



Katherine West Health Board Submission to the Legislative Scrutiny Committee

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

Introduction

Katherine West Health Board (KWHB) welcomes the opportunity to provide this submission to the Legislative Scrutiny Committee regarding the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

KWHB is an Aboriginal Community Controlled Health Organisation delivering comprehensive primary health care and health and wellbeing programs across the remote communities of Kalkaringi, Lajamanu, Timber Creek and Yarralin in the 162,000km² Katherine West region of the Northern Territory (NT). Through our delivery of primary health care, maternal and child health services, social work programs, NDIS Remote Community Connector program, health promotion, and community engagement activities, KWHB works closely with children, young people and families deeply impacted by the social determinants of health and justice, intergenerational trauma and a long history of harmful government decision-making and discriminatory policies which adversely affect Aboriginal people.

We acknowledge the complexity of the child protection system and the importance of timely reform. However, we are concerned about the limited opportunity for broad consultation regarding reforms of significant operational, cultural and legal consequence.

The proposed amendments substantially alter:

- placement principles;
- family participation mechanisms;
- escalation pathways;
- and powers affecting Aboriginal children and families.

Given the disproportionate impact of these reforms on Aboriginal families in remote communities, KWHB submits that meaningful consultation with Aboriginal communities, Aboriginal community-controlled organisations and frontline service providers is critical to ensuring legislation operates fairly, effectively and in a culturally safe way.

We encourage the Legislative Scrutiny Committee to consider our submission in determining whether the Assembly should pass the Bill.



KWHB acknowledges the stated objectives of the Bill, including:

- improving child safety;
- strengthening early intervention responses;
- promoting permanency and stability for children;
- ensuring children's best interests remain paramount in decision-making processes;
- and reducing escalation into statutory child protection and youth justice systems.

This submission focuses primarily on matters relevant to the Legislative Scrutiny Committee's Terms of Reference, including:

- whether the Assembly should pass the Bill;
- whether the Bill has sufficient regard to the rights and liberties of individuals;
- whether the Bill is consistent with principles of natural justice;
- whether powers conferred under the Bill are appropriately defined and reviewable;
- and whether the Bill has sufficient regard to Aboriginal tradition and kinship systems.

KWHB's submission is informed by direct operational experience as an Aboriginal community controlled health organisation delivering services and programs to families in remote NT Aboriginal communities where service access, infrastructure limitations, housing conditions, workforce shortages and intergenerational disadvantage and systemic discrimination substantially affect family capacity and engagement with systems.

1. Regard to Aboriginal Tradition, Kinship and Cultural Connection

The Legislative Scrutiny Committee's Terms of Reference require consideration of whether the Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition.

KWHB considers this to be a significant issue arising from the proposed amendments.

KWHB notes that Australia has endorsed the United Nations Declaration on the Rights of Indigenous Peoples, including commitments relating to Indigenous self-determination, participation in decision-making and the protection of Indigenous family and kinship structures. KWHB submits these principles are directly relevant to legislative reforms that alter decision-making processes affecting Aboriginal children, families and communities.

We have serious concerns that the restructuring of placement principles will weaken recognition of Aboriginal kinship systems and cultural decision-making structures.



The Bill removes the distinct Aboriginal Child Placement Principle framework and instead incorporates Aboriginal cultural considerations within a broader placement and permanency framework.

KWHB is concerned that:

- permanency considerations may be prioritised over kinship and cultural continuity;
- Aboriginal families will experience reduced participation in significant decisions;
- and cultural connection risks becoming secondary to placement expediency.

For Aboriginal children, connection to:

- family;
- kinship systems;
- community;
- language;
- culture;
- and Country

are central protective factors contributing to long-term wellbeing, resilience and identity formation.

KWHB is particularly concerned by amendments replacing provisions that previously recognised rights of participation for Aboriginal children and families in significant decisions, with provisions providing only an “opportunity” to participate.

