intervene when there are concerns a child or young person has been harmed or is at risk of harm.

### Reporting your belief that a child is being harmed or may be harmed

Under the Act reporting child harm or exploitation is mandatory for everyone in the Northern Territory.

This means that if you form a belief on reasonable grounds, that a child is being harmed or exploited, or is likely to be in the future, you must report your concerns to Territory Families or the Northern Territory Police.

It is an offence not to make a report.

You must also make a report if you believe a child under 14 years of age is having a sexual relationship. (It is an offence to have a sexual relationship with a child under the age of consent).

You must also make a report if a child aged 16 or 17 is under the special care of another person and has a sexual relationship with them. Examples of a special care relationship can include a stepparent, guardian or foster parent, the child's teacher, a religious or sports instructor, a work supervisor or the child's health care provider.

Northern Territory Child Protection  
Hotline  
1800 700 250

### Sharing information about children

As a CaFIS provider you will gather a lot of information about families you work with. These children and families have a right to privacy, and you have an obligation to maintain confidentiality of the information you gather.

When the information relates to a child's safety and wellbeing, the information can be shared by certain people and organisations who are Authorised Information Sharers under the Act. In these circumstances the information can be shared, even if other Northern Territory laws prohibit or restrict disclosure.

As a CaFIS provider you are an Authorised Information Sharer under the Act.

An Authorised Information Sharer can share information with another Authorised Information Sharer. This means an Authorised Information Sharer may request you share information about a child or family you are working with if it relates to a child's safety or wellbeing. It may also be necessary for you to request information from another Authorised Information Sharer about a family you are working with.

Authorised Information Sharers include:

- » registered foster carers
- » public sector staff including CEOs or contractors engaged by a government agency who:
  - are acting under an Northern Territory law in relation to a child and

- provide a service for or in connection with children
- » police officers
- » school principals
- » registered or authorised teachers
- » staff of non-government organisations (NGOs) who:
  - receive Australian or Northern Territory Government funding to provide a service for children
  - provide drug or alcohol treatment
- » doctors, nurses, psychologists and other health professionals registered and practicing under the Health Practitioner Regulation National Law (other than students)
- » lawyers
- » individuals or organisations who provide services to people with disabilities.

The Information Sharing Guidelines provides detailed information including:

- » who can share information
- » what information can be shared
- » what information must be shared
- » what information can't be shared, and
- » when consent should be obtained before sharing information

As this is a complex and detailed child protection obligation you will find further guidance on this topic in CaFIS resource *Sharing Information about Children - NT*.

## APPLICATION TO CaFIS SERVICE PROVIDERS

### Does a report need to be made if I am working with the family to address the concerns?

Yes, this is a requirement under the legislation.

### Will the family be told I made the report?

All reports are confidential. Territory Families will not disclose your identity or confirm or deny you made a report. Your name will not be recorded in documents for the Court, except if the Court orders it to be provided.

Under the legislation, you don't need permission from parents or caregivers to make a report, and you don't need to tell them you made a report, but you are allowed to tell them you have made, or are going to make, a report if you choose to.

### Will I get in trouble if I make a report, but no harm or exploitation is found?

No. Under section 27 of the Act, if you make a report in good faith you are protected from liability or breach of a professional code of conduct.

### How do I know if a child has been harmed or exploited, or is at risk?

The Act provides a definition of harm as any significant detrimental effect caused by any act, omission or circumstance on:

- » the physical, psychological or emotional wellbeing or development of the child which can be caused by:
  - physical, psychological or emotional abuse or neglect of the child;
  - sexual abuse or other exploitation of the child;
  - exposure of the child to physical violence (e.g. A child witnessing violence between the parents or family members).

Exploitation of a child is defined as sexual and any other forms of exploitation, including:

- » sexual abuse of the child; and
- » involving the child as a participant or spectator in an act of a sexual nature, prostitution, or a pornographic performance.

If you are unsure about whether to make a report, you can ring Territory Families to discuss your concerns. They will let you know if a report needs to be made.

### Can I get feedback about my report?

If you make a report you are entitled to know whether your report will be investigated, and how quickly the investigation will commence.

#### Disclaimer

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Where to go for more information on this topic

The Northern Territory Care and Protection of Children Act (2007)

<https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007>

Further guidance on child protection and other relevant legislation guiding practice can be found in the CFCA

Resource: Australian Child Protection Legislation

<https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>.