

Department of Children and Families

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 the Department of Children and Families, Brent Warren and Michelle Ganzer. Thank you for coming before the committee. We appreciate you taking the 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.

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

Mr WARREN: My name is Brent Warren and I am the Chief Executive of the Department of Children and Families.

Ms GANZER: I am Michelle Ganzer. I am the Executive Director, Strategy, Policy and Commissioning.

Madam CHAIR: Mr Warren, would you like to make an opening statement?

Mr WARREN: I will make an opening statement.

Thank you for inviting us back to appear before the committee for a second time. We hope today, through our opening remarks and any questions, to respond to some of the issues that have been raised over the course of your hearing.

There have been two substantive and important days of evidence. I and the team at the department have listened carefully to every submission and witness. Some of what has been said has been challenging. I thank the individuals and organisations that have taken the time to contribute to this process.

I will provide this statement to address the most significant themes directly, and to acknowledge that we are all here because the safety of Territory children depends on getting this right.

A number of witnesses over these two days have raised fears that this Bill will lead to an increase in removals of Aboriginal children; that giving the system more tools will mean those tools are used indiscriminately and carelessly. Some witnesses drew explicit parallels with the Stolen Generations. I understand where that fear comes from. The history is real. When a government proposes changes to child protection law it is understandable that Aboriginal families and communities may feel concern. However, I know this workforce personally and I want to put something on the record on their behalf. No-one in this department wants to remove a child from their family—not one person. It is never a relief or a straightforward decision. It is, in every case, the last thing any worker wants to reach for. When they do, it is because they have concluded, often with great difficulty and sadness, that a child is genuinely not safe. Our workers go home carrying those decisions. The notion that expanding the legal framework for intervention will somehow translate into workers enthusiastically removing children is simply not how this system operates.

A provision in legislation is not a directive to act in every circumstance. Having a power does not require it to be exercised.

I ask you to consider how this works in other parts of the legal system. A judge, for example, can impose the maximum sentence available under the law, but in practice maximum sentences are applied rarely, and only in the most serious circumstances. A judge's courtroom is filled every day with matters that result in warnings, conditions, diversion and support, not maximum penalties. The point I am making is the existence of the sentencing power does not mean every matter results in the harshest outcome. It means the system has the full range of tools it might need when a situation demands it. That same principle applies here in child protection. Having the legal authority to act is not the same as having the intention to act in every case.

I now acknowledge the submission from the Australian Medical Association NT presented by Dr John Zorbas and Dr Rosie Rock. The AMA's statements about the health and development needs of children are ones

the department wholeheartedly agrees with. The evidence on the impact of instability, neglect and adverse childhood experiences—we accept that fully, and it reinforces why early action matters.

The department considers it necessary to address a recurring misconception in the evidence that has been heard here that intervention under this Bill equates to the removal of children from their families. Intervention does not equal removal. In the vast majority of cases intervention means exactly the opposite. It means stepping in early with support to prevent a situation from ever reaching the point where removal becomes necessary.

I will give a recent example from our work. Earlier this year a team was dealing with the matter of a five-year-old child who was identified as being at risk. The risk did not come from the child's mother, but from other residents living in the same apartment complex where they were living. The department stepped in and worked with the Department of Housing, Local Government and Community Development to find alternative accommodation and the mother and child were safely relocated together. No removal, no family separation—a problem identified, addressed practically and resolved.

This is what the department does every day—emergency financial support for food, assistance navigating housing options, connections to counselling and mental health services, medical referrals and cultural support. We work to address problems at the root, not wait until they become disasters.

Yes, there is a housing waiting list in the Northern Territory; that is a fact. The department knows this very well, but we work with the department of Housing and other accommodation providers. We work to find solutions where we can, and where we cannot solve the underlying problem immediately we do not walk away.

The Bill's proactive efforts framework legislates that approach. It creates legal obligations to do exactly this—help early before escalation is considered. Critically, it requires the department to well document those efforts. This point about documentation was raised in submissions and these hearings, that one of the persistent failures identified in practice has been the inadequate reporting of the steps taken by the department to work with families, leaving no clear documented account of what was done to try to keep children with their families. The proactive efforts provisions in this Bill directly address that failure. They do not simply require the work to be done; they require it to be recorded, tracked and demonstrated.