Scrutiny should be given to whether these amendments sufficiently protect:

- Aboriginal self-determination principles;
- cultural authority structures;
- and meaningful participation in decisions affecting Aboriginal children.

The Scrutiny Committee must consider:

- stronger protection of kinship-based placement principles;
- retention of meaningful participation rights for Aboriginal families;



- and explicit recognition that cultural connection forms part of a child's best interests and long-term stability.

2. Importance of Aboriginal Community-Controlled Responses

KWHB strongly recommends that implementation of any reforms to the *Care and Protection of Children Act 2007* align with the *National Agreement on Closing the Gap*, including the Priority Reforms relating to formal partnerships and shared decision-making, strengthening the Aboriginal community-controlled sector, transforming government organisations and improving shared access to data and evidence.

Consistent with these commitments, KWHB submits that Aboriginal community-controlled organisations should be prioritised in the design, delivery and governance of:

- health and education services;
- family support services;
- early intervention responses;
- youth engagement initiatives;
- parenting supports;
- therapeutic programs;
- and family reunification services.

Aboriginal community-controlled organisations are best positioned to:

- deliver culturally safe services;
- maintain long-term relationships with families;
- support sustained engagement;
- respond holistically to community needs;
- and ensure Aboriginal people are the decision-makers for their communities.

Meaningful consultation and partnership with Aboriginal community-controlled organisations is essential to ensuring legislative reforms operate fairly and effectively in remote Aboriginal communities. KWHB submits that the proposed reforms should not proceed without meaningful partnership with Aboriginal communities and Aboriginal community-controlled organisations, particularly given the significant impacts these reforms will have on Aboriginal children, families and kinship systems in remote communities.



3. Natural Justice and Practical Capacity to Comply

The Committee's Terms of Reference require consideration of whether the Bill is consistent with principles of natural justice.

KWHB submits that many Aboriginal families will be subject to escalating interventions despite lacking practical capacity to comply with directions due to systemic and structural barriers.

In many remote communities:

- culturally secure parenting programs are limited or non-existent;
- alcohol and other drug services are limited or inconsistent;
- transport barriers and costs significantly affect service access;
- housing overcrowding affects family functioning;
- and specialist therapeutic supports are often unavailable to community members.

KWHB submits that a family should not be considered non-compliant where services required to support compliance are inaccessible, unavailable or culturally unsafe.

The Bill provides powers for the Court to hear applications in the absence of parents in some circumstances.

We have serious concerns that this change will disproportionately affect families experiencing:

- crisis situations, including family violence;
- language and communication barriers;
- cognitive impairment;
- disability;
- unstable housing;
- or limited understanding of legal processes.

This legislative change requires thorough consideration of practical barriers to attendance and compliance. As it stands, we expect this reform would unfairly discriminate against families who are unable to engage due to systemic disadvantage or lack of locally available and culturally safe services.



4. Administrative Powers and Procedural Safeguards

KWHB acknowledges the Bill's intention to strengthen early intervention and parental engagement through the introduction of Family Responsibility Agreements and Family Responsibility Orders.

We are deeply concerned that the Bill confers broad administrative and coercive powers without sufficient safeguards to ensure those powers are exercised proportionately, consistently and fairly in remote community contexts.

The Bill establishes broad escalation pathways where:

- a parent refuses to engage;
- a parent is considered not to have complied with an agreement;
- or where a child's wellbeing is considered adversely affected.

KWHB is concerned that several triggering concepts within the Bill are broad and uncertain in their application, including:

- "event of concern";
- "anti-social behaviour";
- and what may constitute sufficient engagement or compliance.

The practical operation of these provisions would be heavily dependent on administrative discretion.

There needs to be a great deal more work and consultation undertaken to ensure:

- decisions are proportionate;
- thresholds for escalation are sufficiently clear;
- and families have meaningful opportunity to understand and respond to concerns before coercive measures are applied.

