Submission on Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

My name is Andrea Myers and I am a Bunuba person from Fitzroy Crossing in Western Australia. I make my submission as a parent of five children, now aged 6, 8, 12, 16 and 20, who has twenty years of lived experience of the Child Protection System in Western Australia and experience of the removal and reunification process. I am also a law graduate and have a Masters in Indigenous Education and a Bachelor of Arts Education and have observed other families impacted by child protection legislation including long term orders. To the best of my knowledge, I remain the only parent to have their child returned within my extended Aboriginal family and community.

Firstly, overall I do not think the Assembly should pass the bill in its current form. Secondly, I think the Assembly should amend the bill for reasons I will explain below as especially in the Care and Protection of Children sections the bill does not have sufficient regard to the rights and liberties of individuals, particularly parents and families of children subject to Child Protection involvement and due to its insistence of following a list of factors in a particular order, which places capacity of parents and families close to the bottom, which reduces their ability to submit reports to oppose any removal action is inconsistent with principles of natural justice.

Issue 1 – Section 12D Proactive efforts

A focus on child protection workers taking the most action in the in the first six months after the removal of a child addressing the grounds on which the child was removed from the child's parents with the aim of reunifying the child with the child's parents.
This sounds reasonable, except these families live in some of the most remote places in Australia and are subject to wet season flooding and access restrictions. Factors such as housing unless new housing miraculously appears are not resolved in six months. If the Department argues parent's mental health or alcohol use, a parent could argue they no longer drink and the Department could argue, well we need longer to prove it.

The move to a two year timeframe for reunification is the same as Western Australia. My order was made for 12 months but it took 14 months for placement with me through reunification to occur and 18 months for a different type of order (supervision) to be made by the Children's Court.

Section 12D(4) includes a) providing, facilitating or assisting with access to support services and other resources for the child and the child's parents or family; (b) considering alternative ways of addressing the needs of the child and the child's parents or family; (c) activities directed at finding and contacting the family or community of the child. This list is impacted once again by the time of the year that children are removed. If removal takes place in November. A lot of services stop intake from start of school until start of school in February. This puts a lot of families at a significant disadvantage. I was able to manage this by undertaking online courses and connecting with an online

Circle of Security Educator who was able to eventually able to support me in frequent meetings with the Department, which did not start for me until 5 months after removal to argue for support for "good enough" parenting as that framework allowed for repair even if cues are missed. Repair in relationships between Parents and Children is difficult if not impossible

In my case, my children were removed in November 2022. There was very little done, other then supervised contact of 2 hours a week commence for the first six months. In January 2023, Fitzroy Crossing experienced catastrophic flooding that cut road access between Fitzroy Crossing and Broome, four hours away, where my children were placed. The only access was via air and only with Department of Fire and Emergency Services. It took two months for phone calls to be replaced even by video calls so I could see my children. The only way a six month intensive casework approach would work is if the capacity of families to care for their children is not assessed, which appears extremely unfair to parents or a parent capacity assessment report is requested by parties at the very first hearing within a week of ex parte orders being made for children to be taken into care of the Department. If a PCA had been ordered at the time of applying for the order or at the first hearing, it may have been arranged within the first three months instead, obviously taking into account the weather conditions.

I maintained throughout this period that a supervision order should be in place as I had housing, didn't drink, had done a lot of mental health skills courses and my skills were observable. This was strongly opposed by the Department, who then agreed to a parenting capacity assessment, which was not able to take place until the May, with the report not available until the August. It was not until this 80 page document was available that any negotiation with the Department was possible.

Overall, the system places responsibility on an individual parent to resolve systemic issues, including the amount of support people who show up. It then needs everything to be sustained.

Section 8 "Paramount concern is best interests of child (1) When a decision involving a child is made, the best interests of the child are the paramount concern. (2) In determining what is in the best interests of the child, the following matters must be considered in the following order of priority" **is what is causing the most concerning.**

It seems fine - best interests paramount. What is concerning is that protection workers MUST now consider the factors in the order prescribed.

