



ATTORNEY-GENERAL

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REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings and Recommendations regarding the death of
Kumanjayi Fly

Pursuant to section 46B of the *Coroners Act 1993* (the Act), I provide this Report on the findings and recommendations of Local Court Judge Elisabeth Armitage, Territory Coroner, regarding the death of Kumanjayi Fly (the Deceased) (Attachment A refers).

The Report includes the responses to the recommendations of the Territory Coroner, by Mr Tom Leeming, Chief Executive Officer, Department of Housing, Local Government and Community Development (DHLGCD), and by Mr Chris Hosking, Chief Executive, Department of Health (DoH).

The Deceased was two years old when he passed away at the Women's and Children's Hospital in Adelaide on 3 April 2023 when his life support was turned off at 10.07 am. The cause of death was hypoxic-ischaemic encephalopathy due to out of hospital cardiac arrest following immersion in water when he fell into a septic tank in the backyard of his family's public housing home in the remote community of Watiyawanu (Mt Liebig) on 29 March 2023.

Recommendations of the Coroner

The Coroner made the following formal recommendations regarding the death of the Deceased:

'To the Department of Housing, Local Government and Community

- 9.1. There must be a prioritised and timely progression to cyclical or planned maintenance for remote public housing septic systems and more generally. A Road Map as to how this is to be achieved should be prepared within the next twelve months with clear steps for implementation. Independent review and public annual reporting of progress is to be established. Funding levels for repairs and maintenance should be reviewed and reconfigured to meet the actual needs of cyclical/planned maintenance.

- 9.2. If it has not already occurred, the 10 septic systems at Watiyawanu identified in the 2019 plumbing report should be replaced with septic systems that comply with the Wastewater Code of Practice current at the date of installation.
- 9.3. Evidence was given that an audit is currently being undertaken in relation to septic systems across 11 priority communities. On completion of that audit, where houses received additional bedrooms under the Room to Breathe program and septic systems are as a result non-compliant with the current Wastewater Code, the systems should be upgraded/replaced so as to be compliant.
- 9.4. Secondary safety shields are to be fitted to all septic tank access points in public housing.
- 9.5. Contractors engaged to upgrade, repair, add to or replace components of septic systems or install complete septic systems must provide full technical details of the work and a clear statement of compliance with the applicable Wastewater Code.
- 9.6. An up to date asset management register for public housing across the Northern Territory must be maintained which includes information about designs and maintenance history.
- 9.7. Whether it is part of the Rolling Housing Asset Condition Program or another program, ongoing and regular audits should be commenced of public housing assets. These audits should consider safety, performance and maintenance needs. Planned and responsive maintenance must be documented and communicated to the tenants.
- 9.8. A portion of all building, repairs and maintenance works carried out on public housing should be subject to auditing to ensure it is of a high standard and complies with any relevant statutory, regulatory or code requirements.
- 9.9. A system is to be established so that public housing safety risks identified in, for example, WorkSafe publications, Kidsafe publications and coronial findings (NT and interstate) are monitored, considered and responses actioned.

To NT Health

- 9.10. NT Health to review the current Wastewater Code and related Legislation, policy and guidelines and pursue any changes identified as necessary to:
 - 9.10.1. Remove ambiguity and uncertainty as to when and in what circumstances compliance with the current Wastewater Code must be achieved including, for example, at installation, when significant components are replaced and/or when a dwelling is extended;
 - 9.10.2. Incorporate a certificate of compliance for all septic systems and establish a clear regime as to when certificates are required and who can provide such a certificate;

9.10.3. Clearly identify if compliance exemptions are available, and if so, in what circumstances. Clearly establish a process of application and decision making concerning exemptions;

9.10.4. Introduce as mandatory, secondary safety shields for all septic tank access points.'

Response to Coroner's Recommendations

A copy of the Coronial Findings was provided to Mr Leeming on 19 January 2026, in accordance with section 46A(1) of the Act.