I turn to the Aboriginal child placement principle. The concern we heard raised most consistently across these two days by SNAICC, the Children's Commissioner, AMSANT, NAAJA and the NT Legal Assistance Forum, is that this Bill weakens the Aboriginal child placement principle and that the consequence of those changes will be more Aboriginal children removed from their families. The department's position is clear: the Bill does not remove cultural protections for Aboriginal children. Section 12C contains explicit enforceable obligations to support Aboriginal children's connection to family, culture, language, community and country.

It is important to address a misunderstanding about the structure of the placement principles in this Bill. A concern has been raised that the Aboriginal child placement principle has been weakened by the introduction of the wider framework. The Bill does the opposite. For the first time, it introduces a universal placement principle that applies to every child in the Northern Territory, establishing that, where safe and practicable, children should be placed first with a parent, then a family member or then another approved person. This is a new hierarchy of placement consideration which provides consistent guidance for courts, practitioners and department decision-makers.

The Aboriginal child placement principle operates alongside this framework. It recognises kinship groups and self-determination; supports the participation of Aboriginal children and families in significant decisions; strengthens cultural connection requirements; and confirms that cultural principles apply alongside the child's best interests and permanency considerations. These two principles are complementary; they do not compete. The universal principle ensures all children are placed as close to family as possible. The Aboriginal child placement principle provides the additional specific cultural protections that Aboriginal children require and that this Bill explicitly preserves.

SNAICC appeared before this committee as one of the pre-eminent voices opposing this Bill, arguing that the reforms will increase removals and cause lasting harm to Aboriginal children and communities. The department takes those concerns seriously and does not dismiss them. The department's view is that a stronger legislative framework will not inevitably produce more removals. It will produce a clearer obligation to act earlier, support families proactively and document that work with accountability where it does not happen.

It is important to consider the context in the Territory where, at the moment, we are taking into care between 150 and 220 children a year. We are not talking about thousands of children; we are talking about a relatively small number of children experiencing the highest levels of risk and vulnerability. The purpose of this Bill is not to bring more children into care, but what the current system is actually producing right now under the framework we are being asked to preserve is also relevant here.

Only 17.6% of Aboriginal children in out-of-home care in the Territory are placed with relatives or kin. That is the lowest rate in Australia. This is not a system successfully protecting Aboriginal children's cultural rights; this is a system that is failing them. This Bill takes steps to address that.

During SNAICC's submission, it was put forward that Victoria, New South Wales and the ACT are performing better in child protection and that the NT should look to those jurisdictions as a model.

On 4 June this year—yesterday—the Victorian Commission for Children and Young People tabled its Left Behind inquiry report in the Victorian Parliament. Its findings are sobering. The inquiry found that children and young people subject to multiple child protection reports are facing escalating risk because of overwhelming demand on the system, missed opportunities to intervene and referrals that failed to connect families with voluntary supports. The report found that 75% of children reported to child protection in 2025 had a previous report at some point in their lifetime; 52% within the previous 12 months. Most significantly, the inquiry reviewed the deaths of 35 children who were all known to child protection, children who, between them, had generated 267 reports to the system, the overwhelming majority of which were closed without a meaningful intervention.

This is not a finding about the Northern Territory; this is Victoria. The issues identified echo almost exactly the concerns raised by our Children's Commissioner in her recent reporting—a system under pressure, data failures and children who fall through the gaps in a system that knew they existed.

I raise this not to deflect from our own system's shortcomings, which have been acknowledged directly. It is relevant because it demonstrates that the child protection crisis is not isolated to the NT and no Australian jurisdiction has resolved it by leaving its legislative framework unchanged.

Victoria's commissioner has called for earlier intervention and stronger referral pathways so that children get help before crisis occurs. That is, in substance, what this Bill is working towards.

I acknowledge the evidence given by Andrew Roberts from the North Australian Aboriginal Justice Agency. Mr Roberts raised important concerns about the bureaucratic barriers that kinship carers face in getting approved—the complexity, the delays, the red tape—and made the point that these barriers are themselves a significant driver of low rates of kinship placement. We agree with many of the points that he made.