As Dr James Beaufils and Dr Todd Fernando stated in their NIT Article published May 20 2026 Investing in families, not removing their children, is the answer'

"For Aboriginal children, culture is not separate from safety. Family, kinship, language, belonging and connection to community are not optional extras to be added once physical safety has been secured. They are constituent elements of what safety is. The research on this is clear: strong cultural identity is among the most significant protective factors for Aboriginal young people, associated with lower rates of depression and anxiety, self-harm

and suicidality, stronger educational engagement and greater resilience across multiple domains. This is not sentiment. It is epidemiology."

Special aspects of the child, capacity of the parent to overcome eg their resilience, special skills they may have, connections they have to family are at the bottom of the list. This means that it is very likely on the day a warrant is applied for to remove a child, an application to undertake a parent capacity assessment for the family will not begin to be prepared as that is much lower down the list. Even views of the child, despite plans in other places within the Bill for this to be prioritised may be forgotten due to safety, protection from harm being considered first. Safety can be framed ethnocentrically. What is considered "safe" or "unsafe" can be subjective and culturally based. What one person considered safe could be considered independence building, yet this Bill if made law could remove children for these reasons.

"8 Paramount concern is best interests of child
(1) When a decision involving a child is made, the best interests of the child are the paramount concern.
(2) In determining what is in the best interests of the child, the following matters MUST be considered in the following order of priority:
(a) the need to ensure the safety of the child;
(b) the need to protect the child from harm and exploitation;
(c) the child's need for stable and nurturing relationships;
(d) the child's need for permanency in the child's living arrangements;
25 (e) the likely effect on the child of any changes in the child's circumstances;
(f) the wishes and views of the child, having regard to the maturity and understanding of the child;
(g) the child's physical, emotional, intellectual, spiritual, developmental and educational needs;
(h) the capacity and willingness of the child's parents or other family members to care for the child;
(i) the nature of the child's relationship with the child's family and other persons who are significant in the child's life;
(j) other special characteristics of the child. "

Section 8J is placed at the bottom of this list and **Section 12 Children with disabilities** is given its own section. "A child with a disability: (a) has a right to be treated in a way that respects the child's developing capacity and preserves their identity; and (b) has the same rights as other children to express the child's wishes and views freely; and (c) has the right to be provided with disability and age appropriate assistance to express those wishes and views; and (d) has the right to have due weight given to the child's wishes and views in accordance with the child's maturity and understanding on an equal basis with other children." This seems admirable and an attempt to comply with the United Nations Conventions of the Rights of People with Disabilities. [1]

[1] https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf

Unfortunately, my experience with the Department during 2022- 2024, particularly my attempts to get support for my children regardless of diagnosis, was to be accused of "e. Pathologizing the children, as demonstrated by Andrea allegedly seeking mental health diagnoses for the children despite being informed by mental health professional that the children do not meet criteria for such diagnoses." With all behaviours of concern to myself reframed as trauma. As all communications to professionals during this time were framed by children being in care, this delayed the youngest child who's biting at 2 at daycare was part of a reason to remove and place in care, receiving support from the paediatrician and eventual diagnosis when he reached 5 years old. He is now medicated and attending school regularly.

Being in care, stopped my now 8 year son accessing his NDIS plan due to administrative issues for around six months old. He has also been able to have an autism diagnosis confirmed, steps towards which were not taken by the Department as it was instead considered that" settling into time away from me" was a much bigger priority.

My two older girls, who's self harming behaviour was also considered a sign of emotional abuse have also received ADHD diagnoses and medication since returning home and have settled significantly. The power of family, country and connection to heal cannot be understated or underestimated.