A written response was received from Mr Leeming on 20 April 2026 as required by section 46B(1) of the Act. The response includes the following:

Recommendation 1

The DHLGCD is developing a 10-year Remote Property and Tenancy Maintenance Plan (RPTM Plan). This will articulate a structured transition from responsive maintenance to a cyclical and planned maintenance environment. This work is being progressed in partnership with the Joint Steering Committee for Remote Housing Northern Territory (JSC) and its Repairs and Maintenance Working Group, which provide oversight of reform priorities, performance settings and investment alignment. The JSC consists of representatives from the Australian and Northern Territory Governments, all Land Councils and Aboriginal Housing NT. The RPTM Plan will include:

- a clear implementation roadmap with staged milestones;
- defined performance measures, including cyclical maintenance coverage and asset condition improvements;
- alignment of funding to support the shift to planned and cyclical maintenance; and
- arrangements for reporting on progress through the Our Futures website.

Recommendation 2

All identified works to the septic tanks at Watiyawanu referenced in the 2019 plumbing report have been completed. A review of completed works is underway to verify compliance with the relevant Code of Practice for Wastewater Management (CPWM) published by the Department of Health.

Recommendation 3

The audit of septic systems across urban and public housing assets were completed in 78 different locations across the Northern Territory in three separate stages during 2023 and 2024. The review will assist DHLGCD to determine the appropriate action for houses that have received additional bedrooms under the Room to Breathe program and where existing wastewater systems are identified as non-compliant. Actions may include upgrades or replacement of those systems or an increase de-sludging intervals in accordance with the CPWM.

Recommendation 4

The DHLGCD has assessed the feasibility and suitability of retrofitting secondary safety shields to existing septic tank access points based on manufacturers' information regarding installation requirements. This assessment has determined that most systems are not compatible with available shielding products.

The DHLGCD is investigating an alternative approach, including the adoption of a standardised, Power and Water Corporation-approved lid design with enhanced durability and longevity, and incorporation of improved safety requirements into new construction and septic replacement works. DHLGCD is developing a detailed timeframe for implementation and delivery.

Recommendation 5

The DHLGCD requires contractors undertaking works to provide full technical details including detailed descriptions of works completed and certificates of compliance, where required.

Recommendation 6

Public housing asset data is maintained within the Northern Territory Governments asset management system, known as the Asset Nexus system (ASNEX). ASNEX incorporates data from the Asset Information System (AIS), which is a mainframe system. ASNEX has recently been expanded to specifically record septic tank information for NTG assets and Chief Executive Officer (Housing) dwellings across the Territory.

Designs for new housing assets are held in the NTG Technical Records Management System managed by the Department of Logistics and Infrastructure (DLI). Where historical records are available, these are also accessible within that system.

The DHLGCD is working closely with DLI and the Department of Corporate and Digital Development to improve the completeness, accuracy, and usability of asset data, including information relating to design, configuration and maintenance history. This will support improved maintenance planning, risk management and investment decision-making over time.

Recommendation 7

Ongoing and regular septic tank inspections are being embedded through the transition to cyclical maintenance and our asset condition assessment programs. These inspections will consider safety, functionality and maintenance requirements.

Planned and responsive maintenance activities are recorded within the NTG asset management system and tenants are notified of scheduled maintenance works at their homes.

Recommendation 8

The DHLGCD has established quality assurance processes, including auditing a proportion of completed works to ensure compliance with contractual, statutory and regulatory requirements.

These processes are being strengthened to provide greater assurance of workmanship quality and adherence to relevant codes and standards.

Recommendation 9

The DHLGCD has strengthened its approach to the identification, monitoring and management of safety risks across public housing. This includes the establishment of a centralised Asset Safety Incident register, which will ultimately be informed by various sources including coronial findings, work health and safety publications, operational inspections, and incident reporting.

The register will support a structured process for assessing emerging and systemic risks, assigning accountability for action, tracking implementation of mitigation measures and embedding lessons learnt in future maintenance practices.

A copy of the Coronial Findings was provided to Mr Hosking on 19 January 2026, in accordance with section 46A(1) of the Act.

A written response was received from Mr Hosking on 22 April 2026 as required by section 46B(1) of the Act. The response includes the following:

Recommendation 1

Regulation 73 of the Public and Environmental Health Regulations (PEHR) clearly requires any new installation of a WMS complies with the Code of Practice for Wastewater Management (the Code). However, ambiguity exists around the word 'installation' and whether this encompasses maintenance, upgrades of existing WMS or alterations to buildings serviced by WMS (such as the addition of bedrooms to a dwelling which can increase potential hydraulic loading on a WMS).