We know that children are best cared for within their own families and communities. For Aboriginal children kinship placement is not just a preference; it is a cultural imperative. The evidence is clear that it produces better outcomes. Today I commit that the department will work directly with NAAJA and other key stakeholders to review and streamline the kinship carer assessment and approval process. We want to reduce the red tape without compromising the safety checks that exist to protect children. A simpler, more culturally responsive process can also be a safe process. An increase in kinship carer rates is a genuine priority for this department, one we will progress as part of implementation of the new legislation.

Mr Geoff Radford, Chief Executive of the NT Mental Health Coalition, raised the concern that the Bill will fail because mental health services in the Territory are inadequate. We do not dismiss the evidence about service gaps; these gaps are real. However, service gaps described exist right now, today, under the current legislative framework. The current system has been operating alongside those same gaps for years. There is no evidence before the committee that the existing framework was producing better outcomes for children as a result.

The NT's child protection issues predate this Bill by a long way. Leaving the legal framework unchanged does not fix the service system; it just means that children continue to fall through same gaps under old rules we already know are not working. What this Bill does is create a mandate to act earlier, to prioritise keeping families together and to be held accountable for those efforts.

The Children's Commissioner stated yesterday that there has been no consultation with children, families or people with lived experience of the care system. I understand the point she is making relates specifically to this Bill, but it is not an accurate point, and it is important that the record reflects this.

The department engages with children and carers every day, and their voices have directly shaped this Bill. Over the past 18 months that engagement has included foster carers, kinship carers, children and young people with lived experience of the system and frontline practitioners.

The Foster and Kinship Carers Association NT is a strong supporter of this legislation. Their submission is worth reading carefully. It is a considered evidence-based contribution from people who provide safe, stable and nurturing homes for children every day. They support reforms that strengthen child safety and reduce placement instability, and their submission reflects clearly what children in their care are telling them; that they want stability, they want to be heard and they do not want to be moved repeatedly.

The association strongly supports the strengthened participation rights in this Bill, a shift from discretionary to mandatory obligations for children to be genuinely involved in decisions and the new rights for carers to participate in proceedings affecting children they have raised, in many cases. These are reforms that carers and children have asked for because they reflect lived realities in the system.

A concern has been raised about amendments to section 12C(2), which clarifies the language around family participation in decisions affecting Aboriginal children from a 'right' to a 'should'. Several witnesses have characterised this as stripping families of enforceable legal protections. This is an incorrect characterisation of the Act; the Aboriginal placement principles remain principles in the Act.

What has received less attention in the debate so far is that this Bill significantly strengthens the participation rights of children. Under the amended legislation, children must be given information in a way that they can understand, must be supported to participate in decisions that affect them and must have their views and wishes considered according to their maturity and level of understanding. These are mandatory obligations, not discretionary ones.

The Bill also introduces a requirement that a court must not hear an application for a permanent care order or a long-term order unless the child is legally represented or has made an informed and independent decision not to be represented. It puts the child's voice, backed by legal representation, at the heart of the most consequential proceedings in the child protection system. The current Act does not guarantee children that right; this Bill does. The picture on participation is there for more nuance than the criticism suggests. The changes represent a genuine and substantial strengthening of their right to be heard.

Children who experience prolonged uncertainty about where they will live, suffer real developmental harm. Research consistently shows that repeated short-term placements contribute to complex trauma, attachment disruption and poor long-term outcomes. For children in particular, permanency uncertainty beyond six to 24 months can cause significant developmental harm; a point reinforced by the AMA's evidence. This Bill's stronger emphasis on earlier permanency decision-making is something that carers have been asking for because they see its consequences daily.

The Bill introduces an important new provision, allowing carers who have cared for a child for more than eight months to become a party to the proceedings. Carers hold critical knowledge about a child's day-to-day functioning, trauma responses and emotional needs. Excluding them from the process risks incomplete information before the court and decisions that inadvertently undermine a child's stability. Feedback from carers has highlighted that they are seeking to ensure that the people who know a child best can be heard when the most important decisions about the child's life are being made.