Family Responsibility Agreements Moved into the Act from the Youth Justice Act 2005.
- More young people captured.
- Event of concern as a trigger to invite parents to enter into a family responsibility agreement.
- Police can refer
-The underlying intent of these reforms is to make parents and families accountable for their children through earlier intervention where: child wellbeing concerns present that do not meet the statutory threshold for child protection intervention;
or for a child who is demonstrating criminal (where doli incapax) or anti-social behaviour; and to address concerns before they reach crisis point and interactions with the youth justice or statutory child protection systems.
The right of a child and their family to identify persons to participate in decision making for the child, and instead provides that a child and their family should be given the opportunity to identify persons significant in the child's life.

Family Responsibility Orders and Parental Responsibility

Family Responsibility Orders appear similar to Supervision Orders in Western Australia. In May 2023 I was a granted a 6 month supervision order after my children being placed with me since January of that year. Day to day responsibility was returned once children were placed with me. If no other orders are in place then parental responsibility remain.

Working with child protection authorities can be extremely stressful even if a family is well educated and supported. To obtain a supervision order, my ability to work was

impacted due to frequent supervised contact sessions with my children. Even in my supervision order I had a direction to:
“structure my employment in a way that is sympathetic to the children’s needs and routines” (*Supervision Order May 15 2024 – MYERS Family*)

While WA does not have legislation that impacts welfare payments, this clause assumes that all parents that have children are subject to Centrelink payments, are unwilling to engage and have alcohol addiction issues.

I attach for the Committee’s reference, pages from my final supervision order, complete with images: At no time when my family was under orders did we have any drinking issues. However, far from being a family that did not engage, I experienced the Department being frustrated that I emailed them “too often”. This was due to need to know what was happening and my own frustration about the pace of reunification due to distress of being removed from daily life, contact with school, health professional and daily night routines such as reading to them and playing games together.

Clear directions and support on how to communicate effectively with the Department to manage language and culture barriers, will also be essential to not unfairly disadvantage families.

Placement occurs after a child has been removed from the family. Most discussion of the placement principle ignores the intergeneration trauma that Aboriginal families have faced and continue to face, assumes like the funding given to Aarnja in the Kimberley to run the Aboriginal Representative Organisation, that Aboriginal families, who’s children enter care may not know who their family are and who could take them. Many do and draw detailed genealogical diagrams in DCP offices. It ignores the practical reality that outside of Aboriginal kinship family, many families may already have many of their own children, be living with overcrowded housing, be deemed by the Department to be unsuitable or simply be unwilling due to Government fatigue to harm their relationship with a vulnerable grieving family member by enforcing the Department’s contact rules.

Within the existing Children and Community Services Act 2004 (WA), principles of self-determination and community participation have been sections of the Act since its inception. There are also cultural plans made stating a child’s language group and area of country and Aboriginal Practice Leaders. Written plans do not replace living on country with family. Aboriginal ways of knowing, being and doing are not maintained in four hours or four days in fourteen months, let alone the unspoken harm done through subtle discouragement to attend an elder’s funeral as “they aren’t really close family.” Being encouraging of Aboriginal culture, to the Department’s level, can be met through reading at bedtime Aboriginal language books and going to NAIDOC Day. Camping is

allowed but it is up to the carers and for obvious reasons subject to significant risk management, which can mean it just does not occur, if the carers do not have this as part of their life already.

The Placement Principle only impacts where a child is placed after their removal. The best interests of the children remain the paramount consideration with the Department's officers deciding this based on 13 criteria in WA based on discretion and the balance of probabilities.

In the journey to have my children to be returned, I experienced some quite Kafkaesque moments, including help organise the location for my three day psychological interview for my 80 page Parenting Capacity Assessment, self fund psychological skills and online parenting courses so there was nothing else they could send me to, attending frequent meetings with the Department, where I needed all the calming and effective communication skills I had ever learned as any distress showed would have seen me labelled dysregulated, my grief at having four children be removed and being cut out of their day to day lives used against me.

