

Aboriginal Housing NT

Madam CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

I welcome to the table to give evidence to the committee representatives from Aboriginal Housing NT, Leeanne Caton and Pallas Gelfling. Thank you for coming before the committee. We appreciate you taking time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Can you please state your name and the capacity in which you are appearing.

Ms CATON: Good morning, Leeanne Caton, Chief Executive Officer of Aboriginal Housing Northern Territory.

Ms GELFLING: Good morning, everyone. Pallas Gelfling, Policy Officer at Aboriginal Housing Northern Territory.

Madam CHAIR: Thank you. Ms Caton, would you like to make any opening statements?

Ms CATON: Yes, if I may.

Thank you for the opportunity to appear before the Legislative Scrutiny Committee today. My name is Leeanne Caton, Chief Executive Officer of Aboriginal Housing Northern Territory (AHNT). AHNT is the Aboriginal community-controlled peak body for Aboriginal housing in the Northern Territory. We represent and advocate for Aboriginal community-controlled housing organisations across the Northern Territory.

AHNT absolutely opposes this legislative amendment and calls for the Bill to be withdrawn and subject to genuine consultation with Aboriginal communities, community-controlled organisations, legal services and frontline service providers. We want to be clear that we support child safety and recognise the need for effective child protection systems. Our concern is that this Bill expands government powers to intervene in family life while failing to address the underlying conditions that are driving child protection involvement in the first place.

Housing shortages leverage families into the child protection system. Many of the challenges that bring families into contact with child protection systems are closely linked to overcrowding, housing shortages, homelessness, poverty and limited access to services. These are systemic issues that families often have little control over, yet this Bill creates a framework where those same circumstances become grounds for greater intervention by the department.

The proposed legislative amendment includes the lowering of intervention thresholds and the introduction of broad concepts such as 'events of concern'. We fear these changes will result in more Aboriginal families entering the child protection system and more children being removed because of structural disadvantage rather than immediate safety concerns.

Across the Northern Territory, Aboriginal families face chronic housing shortages and lengthy public wait times. These estimated wait times for social housing average at eight to 10 years, with priority applicants waiting from four to 10 years. In many remote communities there are no alternative housing options available. This Bill introduces strict two-year permanency and reunification timeframes that do not reflect these realities.

Parents may lose the opportunity to reunify with their children not because they are unwilling or incapable of caring for them, but because they cannot access housing that simply does not exist. These same barriers affect kinship care placements. We know that connection to family, culture, language and country is fundamental to the wellbeing of Aboriginal children; however, many willing kinship carers are excluded because of the same housing shortages affecting families across the Territory. This results in more Aboriginal children being placed in non-kinship care because of housing system failures.

Beyond the Bill itself, I believe it is important to consider the broader context in these discussions. This legislation is being introduced into a child protection system that has repeatedly been criticised by inquiries, coronial investigations and oversight bodies for years. Multiple coronial inquests into the deaths in care of Territory kids have highlighted chronic rates of understaffing in the child protection teams, with recent reported vacancy rates in the Darwin region as high as 27%. In March this year a submission by the department to the Coroner said that staff vacancy rates are a systemic issue impacting their ability to manage caseloads.

Recent reporting from the Office of the Children's Commissioner found that nearly one in three children in out-of-home care were allegedly harmed by their carers during the 2024–25 reporting period. During that period, none of the substantiated investigations into care were completed within the timeframe allocated to each investigation priority group by the department.

At the same time, approximately 90% of children in out-of-home care are Aboriginal, yet only 25% of Aboriginal children in care were placed with an Aboriginal carer. This is despite the Aboriginal child placement principle emphasising the importance of connection to community, country and culture.

The question before this committee should not simply be whether the department requires these powers to be proposed, but whether the existing system is adequately resourced and capable of delivering positive outcomes for children in its care.