I turn again to the issue of the Stolen Generation commentary that has been made over the last day-and-a-half. The Stolen Generations were one of the most devastating chapters in this country's history. Children were removed not because they were in danger but because of who they were—removed as an instrument of government policy.

This Bill is about the safety of children. Children who experience serious abuse, neglect and instability in their early years and do not receive the right help carry that damage forward. We see it in the young people who come into contact with the criminal justice system, who are disconnected from education and who cannot form stable relationships. The cycle between child protection failure and youth justice is not a theory; it is a pattern that we witness constantly. That is why the work of the Circuit Breaker team matters so much.

The Circuit Breaker program works directly with children and young people who are already known to child protection and at risk of entering the justice system, intervening with intensive relationship-based support. That is why the introduction of family responsibility agreements and orders into this legislation is so important, to work with children, their families and communities to break the pattern before it becomes permanent. When it works nothing dramatic happens—no arrests, no removal, no crisis—just a child who got a chance at

a different path. That is the upstream work this department is committed to and it is entirely consistent with what the proactive efforts framework in this Bill requires of us.

The Department of Children and Families is committed to improving outcomes for Territory children, keeping them with their families wherever possible, supporting communities to be strong and acting only when the child's safety requires it; that is our purpose and that is what drives my workforce every single day.

Thank you for listening to my opening remarks.

Madam CHAIR: Thank you, Mr Warren.

Mr HOWE: Mr Warren, thank you for the response. It has been a big two days for the committee and for witnesses. We have heard from many people. I thank you for clarifying a lot of points that have come out throughout the last two days. It is important what you have just put on the record, and I thank you for that response.

Mrs ZIO: I thank both of you. Like the Member for Drysdale said, we appreciate the work you are doing and the response you have provided today.

Mr Warren, I know you are a former police officer and you have your own experiences on the ground working across the Northern Territory and witnessing some of the things that lead to the Department of Children and Families getting involved in family outcomes. To the best of your knowledge and the work that you did on the ground, and you still do now, will this Bill support the work of police officers and all the frontline services that come into contact with these kids in their daily operations?

Mr WARREN: This Bill is absolutely designed to reset and create a framework for decision-making for frontline workers. It makes it clear and simple for workers to understand the priority considerations that they have to turn their minds to when they are interacting with a child or a family when they are deciding what to do next. It is true to say that sometimes in complex situations and complex scenarios with a child in a family situation, it can be hard for a worker to determine what the right course of action is. This Bill, with its clear framework of safety first and then a series of priority considerations, helps them work through their decision-making in a clear and simple way.

Mr HOWE: When a clear framework is in place for a worker, what improved workplace outcomes do we get and also for that individual in trusting the decisions they are making?

Mr WARREN: I am trying to think of the best way to address your question. We have scenarios, like I described in my opening statement, where a child is demonstrably unsafe, but we are able to make an assessment about the parenting capacity of mum or dad or whoever is caring for that child. We can determine that the parent is or is not part of the risk to the child through their actions or inactions. Then we can identify what needs to change in that environment to increase the safety for the child. Sometimes it is about the child and their family moving to a different location. My example of housing access is a scenario where we were able to put a family in a better space to preserve the family structure and step away from being involved in that family's day to day.

In other situations we are looking at families where the capacity to provide protective support is not as clear at all. We are often dealing with domestic violence-based scenarios. It is often the case we are receiving notifications that relate to domestic violence in a household, but maybe not targeted directly at the child. That is where the decision-making framework is really helpful. We sometimes struggle to distil whether or not a child is safe in a scenario where, potentially, a man in the household is assaulting a woman in the household. I am really going to appreciate the clarity this safety-first focus is going to give us, because sometimes the need for safety of a child is best addressed through an intervention and getting help for, usually, the mum. That might be resolved in two separate processes, rather than being stuck with the worry about how to attend to mum's safety at the same time as the child's safety.

This Bill, the framework it provides, is absolutely going to help us tackle some of these complicated family dynamics we encounter.

Mrs ZIO: One of the things we have talked about extensively over the last two days is resourcing and staffing capacity in the department, and the ability to be able to do the job that needs to be done to support these families and kids.