Family are encouraged to be a part of care plans for their children, but the irony of being asked for lunch suggestions as your children are not eating or how to get them to sleep better following their removal, led to constant thoughts of "you just removed them as you thought I wasn't looking after them well enough why are you asking?" As really, they needed the connection that came from being together, the unseen value healing that happens with time together with problems solved through connection not separation.

Legislative Directions to connect families to services to reunify with their children will only work if there is significant investment in services that will be able to do the work. When I was working with the Department in 2022-2024 there was no advocates, who could sit in meetings with me, Family Inclusion Network WA were unable to support other than a few phone calls, Marninwarntikura Women's Resource Centre were not funded for what I needed. I was offered time with the art therapist. What I needed was someone who could sit at meetings with me. Eventually I was able to pay a Circle of Security Educator privately to attend meetings with me and as I have my own NDIS plan, an OT was able to attend to assist me with communicating with the Department as lots of the process did not make sense or felt like an endless interrogation.

Despite my experience, which my family and I are still healing from, the WA government has committed 45 million dollars in the 26/27 budget to Child Protection Programs including a further 37 million to the Aboriginal Representative Organisations program, that Aarnja are funded for in the West

Kimberley until June 30. A further 7.2 million has been committed to extend the Mirrabooka and Mid West Gascoyne Aboriginal Family Led Decision making program until 2030 to assist in diverting Aboriginal people away from out of home care. The WA Signs of Safety Child Protection Practice Framework is also being contemporarised with new culturally responsive revisions. The wording of these is not yet available online.

There is also Regional Family Support Hub in the East Kimberley, that provides intensive support to families facing complex challenges and those at risk of involvement with the child protection system. It is an integrated service system model comprised of three service streams, providing increasing levels of support according to the needs of families.

In the West Kimberley, Centrecare Kimberley, based in Broome, was awarded the Intensive Family Support Service contract. In Fitzroy Crossing, there is not yet an Intensive Family Support Provider for families, other then KALACC's Target 120 program, which is a justice diversion program in Fitzroy Crossing. The Target 120 program would meet the requirements of Youth Justice Act 2005 (NT) Amendments and it has been extremely successful in reducing youth crime in the Kimberley.2 The Kimberley Juvenile justice strategy has also been successful without the need to remove any children.

Youth Justice Changes

"Section 102E sets out the content and term of a family responsibility order. The content of the order will contain directions, which could include those directions for a parent as set out at section 65F, as well as a direction for the parent to take, or not take any other action relevant to the effective care and supervision of the child. Section 102E also prescribes that the order may contain directions for the CEO to take certain actions which form an accountability mechanism for parents, which are intended to encourage parental responsibility and engagement with support services. These actions include (but are not limited to) arranging for a parent to be subject to: enhanced income management; a banned drinker order; providing information about anti-social behaviour to the CEO Housing for the purposes of considering an acceptable behaviour agreement for a parent; or applying for a premises where the child resides to be a declared restricted premises for the purposes of the Liquor Act 2019.

Although these directions may appear punitive, they are intended to support the wellbeing of children and their families and to build parental capacity and capability to care for their child. Orders may also include direction for the CEO to initiate investigations or apply for a protection order under the Act.

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[2] https://www.wa.gov.au/organisation/department-of-communities/request-registration-of-interest-aboriginal-community-controlled-organisation-acco-deliver-the-target-120-plus-inroads-program-metropolitan-wa
https://www.wa.gov.au/organisation/department-of-justice/kimberley-juvenile-justice-strategy

Section 102E also prohibits a family responsibility order from giving a direction that gives parental responsibility or daily care and control of a child to a person. This provision is to make clear that these orders are intended for use as an early intervention mechanism and is not to be used in place of, or as a less intrusive alternative to, a temporary protection order or a protection order under the Act."

I disagree with the above. Family Responsibility Orders would make a very good and less intrusive alternative to Temporary Protection Orders as the child still stays with family and if the child is not placed in community, much less disruptive to the child, who is able to maintain close contact with their parents and carers.

