

22 May 2026

**Secretary**  
**Legislative Scrutiny Committee**  
**Legislative Assembly of the Northern Territory**  
Via email: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)



To the Legislative Scrutiny Committee,

**RE: *Care and Protection of Children Amendment (Every Child Matters) Bill 2026***

Aboriginal Medical Services Alliance Northern Territory (AMSANT), as the peak body for Aboriginal community-controlled health services (ACCHSs) in the NT, welcomes the opportunity to provide a submission on the proposed amendments to the *Care and Protection of Children Act 2007 (NT)* (CAPCA).

AMSANT provides sector-wide leadership, advocacy and evidence-based advice to protect and uphold the health and wellbeing of Aboriginal people and communities. Through sustained engagement with both the Northern Territory and Commonwealth Governments, AMSANT continues to ensure Aboriginal voices, our member perspectives and community-driven solutions are central to informing culturally safe policy and service delivery.

Throughout this submission, AMSANT chooses to use the term Aboriginal to best reflect the people and communities we directly represent and work with across the NT. We wish to acknowledge with equal respect Torres Strait Islander people as First People of Australia, affirming their enduring sovereignty, cultures, and connection to land and sea.

AMSANT does not support the Northern Territory Governments proposed amendments to the CAPCA. The proposed amendments outlined in the Bill reflect a significant regression in the protection of the rights and liberties of Aboriginal children and families, dilute established safeguards and risk further entrenching the over-representation of Aboriginal children in the child protection system. This letter outlines our concerns with the Bill and recommends the Legislative Scrutiny Committee does not support the Assembly to pass the Bill.

**It is not the over-application of the Aboriginal Child Placement Principles (ACPP) that is the problem. Rather, it is the inadequate implementation and resourcing of the ACPP that enables children to thrive with their family and community.**

## **1. What the evidence tells us about the safety and wellbeing of Aboriginal children in the NT**

There is no national or jurisdictional evidence supporting the amendments to the CAPCA outlined in the Bill. By contrast, the evidence demonstrates that to support the safety of Aboriginal children, the ACPD must be adequately resourced and implemented with children's connection to kin, culture and Country an intrinsic element of their safety. This includes an emphasis on Aboriginal-led decision-making and greater resourcing and commitment for kinship care. These findings are supported by successive coronial findings and multiple Royal Commissions and inquiries across many years. Not least, the landmark *Bringing them Home Report* which led to the development of the ACPD, and which recommendations are still relevant today, having never been fully implemented. (1)

The current data available underscores the urgency to strengthen, not weaken the ACPD, with Aboriginal children in the NT over-represented in out-of-home care at 11.2 times the rate of non-Indigenous children. As of June 2024, only 16.7 per cent of Aboriginal children in care in the NT were placed with Aboriginal relatives or kin – the lowest rate in Australia, and significantly below the national average of 32.1 per cent. (2) The proposed amendments in this Bill risk increasing the rates of removals, while simultaneously lessening their right to be with family, have their family involved in the decisions relating to their ongoing care and further reducing kinship placements.

The relevant sections with proposed changes which AMSANT holds deep concerns for include:

- the removal of the right of a child and their family to participate in decision-making for the child, replacing this right with merely an “opportunity” to participate under proposed sections 12C(2)(a) and 12C(2)(b);
- the proposed amendment to section 12C(3), which removes the right of a child to be brought up within their own family, community and Country; and
- proposed section 12A(3), which would require a child to be removed from their family if there is a “significant and likely risk of harm” to the child, without sufficient clarity as to how this threshold would be defined or applied.

Collectively, these provisions shift the legislative balance away from primary prevention, participation and cultural safety, toward increased statutory intervention and long-term systems harm.

## **2. Policy commitments and legislative reform must be aligned and mutually reinforced.**

AMSANT stands alongside National Commissioner for Aboriginal and Torres Strait Islander Children, the Office of the Children's Commissioner NT, legal services and Aboriginal community-controlled organisations across the NT and Australia in calling for genuine consultation. These are substantial legislative changes with lifelong consequences for

Aboriginal children and families, and they should not proceed without proper consultation with Aboriginal communities, legal experts and the organisations working directly with families every day.

As a signatory to the *National Agreement on Closing the Gap*, the NT Government has committed to genuine partnership with the Aboriginal community-controlled sector on matters that affect our communities. These proposed amendments, advanced without consultation, are inconsistent with that commitment and with Closing the Gap Target 12 commitments to reduce the over-representation of Aboriginal children in out-of-home care.

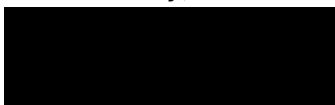
We all want children to be safe. However, safety must never be used as a justification to remove rights, weaken protections or disregard the lessons of the past. Any reforms to child protection legislation must remain grounded in the best interests of the child, informed by evidence, and aligned with Closing the Gap commitments to reduce the over-representation of Aboriginal children in out-of-home care.

AMSANT therefore respectfully asks that the Legislative Scrutiny Committee:

1. Recommends the Assembly does not pass the *Care and Protection of Children Amendment (Every Child Matters) Bill 2026*
2. Recommends the Northern Territory Government consults with the Aboriginal community-controlled sector to develop a broader and more appropriate response to addressing the safety of children and families in the Northern Territory.

AMSANT welcomes the opportunity for further meaningful engagement on this matter. If you require more information in relation to the content of this letter, please contact [submissions@amsant.org.au](mailto:submissions@amsant.org.au).

Yours sincerely,



**Donna Ah Chee**  
**Chief Executive Officer**  
**AMSANT**

(1) Healing Foundation 2025, [‘Are you waiting for us to die?’ The unfinished business of Bringing Them Home.](#)  
(2) SNAICC 2025, [Reviewing Implementation of The Aboriginal and Torres Strait Islander Child Placement Principles, Northern Territory](#)