I spoke earlier about anecdotally I have received information from people that work in the department. They say that around the reunification processes—with the change to the timeframe on the reunification to two years, there are examples they have provided me where it has taken away from some of their other core work, to work on this reunification process for up to 10 years. They have been working and working and trying to get families reunified, things change, they come back, they come and go and it sucks up resources within the department.

Can you talk to me about if this change goes through and the timeframe changes to two years, will that actually help with our resourcing issue, because it will then be on the onus of the family to bring that back in a court process, or if things change after that two year period, the family will be able to come through a court process? Will that help with our resourcing and the availability of people to be able to take on new work, new jobs, help with other cases?

Mr WARREN: I understand your question is whether the Bill will release staff to do other work. I would probably respond by saying that we are seeing a little bit different from that; we are seeing it in two parts.

One is the two-year period—I will go back a step. The example you gave of a very extended reunification process, our priority is about the impact that extended reunification pathway has on the child. I am aware, through my day-to-day work, of a number of our kids in care who have been five, six or seven year in care and we have still been working on different options. The first opportunity, with this Bill, is for us to resolve their permanent placement much sooner to take the risk away of them becoming harmed by that extended instability.

In order to do that, we are going to move some resources around in the department. We are a big department, and we are going to make sure we have the right team of people available to do that early connection with family, early investigation of what the network looks like and the early consideration of what we can do to make safety.

We are also looking at the way we use a multifaceted workforce. A traditional child protection agency might rely exclusively on what we call professional stream staff. We are promoting two other streams. We are really proud of our Aboriginal workforce; we have about 145 Aboriginal staff in the agency. That is about a quarter of the agency who identify as Aboriginal people. We want to get them involved more in that early work.

The other piece to this, for me, is introducing a more vocational stream of worker, which we have been trialling through Circuit Breaker. What you might colloquially call a youth worker—people who have experience working with people, good communication skills and a capacity to build rapport—some of those people have not been to university or high school, but do an excellent job when we put them in front of a family. Part of our resource unlocking is about creating teams that have more of the Aboriginal workforce stream and more of the non-professional stream so that we are getting out and doing the field-based engagement. We have professional workers who look over the top of that work and provide that practice scrutiny and practice supervision that is required to have strong decisions.

I hope that answers your question.

J DAVIS: Thank you both for appearing today and going through the responses to what you have heard.

In relation to what you talked about how the Bill is going to be implemented on the ground and resources—we have heard from, I think, every person who has appeared before us, that passing the Bill without a significant resource commitment means, in their view, it will not work, including those who support the Bill. What you have described as earlier proactive intervention support for families, has that been costed? How is it going to be funded?

Mr WARREN: To start, I would say that it is important the committee understands that we are talking about a large agency. We are not a bespoke small agency; we are a large agency with a large workforce. I have 640-odd people working for the department today and we have vacancies. We have a recruitment program to fill those vacancies. For me, the front end of this programmatic change is about recognising what resources we have, making sure they are arrayed on the field correctly and—as I have just talked through—making sure the streams of workers are correct. It is about us sustaining our recruitment drive.

We have had a lot of success in the last 12 months increasing the size of our workforce. I do not mean growing the agency's budget; I mean recruiting more people in and holding them in the agency. I heard a number of people state figures of previous years' vacancy rates; we are sitting at about 25% at the moment

which is the best that we have been in a long time. We are still attracting people to our job adverts, so I have a great deal of confidence that we will be able to keep growing the workforce at base level.

There is always an element of estimate with the changes that we are talking about. If we identify a surge in need or requirement, we will do our work internally to see if we need to remove resources around inside the department. If there was a need for more, we would go through the usual government process.

I want to be clear today: we have a lot more work to do in the department to get the workers in the right spot in our structure to keep this recruitment drive that we have been doing underway and to prove the model through getting out in the field and doing this preventive and early intervention work. I think we have shown with the Circuit Breaker workforce that we can build and deliver that. I am seeing it as a great analogy for what we will be doing with connecting with families around parental family responsibility orders and with the early requirements for kids who might be at risk of coming into care.