Youth Justice Act 2005 (NT) Amendments
I am in support of :
(a) removing Part 6A of the Youth Justice Act 2005 (NT) (responsible care and supervision within the family) and inserting this into the Act;

Clause 42. Section 192 amended
I am in support of the sections of the Bill that amend Working with Children Clearance (WWCC) scheme - including extending the period of validity of a clearance from two to five years and removing the CEO's discretion to issue WWCC exemptions;

Section:

I am in support of the changes to the Liquor Act and the CEO being able to apply for Declaration of restricted premises where the CEO is directed to do so under a family responsibility order. I live in Fitzroy Crossing, where restricted premises are common and they cause no significant issue. This seems like a reasonable step and could only improve cooperation between government agencies.

On May 15, Tracey Westermann, West Australian Aboriginal Psychologist asked people debating the Aboriginal Child Placement Principle to:

"consider that it feels like to have your culture criminalised, your children removed, your grief weaponised and your resilience pathologized."

Myself, like many other Aboriginal and Torres Strait Islander People around Australia, do not have to imagine what this feels like it as we have lived it and our families have lived it for over 100 years.

My name is Andrea Myers, a Bunuba woman from Fitzroy Crossing and in 2022, I wrote as part of my Bachelor of Laws (Honours) thesis "Working Together to Look After People We Love: Translating Native Title into Practical Change in the Kimberley Region of Western Australia" that the Australian assimilation project has been pursued through the separation and removal of Aboriginal and Torres Strait Islander children from their families, sometimes over vast differences across multiple generations. While legislation and communication tools have changed, the use of "power over" Aboriginal people to judge their lives has not.

100 years apart my family experienced the negative impacts of the child protection system. On 14 October 1946, my Great Grandmother asked a staff member at Derby Leprosarium to write a letter about how her children, one removed in 1927, were going as she had had no contact in nearly 20 years. The Department replied that she was in better surroundings and was undergoing education and training. Eventually, when my grandmother requested permission to marry my Grandfather she would be deemed "not a native under law" as they had been able to confirm a lower level of blood quantum due to her mother having a white father. Despite the government intervening in her child's life from the age of 7, her mother was reassured that she was happy in her job looking after white farmer's children and was enjoying the best of health. The long reaching impact of the Department's decisions did not consider the impact of not being able to reconnect with her mother until she had lost her sight in 1967 and her job not actually paying her, with the Stolen Wages case in Western Australia settled in October 2023 in *Street v State of Western Australia* [2024] FCA 1368.

In 2022, my own children were removed for 14 months. Three, aged 2, 5 and 9 spent this time in a family group home, staffed by Fly in fly out workers from a non-government agency. I was told via email that the family group home located four hours from where I was living was well equipped with activities and was keeping each of the children interested and engaged. I was then denied contact between Christmas Eve until the 28th December. My fourth daughter was sent to live with her Non-Indigenous Father in Perth. She did not travel back to country for two years.

As a Stolen Generation descendant, who travelled back to country to connect with family, culture, country and language I have always felt that how I did this was punished. My trips back to Fitzroy Crossing from a community close to Broome where we had accommodation were seen as prioritising my professional projects and needs and ignoring my children's even though culture needs to be practised as AGMS, authorisation meetings and Kimberley wide AGMS on country are contemporary actions and examples of practicing culture including hearing language, seeing dances and hearing people identify themselves as part of an area of country, a muway group, a cultural bloc, the way decisions made. Stability is not Monday to Friday 9-5. Culture happens with stability in a year long seasonal way and this needs to be remembered.

My efforts to get help for my children, who were eventually diagnosed with ADHD and Autism after reunification was seen as me pathologising them and a form of emotional harm. Escaping Domestic Violence and completing a law

degree while dealing with housing instability was seen as prioritising my needs for work and study over the children's need not as a coping strategy to survive and stay regulated or as a way to be a positive role model and show you can be Aboriginal and have challenges and still keep learning.