Additionally, the Code and associated Australian Standards require any alterations to a WMS (including changes to the building which can increase hydraulic loading) to require an assessment of the system against the Code and Standards. However, there currently is no regulation to provide the legal power for this requirement outside of Building Control Areas.

NT Health will, for consideration by Government, prepare a suitable additional regulation requiring reassessment and upgrading of a system in accordance with the Code and Australian Standards, wherever this occurs in the NT.

Recommendation 2

Under the *Building Act 1993* (NT), for plumbing works undertaken inside Building Control Areas, certificates of compliance are lodged with the Department of Lands, Planning and Environment (DLPE) and filed on the building record for the property. This record can be accessed by the property owner and any other person with authority to do so.

NT Health will, for consideration by Government, prepare a suitable regulation under the PEHR, to require an installer to issue a certificate of compliance upon completion of works, to lodge it with an authority and to provide a copy to the owner of the system. This regulation (if enacted) would extend the application of the current wastewater management regulations outside the Building Control Areas and impose legal responsibility on the construction industry.

However, NT Health is not involved in the construction process, does not have the technical capacity, nor resources to administer the process related to the lodgement of certificates. NT Health will work with the relevant department(s) to provide suitable regulation for lodgement of certificates with a suitable regulatory body (such as is the current practice to lodge certificates with DLPE for works undertaken inside Building Control Areas).

Recommendation 3

Regulation 71 of the PEHR, provides (among other things) for the CHO to exempt a person from the Code. Although this regulation is not limited in scope, it is likely that the CHO would only consider issuing an exemption that impacts WMS outside of building control areas (as NT Health are not the regulator inside building control areas). The CHO has never granted an exemption under this regulation. This exemption can only be granted where the CHO is satisfied that the exemption will not cause or is not likely to cause a public health risk.

NT Health will, for consideration by Government, prepare amendments to this regulation to achieve clarity about the extent of an exemption and the circumstances in which the CHO may grant an exemption. Current internal policy will be strengthened to detail relevant circumstances and support the decision making process.

Recommendation 4

A proposal (P-004343-01) to amend the *Australian/New Zealand Standards 1546.1:2008-On-site domestic wastewater treatment units, Part 1: Septic tanks*, is currently under consideration. This amendment proposed by KidSafeVic would require incorporation of secondary safety shields in the design of all septic tank systems. This proposal arose in response to a number of incidents of children falling into septic tanks over a three year period, including this incident. During the consultation period mixed feedback was received.

It is still not clear whether this amendment to the Standard will proceed. A decision is yet to be made under the Standards Australia process.

If the Standard is amended, this will address all new installations as septic tanks will be required in their design to include a secondary safety shield under the standard. This Standard applies in the NT, and if amended, that amendment will also automatically apply in the NT. This will result in the requirement for approval of the installation of a septic tank it must be certified to this standard.

However, this amendment to the Standard will not apply retrospectively to septic tank systems already installed. Aging septic tank systems are at a higher risk of lid safety concerns, due to deterioration and wear and tear of tank components.

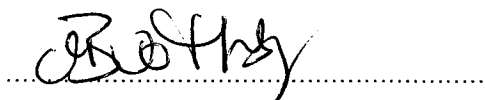
If the Standard is not amended, NT Health will liaise with DHLGCD about the process that Department will apply to ensure all new installations of WMS servicing remote public housing, will be installed with secondary safety shields.

NT Health notes that a recommendation from this inquest for DHLGCD has been included in the findings to address this issue in public housing stock; '9.4. Secondary safety shields are to be fitted to all septic tank access points in public housing'. Some concerns exist for retrofitting secondary safety screens to existing fibreglass or plastic tanks, however the majority of septic tanks in remote community public housing are likely to be concrete. Privately owned existing septic tanks, or those not owned by DHLGCD will also not be addressed through these activities.

Environmental Health Officers working in NT Health undertake routine inspections of registered premises such as food businesses and commercial visitor accommodation. Where safety issues are identified with WMS in these businesses, advice is provided to the system owner, and non-compliance is referred to NT WorkSafe for potential enforcement action.

I am satisfied that the Chief Executive Officer of DHLGCD and Chief Executive of DoH have considered the recommendations of the Territory Coroner and have responded appropriately to the recommendations.

DATE: 25 JUN 2026

A handwritten signature in black ink, appearing to read 'Marie-Clare Boothby', is written over a horizontal dotted line.

MARIE-CLARE BOOTHBY