J DAVIS: We have heard from people that there will be more resource requirements, including workers. Are you anticipating that to be the case or not, or are you going to work it out as you go?

Mr WARREN: I am not asking for more resources. I am letting the committee know that we are a big department. We have resources and we need to deploy them well. We have a recruitment program which is making a difference and is still growing our agency footprint. I am very comfortable that what we are being asked to turn on with this Bill, we have agency capacity to do that.

Mr YOUNG: What is the vacancy rate breakdown per region—like Big Rivers, Alice Springs—in your department?

Mr WARREN: I can give you a top line figure. We have a 25% vacancy rate at the moment. I would have to take on notice a breakdown by region.

Mr YOUNG: Yes, I will take that on notice. What is the breakdown of vacancy rates in your department per region—Big Rivers, for example?

Madam CHAIR: Member for Daly, I think we are leading into Estimates questions now with that line of questioning. You may ...

Mr YOUNG: He is happy to take that.

Mr WARREN: Maybe the response is what I can share today is that we have a 25% vacancy rate at the moment. That is the best rate we have had in a long time.

Mr YOUNG: You do have the data for region. You would be able to provide that data per region.

Mr WARREN: I can bring more data forward.

Mr YOUNG: I will take that on notice.

Madam CHAIR: I will have to check. Are you are happy to take that on notice?

Mr WARREN: If it pleases the committee, I can bring information back about our breakdown of vacancies.

Madam CHAIR: Member for Daly, I will get you to restate the question.

Mr YOUNG: What is the vacancy rate breakdown by region in your department—for example, the Top End region, Big Rivers, Central Australia—every region across the Northern Territory?

Madam CHAIR: The Member for Drysdale has a follow-on.

Mr HOWE: To add to that, let us look at the last few years as well. If vacancies are improving, I would like to see what it was in the last, say, five years, just top line.

Madam CHAIR: Are you happy to take that one on notice?

Mr WARREN: Yes. I am happy to address those two questions on notice. We will write back to the committee.

Mr YOUNG: In your opening statement you said 12C contains explicit obligations to support Aboriginal children. Does 7(4) of the Act override that section?

Mr WARREN: Are you are talking about clause 7, which is the application of principles, in the Bill?

Mr YOUNG: Yes.

Mr WARREN: Your question is, I think: does 12C supersede clause 7? Is that right?

Mr YOUNG: Section 12C contains explicit obligations to support Aboriginal children. Does clause 7 override it?

Mr WARREN: Clause 7 is designed to make it clear that the paramount concern is the best interests of the child. Clause 7 sets out how to read the different principles that are laid out underneath it. Without labouring the point, this is intended to make it clear that the safety of the child is the most important principle. We would always consider the application of section 12C, which is about Aboriginal children having direct involvement in decision-making and having their family involved. That always would sit subsidiary to the overarching issue of safety, but it does not mean that it would be excluded.

Mr YOUNG: But it supersedes it, 12C—yes or no?

Mr WARREN: I think we are unashamedly saying that this Bill is about making safety the primary concern. It is making sure that we are clear every day that safety has primacy and we then attend to the other principles based on that primary understanding.

J DAVIS: In the current Bill—can you just explain in the current legislation how the words ‘protect’, ‘wellbeing’ and ‘best interests of the child’ are applied?

Ms GANZER: Under which section, sorry?

J DAVIS: In the purpose of the current Bill, so this is where we are talking about you are now replacing that with ‘safety’.

Ms GANZER: Sorry, Member for Johnston, can you direct us to the explicit part to which you refer?

J DAVIS: Give me a moment. It is 4(a), I believe.

Mr WARREN: Sorry, Member for Johnston, you are talking about section 4(a) of the current Act, which is the objects of the Act?

J DAVIS: Yes.

Mr WARREN: Your question is to describe ...

J DAVIS: Under 4(a), in the current Act, how are the words, which are at the object, ‘protect’, ‘wellbeing’ and ‘best interests of the child’ currently applied?

Ms GANZER: The objects of the Act for all legislation sets out what the intent of the legislation is. Then the principles are the guiding principles that sit under that. In this, it does say that the first object of the Act is to promote wellbeing of children.