While I was fortunate to have the resources to eventually have my children returned, the barriers I overcame would be too great for many families, which is why, although the WA Government claims the numbers of children in WA entering care is declining the National Closing the Gap target for the rate of Aboriginal and Torres Strait Islander children aged 0–17 years in out-of-home care, 50.3 per 1,000 children in the Aboriginal and Torres Strait Islander population, based on progress from the baseline, is worsening.

There has been significant discussion about the Aboriginal and Torres Strait Islander Child Placement Principle. The Placement Principle aims for children , who are under child protection orders to maintain a connection with family and culture for Aboriginal children and Torres Strait Islander children, by being placed with Aboriginal or Torres Strait Islander family or close to community if possible and in their best interests.

According to the Productivity Commission, in 2024, nationally, about three of every five (63.1%) Aboriginal and Torres Strait Islander children in out-of-home care were living with Aboriginal and Torres Strait Islander. In WA that percentage drops to 40.3%. Legislation in each state and territory also requires Aboriginal and Torres Strait children in out-of-home care to have a cultural support plan. Nationally in 2023, 83.3% of children who were required to have a plan, had a current, documented and approved cultural support plan.

As discussed above, cultural support plans where kids are off country, do minimal to maintain Aboriginal identity and are often tokenistic.

It is important the committee do not consider the completion of cultural support plans as a replacement for consistent and meaningful contact with family and at worst a justification for removal.

Stage 1

The Department understands that employment is an important part of Ms Myers' life and identity. Ms Myers will structure her employment in such a way that it is sympathetic to the children's needs and routines.

Contact During Stage 1

The Department recognises that in order to demonstrate the requirements of Stage Two Ms Myers requires extended contact. The Department will support this to happen by providing accommodation in Broome so that Ms Myers and the children can have extended contact including overnights and weekends.

During contact Ms Myers will be responsible for meeting the children's needs including ensuring they have a balanced diet, consistency of routines; including a consistent bedtime to within an hour of their usual routine in their care arrangement; and attend school on time and prepared.

Ms Myers will ensure that the children continue to engage in after school activities including informal social activities with the children's friends. Ms Myers will promote the children's relationships with their school friends and encourage a strengthening of these friendships.

The Department will periodically supervise contact particularly higher risk situations when Ms Myers' attention to supervision needs to be greater, for example during water-based activities.

Stage 2

Safety Scale Rating of 5 - 6

This stage will take approximately 4 – 6 months.

Ms Myers will maintain all the positive progress made in Stage One including ensuring her home is stable and safe, engaging in relationships that are free from violence and staying in communication with the Department.

Stage 1	
	Ms Myers will be open and transparent about her plans for the future should the children be returned to her care. Ms Myers will not speak to the children about plans, including schooling, until decisions have been made with the Department and have been communicated to the children by their case manager.
	The Department understands that Ms Myers becomes focussed on issues and causes that are important to her and acknowledge that this is part of Ms Myers' neurodivergence and personality structure. However, this is a risk factor as it can result in Ms Myers neglecting the children's needs when she becomes hyper-focussed on these issues. Ms Myers will be aware of times when she becomes overly focussed on issues and causes that are important to her, will acknowledge early warning signs of this occurring, and seek support during these times to ensure that her attention to causes she is passionate about does not impede or impact her ability to provide for the children's physical and emotional needs. This includes ensuring that Ms Myers receives sufficient sleep to be able to appropriately care for the children during the day.
	Ms Myers will support the relationships between her children, their case manager, carers, teachers, and other adults with whom the children interact so that the children are able to have healthy relationships with all adults and do not have a sense of divided loyalty. This includes not speaking negatively about the Department, carers, or other adults to the children during contact.
	Ms Myers will support the children to attend health appointments and will discuss with the Department plans to follow recommendations given, including during times when the children are having unsupervised contact.