Broad discretionary powers are most likely to disproportionately affect Aboriginal families in remote communities where:

- literacy barriers exist;
- English is often not the clients' first language;
- housing instability and overcrowding is significant;



- and access to support services is inconsistent or unavailable.

As it stands, there are not clear statutory thresholds for escalation, consideration of service accessibility, culturally appropriate communication requirements or independent review mechanisms to support procedural fairness for families.

5. Proactive Efforts and System Capacity

KWHB supports the inclusion of “proactive efforts” provisions aimed at strengthening reunification and early intervention responses. We note this was a recommendation from the Inquest into the Death of Baby G.

From our experience operating health and family services in remote NT communities, we are strongly aware of the capacity restraints for the Department of Children and Families (DCF) to meaningfully apply “proactive efforts”. The effectiveness of these provisions will depend heavily on system capacity and service availability.

Remote communities continue to experience:

- significant workforce shortages;
- high turnover of child protection and support staff;
- limited therapeutic service access;
- fragmented interagency coordination;
- and substantial housing shortages.

There is a real risk that legislative obligations relating to proactive efforts will become procedural compliance exercises in the absence of sufficient workforce and service investment.

Reforms to meaningfully accommodate “proactive efforts” must be accompanied by:

- substantial investment in early intervention services;
- local Aboriginal community-controlled family service supports;
- local therapeutic and healing services;
- multidisciplinary care coordination;
- and long-term workforce development in remote communities, with a strong focus on developing the local Aboriginal workforce.



6. Disability, Trauma and Developmental Vulnerability

KWHB submits that the Bill does not adequately account for the significant prevalence of unmet developmental, cognitive and disability-related needs experienced by children and young people in remote Aboriginal communities, nor the substantial limitations in the remote service system required to appropriately assess and respond to those needs prior to escalation into coercive child protection or compliance-based interventions.

The behaviours captured under the proposed “event of concern” framework may reflect:

- trauma exposure;
- disability;
- neurodevelopmental conditions;
- Foetal Alcohol Spectrum Disorder (FASD);
- grief and loss;
- cognitive impairment;
- or significant developmental vulnerability.

As a long-standing primary health care provider delivering services across remote Aboriginal communities in the Northern Territory, KWHB has extensive operational experience supporting children and families with complex developmental, behavioural and disability-related needs. KWHB is currently funded under the National Disability Insurance Agency (NDIA) to support remote Aboriginal clients to access and navigate the National Disability Insurance Scheme (NDIS), and through this work has direct experience navigating the significant systemic barriers faced by remote families attempting to obtain appropriate assessments, diagnoses and supports.

KWHB submits that the practical realities of the remote service environment have not been sufficiently considered within the proposed reforms.

Across remote communities there remains:

- limited access to paediatricians and developmental specialists;
- inconsistent specialist outreach services;
- substantial delays for cognitive and functional assessments;
- extremely limited access to FASD diagnostic services;



- shortages of psychology, speech pathology and occupational therapy services;
- and limited therapeutic and disability support services available locally.

Paediatric outreach services are already insufficient to meet existing community need, including for children requiring developmental monitoring, behavioural assessment and therapeutic intervention outside formal disability pathways.

KWHB further submits that even where children successfully meet access requirements for the NDIS, the service system in remote communities remains severely limited. Many communities continue to have limited or no locally available disability support services, allied health providers or therapeutic programs. Geographic isolation significantly increases service delivery costs, meaning remote participants frequently experience reduced levels of actual service access despite higher package expenditure.

In this context, KWHB submits that the Assembly should carefully consider whether the Bill risks increasing coercive responses toward children and families whose underlying needs remain unidentified, unassessed or unsupported due to systemic service failures rather than parental non-compliance.

