

Review of the Regional Child Protection System in the Pilbara

Terms of Reference

Authority and purpose

I will conduct the Review of the Regional Child Protection System in the Pilbara (the Review) under subsection 17(1) and paragraph 17(2)(a) of the *National Commission for Aboriginal and Torres Strait Islander Children and Young People Act 2026* (the Act), in connection with my general functions under subsection 11(1). I will exercise these functions independently, consistent with section 15.

The Review responds to concerns raised by Aboriginal Elders, families, communities and organisations in the Pilbara. It will identify priority changes to child protection and related support to uphold Aboriginal and Torres Strait Islander children's and young people's rights.

Scope

The Review will examine whether the regional child protection system and related health, education, housing, police and justice services in the Pilbara realise Aboriginal children's rights through timely responses, coordinated support and clear government accountability. It will consider Aboriginal decision-making authority; child and youth participation; implementation of all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) to the standard of active efforts; and whether workforce, funding and governance arrangements enable effective action and sustained improvements for Aboriginal children, young people and families.

The Review's scope extends to children from the Pilbara who have been relocated or placed outside the region, including in out-of-home care, and young people aged 18–24 who have left care.

The Review will not investigate individual complaints, workers, families or decisions; make findings on any death that is the subject of coronial proceedings; intervene in current police investigations or other active legal processes; or publicly rank communities. The Review will be conducted in a manner that does not prejudice ongoing investigations or proceedings. Individual matters raised with the Review may be referred to the appropriate body under section 20 of the Act.

Review questions

1. **Responses and support:** Do children, young people and families receive timely, appropriate and culturally safe support to prevent harm and avoidable family separation, before, during and after statutory child protection involvement, including support for young people transitioning from care?
2. **Coordination:** How effectively do agencies work with each other and with children, young people, families, Elders and Aboriginal and Torres Strait Islander organisations to coordinate support and follow through on action?
3. **Laws, policies and practice:** Are Commonwealth and state laws, policies and practices governing child protection and related support culturally safe, responsive and consistent with the rights of Aboriginal and Torres Strait Islander children and young people?
4. **Accountability:** Do children's and young people's views influence decisions, and do families and Aboriginal and Torres Strait Islander community-controlled organisations exercise meaningful decision-making authority? Are government responsibilities clear and failures addressed?

5. **Priority actions:** What changes would make the greatest difference, who should act, and what can be learned from previous reforms and their implementation?

Approach and participation

The Review will use existing reports, recommendations and community evidence, supplemented by prioritised whole-of-government data, selected case pathways, submissions and engagement. The Review plan will prioritise issues and locations, confirm with departments what data are available and how they are organised, and identify evidence gaps.

Analysis of selected case pathways will inform systemic findings. It will not determine individual complaints or review individual decisions.

Aboriginal Elders, community-controlled organisations, children, young people and families will inform priorities and interpretation of evidence. Their participation will be voluntary, culturally safe, accessible and supported, with age-appropriate methods, disability access and language support where needed. Contributors will be told how their information will be used and receive feedback. Safeguarding, privacy, Aboriginal and Torres Strait Islander data governance and procedural fairness will guide the work.

Reporting

A public report under section 16 is expected in December 2026. Recommendations under subsection 17(3) will identify priority actions, responsible bodies, proposed timeframes and progress indicators. Where a specified action is recommended, I may request a response by written notice under subsection 17(4), before that action is taken.

Findings will be shared with participating communities and published in a version for children and young people. The Commission will report publicly on progress 12 months after release. Any changes to these Terms of Reference or the reporting date will be published.

Public submissions

The National Commissioner will invite submissions from children and young people, families, Elders, communities, organisations, service providers and subject matter experts to inform the Review in the coming weeks.

The Review recognises that the voices, experiences and perspectives of those directly affected by these issues are critical to understanding what is working, where gaps remain, and what changes are needed. The National Commissioner welcomes stories, experiences and perspectives from Aboriginal and Torres Strait Islander children and young people, families, kin, Elders and communities. Contributions may describe experiences of seeking or receiving support, what has helped children, young people and families, barriers they have encountered, and changes they would like to see. The National Commissioner also welcomes insights from service providers and civil society organisations, alongside relevant research and data. Contributions will inform the Review's findings and recommendations to strengthen laws, policies, funding, services and coordination to uphold Aboriginal and Torres Strait Islander children's and young people's rights.

Submissions may address any review question, but contributors are welcome to share their experiences and priorities in their own words without responding directly to the questions. Please refer to the accompanying **Guidelines for Public Submissions**, which will be published shortly. The Guidelines will provide information on preparing and lodging a submission, including privacy, consent and available support.