We know that child protection notifications in the Northern Territory are amongst the highest in the country. We know that vacancy rates and workforce shortages have repeatedly been identified as systemic issues affecting the department's capacity to respond effectively. We know that multiple inquiries have highlighted failures in care planning, failures to identify and utilise kinship carers, failures to maintain adequate contact with children in care and failures in compliance within the department. Considering this, AHNT does not believe lowering thresholds and expanding powers for intervention should be a priority. Our concern is that this Bill risks responding to systemic failures by increasing state control rather than addressing the underlying issues creating this situation.

The lessons from decades of inquiries, royal commissions and reviews have been remarkably consistent. They tell us that investment in housing, early intervention, community-controlled services and culturally safe support is critical. They tell us that strengthening families and communities produces better outcomes than separating children from them wherever possible. Those lessons are reflected in the Closing the Gap agreement, particularly the commitments to shared decision-making and transforming government organisations. AHNT does not believe this Bill aligns with those commitments.

Every child does matter, but every child deserves more than intervention after a crisis. Children should not be permanently separated from families due to overcrowded housing, near decade-long waiting lists, poverty or the absence of support services. Families should not be penalised for circumstances they cannot control. Governments should not respond to longstanding systemic failures by expanding coercive powers without addressing the conditions that place families under pressure.

AHNT urges the committee to recommend that the Bill be withdrawn and genuine consultation be undertaken with Aboriginal communities, community-controlled organisations, legal services and frontline service providers to develop reforms that genuinely keep children safe while strengthening families and addressing the root cause of child protection involvement.

Thank you. I welcome any questions from the committee.

Madam CHAIR: Thank you, Ms Caton.

Mr HOWE: Thank you for coming in today.

It is important to note I did ask the department directly in its first sitting if a child could be removed because of overcrowding, poverty and those issues, and it was on record stating that they are not grounds for removal. With that now being on the public record, in the view of Aboriginal Housing NT, does that change your view at all of the legislation?

Ms CATON: The Bill introduces broad evidence of concern which allow intervention events of concern—that is, school non-attendance, antisocial behaviour in the household and broad concerns affecting a child's wellbeing. It is not only the overcrowding situation; it is all the other issues that go with overcrowding.

Does it make me feel any better? I am not sure at the moment.

J DAVIS: Thank you, Ms Caton and Ms Gelfling, for coming in today.

I have questions specifically about housing and how that might relate to this Bill. You have outlined that housing waitlists in the NT currently average eight to 10 years. The Bill requires reunification within two years, so for a parent who wants to reunify with their child but cannot get housing, not because they failed but because the system has, what will that mean in practice?

Ms CATON: What would it mean in practice? If you are in an overcrowded situation you are normally not the head tenant, so your name might not formally be on the lease of the house that you live in. You are living in an overcrowded house, being homeless is implied, so you may not be the head tenant. If your child gets removed, you have two years to address your living situation, I would say, to ensure the department that the house is not overcrowded or unsafe before you are assessed as being able to get your child back. The current situation is that living in housing considered to be in a state of disrepair, despite the Northern Territory Government being responsible for maintenance as the landlord—that is an issue as well. You have two years to get your child back. There is no way you will have your life in order due to the housing shortages.

We know what is going on now with the remote housing builds; it is still not enough to alleviate the overcrowding problem. If your child is removed due to overcrowding, although the department said it will not be—but the other issues associated with overcrowding—you have 12 months and then up to two years to get your life in order. That will not happen in two years.

Mrs ZIO: One of the things we have heard today is that there is a two-year timeframe on it being prioritised for reunification. It does not disallow the family then entering another claim to get the child back after that two years. I want to make clear that it is not a cut-off point; it is a prioritisation aspect. The two-year timeframe is put in there for prioritising the reunification, and if it does not happen it does not stop the family from then entering into an application to try to get the kids back following that.

The second thing has left my mind. I will come back to it.