J DAVIS: I guess my question is: this is what is now being replaced with ‘safety’. Can you explain why that is a higher threshold than what already exists?

Ms GANZER: The Bill fortifies safety as the paramount consideration. The reason it does so is so that it is explicit. Some of the confusion in the operation of the Act has been that it has not been explicitly made before, so this new Bill absolutely fortifies that safety is the paramount consideration.

J DAVIS: Just to be clear, ‘protect’, ‘wellbeing’ and ‘best interests’ were not always understood as safety, and defined as safety? Is that the problem this is trying to solve?

Mr WARREN: I think the issue here is about examining one section of an Act in isolation. Part of what we are here talking about today, from a department perspective, are the various principles that are laid out, and

subsequent pages of the Act from the part you are talking about, which asks the department to weigh up a range of different factors. Those factors include things like risk of harm and exploitation. They include things like the culture and background of the child, access to education and the like. They have not been laid out in the past in a way that allows you to identify what has primacy.

I think the discussion around safety is it applies differently in an acute scenario, when we are dealing with a priority 1—child being harmed right now, directly, themselves—safety, clearly, has to be the only consideration, usually, if a child directly has been harmed. Once you move to a more long-term scenario—for example, when you are talking about placement options for a child whose immediate safety has been secured—the Bill allows us to work through a series of considerations when we are thinking about what is best for that child.

The trick in this for the department is we have a set of instructions in this Act, and the Bill we are talking about today, that guide the department official at all points in the system, from the first contact with a family where we have had a notification about a non-acute issue through to the decision we sometimes have to make that the child has directly been hurt by an adult and we need to take them into care right now. There has been confusion about how to apply that matrix in the current Act. This Bill makes it clearer for people how to work through that list of priorities—from top to bottom—and apply it in an acute urgent situation and a more long-term scenario.

Mr HOWE: We heard, especially from the foster care association, the importance of actually having children in that decision matrix. You have spoken to that, which is very welcomed. How will that actually look? Especially with children across different ages, what are ways the department can implement that process?

Mr WARREN: That is a big question that you have asked. I think I will start with this: there are two aspects to it. One is the department's absolute obligation to keep the child at the centre in our work and decision-making day to day with our case management. The second part is about the decision-making in court. I think it is important to see both of them as points in the extra supports for children here. What we are particularly talking about in the Bill today—in my submission—was around the improved support or the requirement for a child's voice to be considered every single time in court proceedings and for them to have representation in those long-term matters where appropriate.

Mr HOWE: To clarify that point: the passing of this Bill will ensure the child's voice is heard in the court.

Mr WARREN: Yes, particularly in relation to long term. For the decision-making around a long-term order application, this Bill requires the court to turn themselves to the question: does this child have legal representation? Only if the child is old enough to decide for themselves and has chosen not to take up that opportunity, the court will defer the matter so that we can arrange legal representation.

Mr YOUNG: For about the last two days we have repeatedly heard that the department has bad practice because it is under-resourced and already overstretched. Have you forecast what these changes will cost the department?

Mr WARREN: I think there are two questions in there and they are not the same. The first one is that you have heard people say we have had examples of bad practice. I am here today agreeing that we have had examples of bad practice. Part of the resolution of that is this Bill giving us clearer, better and sharper decision-making. This is about changing the way we make decisions so that we are more effective.

Your question then is, I think, the cost of implementation of this Bill.

Madam CHAIR: Mr Warren I will just caution that that is potentially an Estimates question again. Do you want to save it for Estimates?

Mr YOUNG: No, it is completely relevant to the Bill. It is understanding the interpretation of the Bill and then the implementation of it.

Madam CHAIR: You do not have to answer that question.

Mr YOUNG: He was answering it until you cut him off.

Madam CHAIR: Do you have another question, Member for Daly?

Mr YOUNG: Did you want to continue? I think you were answering the question.

Madam CHAIR: If there are no further questions ...

Mr YOUNG: I have further questions. I would like to continue on from that question where you finished off from ...

Madam CHAIR: Member for Daly, if you have another question your chance to ask that is now. Would you like to ask that?

Mr YOUNG: Can I just get clarification because you asked the CEO of the department ...