KWHB submits that these issues require further consideration, consultation and service system planning prior to passage of the Bill in its current form, including:

- mapping of specialist assessment and therapeutic service gaps across remote communities;
- consideration of the practical availability of developmental and disability assessment pathways;
- assessment of the capacity of remote health and disability systems to respond to increased referrals and intervention requirements;
- and consultation with remote Aboriginal communities, Aboriginal community-controlled organisations and frontline health and disability providers regarding the likely operational impacts of the proposed reforms.

KWHB submits that without this work, there is significant risk that children with unmet developmental, cognitive, trauma-related and disability-related needs will become further entrenched in compliance-based and statutory systems without access to the therapeutic, clinical and developmental supports required to address the underlying causes of vulnerability and behavioural concern.

7. Children Below the Age of Criminal Responsibility

KWHB notes the Bill enables referrals and interventions involving children who cannot be held criminally responsible under the Criminal Code.



KWHB acknowledges the importance of early intervention for children exhibiting concerning behaviours. However, KWHB is highly concerned that children with significant developmental and therapeutic needs may become subject to escalating surveillance and coercive interventions at very early ages.

KWHB submits that responses for this cohort should remain:

- therapeutic;
- family-centred;
- culturally safe;
- and developmentally informed.

Conclusion

KWHB submits that the scale, complexity and potential consequences of the proposed reforms for Aboriginal children, families and kinship systems in remote communities warrant further consultation, consideration and implementation planning prior to passage of the Bill in its current form.

The Bill introduces significant changes to decision-making processes, placement principles, escalation pathways and administrative powers affecting Aboriginal children and families. KWHB submits that the practical, cultural, financial and operational impacts of these reforms across remote communities have not been sufficiently considered or mapped out, particularly in the context of existing service gaps, workforce shortages and barriers to accessing developmental, therapeutic and family support services in remote Northern Territory communities.

KWHB strongly recommends that meaningful consultation be undertaken with Aboriginal families, remote Aboriginal communities, Aboriginal community-controlled organisations and frontline service providers prior to the passage of the Bill. KWHB submits that consultation of this nature is essential to ensuring the legislation is culturally informed, practically workable and responsive to the realities faced by Aboriginal families living in remote communities.

KWHB supports efforts to improve child safety, strengthen early intervention and promote stability and wellbeing for children in the Northern Territory.

However, KWHB submits that careful scrutiny is required to ensure any reform to the *Care and Protection of Children Act 2007*:

- meaningfully centres Aboriginal decision-making, community control and self-determination;



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- deeply considers the impacts of geographical isolation and cavernous service gaps, particularly for remote communities;
- contains sufficient procedural safeguards;
- appropriately limits and reviews administrative powers;
- remains consistent with principles of natural justice;
- and appropriately recognises the importance of Aboriginal kinship systems, cultural authority, family participation and cultural connection in decisions affecting Aboriginal children.

Aboriginal children, families and communities must not only be consulted, but empowered to actively shape the systems, decisions and service responses that affect them. Aboriginal community-controlled organisations play a critical role in delivering culturally safe, trauma-informed and community-led responses that strengthen families and improve long-term outcomes for children.

KWHB notes that Australia has endorsed the United Nations Declaration on the Rights of Indigenous Peoples, including commitments relating to Indigenous self-determination, participation in decision-making and the protection of Indigenous family and kinship structures. KWHB submits these principles are directly relevant to legislative reforms that alter decision-making processes affecting Aboriginal children, families and communities.

KWHB further submits that without substantial investment in culturally safe, accessible and Aboriginal-led support services, the practical operation of the Bill will disproportionately impact Aboriginal families living in remote communities and risks further entrenching distrust and disengagement from statutory systems.

KWHB encourages the Legislative Scrutiny Committee to consider whether the legislation operates fairly, proportionately and consistently with:

- the long-term wellbeing of Aboriginal children and families;
- the preservation of cultural identity and connection;
- and the principles of Aboriginal self-determination and community control.

Submitted on behalf of KWHB

Authorised by:

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