J DAVIS: I want to clarify that. The Bill says clearly that there is a two-year cap on reunification. At some point in the future the family could return to court and commence proceedings, but the Bill clearly says that there will be a two-year cap. That is a bit different from what you just described. The Member for Drysdale said the department said clearly that overcrowding would not be a cause for removal of children. I look forward to clarifying that.

Madam CHAIR: Member for Johnston, do you have a question for the witness?

J DAVIS: I do, thank you.

You have also described a feedback loop where family responsibility orders can trigger acceptable behaviour agreements under tenancy law, and breaching one can lead to eviction. Can you just walk through, in plain terms for us, how does a child protection order end up potentially putting a family on the street, and how does that make children safer?

Ms CATON: If families do not enter or comply with the FRA (family responsibility agreement), the department can apply for an FRO (family responsibility order). These orders can require parents to participate in programs or services, meet specific behaviour requirements and comply with directions imposed by the court. FROs can trigger other government intervention, including income management and the creation of an acceptable behaviour agreement with the CEO of Housing.

FROs give the department the authority to provide information to the CEO of Housing for the purpose of considering an acceptable behaviour agreement. An acceptable behaviour agreement is a written contract entered into by a tenant of public housing premises about not engaging in antisocial behaviour or within 50 metres of the premises. The CEO of Housing is able to terminate a tenancy if the tenant fails to agree to the agreement or breaches the agreement. Linking FROs to acceptable behaviour agreements will intensify the very conditions that contribute to child protection concerns in the first place.

J DAVIS: I have just one follow-up question in terms of the reunification timeframe. In your experience, how likely is a remote family struggling with housing and associated issues to be able to enter into litigation to regain their children after a permanent order has been put in place?

Ms CATON: It is very difficult. The Bill places greater emphasis on permanency, stability and long-term care arrangements for children, and the department can make proactive efforts to reunify children. We just came from Barunga yesterday, meeting with the four land councils, and the issues that were raised would curl your eyelashes. There is a view out there that children are starting to be used as a commodity. What are they doing, child trafficking our children now?

People living in unstable housing—insufficient housing for starters, overcrowding and all the issues that come with that when you have children in your home, making lunches, getting food and keeping that secure from the other people in the house, and then to have the additional anxiety of being under threat of having the child removed and having to go through this bureaucratic process time and again to prove to the department that you are a fit and proper person to have your child back—I could really imagine the anxiety of the people affected by the Stolen Generations, having their children taken away, except there is a process to this now, rather than them just running in and grabbing your children.

It is extremely concerning for people who have, at the bottom of Maslow's hierarchy of needs—where housing does not even seem to be relevant anymore. With all the other additional pressures and trying to do the best they can to look after their children, they may be living in houses where they have sisters, brothers and other family members living there. Do not forget, sometimes it takes a village to raise a child. It is extremely stressful.

Mr YOUNG: Thank you for your submission and opening statement.

I have a question regarding the lack of resourcing, and you touched on some of the systemic issues in the report in relation to overcrowding, poverty, poor health outcomes and limited access to therapeutic care. Many people who have given submissions and feedback to the committee have also raised those issues in relation to facing child safety, lack of resourcing, lack of service coordination and inadequate responsiveness from the Department of Children and Families—not the legislation itself, but actually implementing the legislation that is there, whether it is the Aboriginal child placement principle.

What other alternative measures could be pursued by the government that would increase safety for children in care or improve this child protection system instead of the proposed amendments?

Ms CATON: One of the major objectives of the Closing the Gap agreement is that government transforms the way it does business. We are finding this more and more relevant across various areas in the Aboriginal sector that we work in. There is a huge need to transform the government. For years many Aboriginal communities and people have been told, 'Increase your capacity'. Now it is time for the bureaucracy to start increasing its internal capacity to provide and deliver more effective, appropriate and cost-effective services.

Ms GELFLING: Just to address that question, Member for Daly, we have seen in royal commissions and inquiries that there has been general noncompliance with the current policies and legislation in place. I would say complying with that would be a start.