Madam CHAIR: I cautioned him he does not have to answer it.

Mr YOUNG: Are you answering it or not answering it?

Mr WARREN: I think I have made a number of statements about resourcing today already. The department is a large well-resourced organisation. We are reallocating our workforce to deal with the requirements of this Bill. I think that answers the question.

Mr YOUNG: Over the last few days we have heard many witnesses. The committee has received 150 submissions about these amendments; more than 120 are in opposition to it. We have heard from multiple people across the community over two days, of whom almost all were in opposition to these changes. Do you regret not consulting the sector in the year you had to develop it?

Mr WARREN: The department has been set the task of implementing government's reform direction. There is a number of aspects to this Bill that we have worked on over the last 12 months. One that we have not spoken about as much as perhaps we should have today is parent and family responsibility; that was a significant part of the work that went into this Bill. Another part of the work was making sure that we had the framework right for decision-making which is what this Bill attends to.

We absolutely understand that any time there is a change that there will be two sides to the argument. We are clear, as a department, that this is contentious everywhere in Australia—the work of child protection, not this Bill—and it would be impossible I think to reach a situation where a Bill was in perfect agreement by everyone in the community.

Mr YOUNG: You had 18 months, as you stated in your opening statement. You had the Bill. Again, do you regret not doing the consultation work in that 18 months with the key stakeholders?

Mr WARREN: I do not have any regrets about the work the department has done here. It is important for me to acknowledge that we understood the work of this committee was to bring to light some of those submissions and feedback. We have heard and understood them. I have tried to respond to them in my remarks today. I understand that the committee will give a report back to the Assembly that will be shared to us, which will help us understand if there is anything else we need to do with this Bill.

Mr YOUNG: Do you agree that seven days is long enough to have the consultation work?

Madam CHAIR: Member for Daly!

Member for Drysdale, your last question.

Mr HOWE: Mr Warren, I will just say from the last two days I am glad you have not consulted with some of the moral bankruptcy that exists in the Northern Territory, so thank you.

J DAVIS: That is not a question. Is that our last question?

Mr YOUNG: We did start at 31.34 so we still technically have seven minutes. We have gone over time with others, so we still have seven minutes, just to be clear, so we get that hour like we did with the other stakeholders.

Madam CHAIR: Do you want to just let me speak? I was literally about to ask if you have one more question each so that I can check in with my timings here, Member for Daly.

Member for Johnston, would you like to ask your last question?

J DAVIS: I appreciate you addressing concerns that have been raised. One of the concerns that has been raised consistently—and you have touched on this—is the de-prioritisation of the Aboriginal child placement principle. Can you explain what evidence supports the assumption that connection to family and culture should be demoted in the Bill's hierarchy? What evidence base is there showing that weakening that will improve child safety outcomes?

Mr WARREN: I think you are asking me to talk to the issue of the principles in priority order. This is not about demoting culture; this is about helping frontline workers make decisions in complex scenarios where one part of their decision-making might be: where is this child living now and where could they live next; as well as is this child experiencing violence in the home; is this child experiencing neglect; is this child experiencing issues? We have sometimes struggled to reconcile the different competing interests that factor in a child's life. This Bill helps people to form up their decision-making and assessment process more clearly.

J DAVIS: To clarify, it does demote that principle in terms of the decision-making process; is that correct?

Mr WARREN: I would turn that about and say that it lifts safety to be our overarching priority focus and then asks us to consider the other priorities. There is a range of considerations in a child's life, and their Aboriginality and culture is one significant part of that, but not the only one, and we need a framework for thinking about that.

Madam CHAIR: As the Chair, I will ask my own question. In final, can you make any last remarks that you would like for the committee to consider before we make our deliberations?

Mr WARREN: In closing, I want to reinforce something that I said at the start. For the department, this Bill is about three things: bringing safety to the fore; parental responsibility and accountability, getting in early with families before there is a need to take more significant action; and it is also about unwinding some red tape in the working with children system, which we have not spoken about today, but it is one of the things we are achieving with the changes in this Bill. I will leave it at that.

Madam CHAIR: Thank you very much for coming before the committee.

The committee concluded.