Mr YOUNG: I think you addressed this in your opening statement, but clearly this Bill, in its current format, will not address some of the child protection concerns that we all have. In terms of your role in Aboriginal Housing Northern Territory, do you see a bigger part in all governments looking at housing and how that is implemented, not just in our larger communities but also across our homelands to ensure our kids have connection to country, language and wellbeing? When they are living on their own country but with lack of resources and infrastructure on homelands, we are seeing children ...

Ms CATON: Aboriginal Housing NT is a member of the joint steering committee in relation to the federally funded \$4bn agreement to increase the number of houses in Northern Territory remote communities to alleviate overcrowding issues. That is \$4bn over 10 years; we are now into the second year. A total of 2,700 houses across the Northern Territory will not address overcrowding, because it is a 10-year timeframe. Babies do not stop being born in 10 years, so there will always be overcrowding in Aboriginal communities, as far as I am concerned, because we just cannot keep up. There are not the resources to build the houses that we need.

A part of our role as AHNT on the joint steering committee—it is a committee consisting of two levels of government, Commonwealth and the NT; the four land councils; and Aboriginal Housing NT. We are introducing to the next joint steering committee, which is in a couple of weeks' time—we are presenting a 10-year strategic plan that the joint steering committee members all know about. It has been in the pipeline for some time. The plan is to transition all public houses in remote communities over to community control. This is what we were talking about at Barunga yesterday.

We need to ensure that we have capacity-building officers out there, increasing the capacity of these community housing providers so the government will have faith that they have the competence to handle the houses in their community. Once this happens and we go back to community control and start looking at thorough tenancy support programs, I think things will smooth out a bit, for want of a better term.

Mrs ZIO: We have talked a bit about a few different things already, such as resourcing and housing. The Member for Drysdale clarified that a person will not lose their child purely because of homelessness.

Anecdotally, I have spoken to quite a few people who work in the child protection services, and one of the big factors around the inability to employ people to do this work is the things that people are seeing on the ground, like the trauma that the staff are experiencing when they go out and visit these households—they are seeing kids who are neglected, abused, sexually exploited, kids witnessing things that they should not have to witness at that age. This is then compounded by the fact they are restricted by the legislation to do what they need to do with that child. This is what I have been told on the ground, anecdotally.

In my view, what this legislation does is try to prioritise the safety over everything else for the staff member to be able to make that assessment and make decisions related to that. The flow-on effect of that is the policies and processes can be updated by the staff on the ground, which means that the processes will be identified and clear. There will be no grey areas. Each case is done individually, but the decision-making process means that staff have more clarity, which means—in my view—the resources may start to flow back in to do this work.

In relation to the tight timeframes that we were talking about in relation to the reunification, I am of the view that they will improve things for staff as well, to be able to give them clearer processes.

I guess my question is: your express concern is that housing instability may contribute to child protection intervention, do you accept that there is a clear distinction between a family experiencing housing stress and the child experiencing abuse, serious neglect, family violence or exploitation? How should decision-makers distinguish between those situations by ensuring that the child is protected from immediate harm?

Ms GELFLING: This Bill introduces—basically, it lowers the threshold for intervention and introduces terms such as ‘events of concern’, which is school non-attendance, antisocial behaviour and broad concerns impacting a child’s wellbeing. These are things that occur because of overcrowding. Say, overcrowding can disrupt sleep and your daily routines. You can get family stress related to housing. When you are asking questions about domestic violence and things like that, obviously those do occur in housing, but I think those issues are quite separate.

Mrs ZIO: Okay. I worked in education for a very long time. I have worked in school engagement and all those spaces. I have lots of experience in that area. If you look at countries across the world, overcrowding is not just in Aboriginal communities in Australia. There are countries in Asia, India and Africa that experience overcrowding. Education is a very big priority for many cultures across the world. What do you think needs to be improved in that space, using the excuse of overcrowding for poor education attendance in Aboriginal communities?

Ms CATON: I think it is more complex than that. If you are looking at the disadvantage life cycle, or the cycle of poverty, you will see that often, due to the Stolen Generations, there is a loss of parenting skills because the child’s parents might have been institutionalised from a young age. Therefore, there is the loss of parenting skills. There is also the lack of motivation for the education system because where will the kids go when they finish school? There are no jobs; there is a feeling of hopelessness out there.

Many kids are fortunate to get scholarships to the flasher schools in the country, Melbourne Grammar and Scotch Grammar. They go away and eventually they will not come back. You go away and meet your partner and socialise with future politicians, surgeons et cetera, and get used to the bright city lights. You come back to your community where there is no economic development activity, so you will start seeing an erosion of culture rather than cultural evolution.

In relation to the overcrowding in other cultures, it happens in all cultures. This is the new fad—multigenerational living. With our people it is seen as overcrowding and antisocial behaviour.

The other thing I want to say, Member for Fannie Bay, is that some years ago I worked in the department and was responsible for working on the Aboriginal community workers career pathway plan, as we did with the Aboriginal health workers career pathway plan years before that. Those people were trained to work with

the social workers or the staff in the department who were going out to assess situations. One of the situations that arose—an example of what happened out there with an Aboriginal community worker and a social worker, or another qualified person from the department—is they were on a verandah and saw a little three-year-old child go from that house to the house next door and then to the house across the road. ‘Nobody is looking after that child; it is neglected and unsupervised’, but that is mum’s house, that is mum’s sister’s house next door and this is the grandmother across the road. It is all about the way you look at things from your world view, basically.

We have people going out there, doing assessments on Aboriginal people with their textbook-acquired understanding of the genre and looking at it from their own world view. We need to have more Aboriginal people working in this department again, build up the resources again and have Aboriginal community workers who are trained to go out with the staff. It does not excuse sexual abuse and physical abuse and the likes of that, but it will enable more appropriate assessments to be made prior to just going in there and taking that child out of that house.

Mrs ZIO: I just have one more, just to wrap that up.

If child safety must come first, can you identify any provision of the amended Bill that would require a child to remain in an unsafe environment solely because of cultural, housing or family preservation considerations?

Ms CATON: Culture is not about lack of safety for children.

Mrs ZIO: I did not say that.

Ms CATON: I know, but I am just saying we also care about the safety of our children absolutely. There are other members of the family who can come in to assist. It is just that the process that is in place or intending to be put into place is, basically, ‘Do not consult with anybody. Just go in there and make your assessment from one person’s view, and the child gets taken.’

I do not know if I answered your question.

Mr YOUNG: I just had one question following up from what you said—I cannot remember who asked the question at the time. In regard to the current Bill and how this may stop the department working with children’s safety, are you able to expand on the feeling in the community—I am getting that feeling out in the community too—in regard to this Bill is about child trafficking Aboriginal children? Can you expand on that and the very real concerns that many Aboriginal people have with this Bill?

Ms CATON: The other point that was made to me yesterday while we were meeting with the four land councils was that our children are starting to become commodities now. There is a huge feeling in the Northern Territory that Aboriginal people are an industry now. We are an industry; people make a lot of money working in the Aboriginal space—for example, the amount of money that foster carers get compared with Aboriginal kinship placements. Commodities, human trafficking—why are they taking our children away again? There were people out there in tears yesterday who had been through the Stolen Generations process and were asking, ‘What can we do to keep our children safe? Do we have to run away back into the hills with them?’ There is a real fear factor out there, plus all the other situations that have impacted on the Aboriginal community over the last couple of years—the significant deaths that have occurred without any closure for the communities. Now the housing stuff and the child protection stuff. It is like we are back in the 1960s. That is the feeling.

Madam CHAIR: Thank you. That ends our session for this hearing.