

# Submission to the Inquiry into Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

Submitted by: Professor Fiona Stanley AC and Professor Marcia Langton AO

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## 1. Introduction

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This submission is provided to the Inquiry into the Care and Protection of Inquiry into Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, convened by the Northern Territory Government under the Inquiries Act 1945 (NT), following the death of Kumanjayi Little Baby, a five-year-old girl abducted from the Ilyiperenye Old Timers town camp in Alice Springs on the night of 25 April 2026. We write with profound sorrow at the loss of this child, and with an urgent concern that the Inquiry, as currently constituted, risks repeating the structural failures that have been identified — and left unaddressed — by every major review of Aboriginal child protection in this jurisdiction for more than three decades.

We are Professor Fiona Stanley AC, Emeritus Professor at The University of Western Australia and former Australian of the Year, whose career has been dedicated to the health and wellbeing of children; and Professor Marcia Langton AO, Director, Indigenous Studies Unit, Onemda, Melbourne School of Population and Global Health, Foundation Chair of Australian Indigenous Studies at The University of Melbourne, and a leading scholar of Aboriginal affairs, law and policy in Australia. We submit jointly because the evidence demands a unified and unambiguous response.

The recommendations set out in this submission are not discrete policy options. They reflect a consistent finding across three decades of inquiries and national evidence. The Northern Territory child protection system is not failing due to a paucity of evidence, but because established reforms have not been implemented, and its underlying design remains unchanged. The evidence demonstrates that responses centred on crisis intervention, administrative control and child removal do not reduce harm — instead, they contribute to its reproduction across generations. Meaningful reform requires structural change rather than incremental adjustment, including the legislated redistribution of authority, resources and information to Aboriginal community-controlled organisations, supported by enforceable accountability mechanisms. Without these shifts, further inquiries are likely to reproduce the same findings without altering outcomes.

### 1.1 The 2026 Inquiry: Terms of Reference

The 2026 Inquiry has been established under the Inquiries Act 1945 (NT) to conduct a broad-ranging public examination of the NT child protection system. Written and oral submissions were invited on any aspect of that system. We understand that the Inquiry will examine: the functioning of the current child protection system including the roles and responsibilities of NT government agencies and non-government service providers; specific approaches to address the needs of Territory children in the child protection system, including service delivery in regional and remote areas; support systems and operational procedures for child protection workers, including staff retention and training; the quality, sustainability and strategic directions of out-of-home care programs; and the interaction between government

departments, non-government organisations and other groups involved in the protection, care and safety of children.

## **1.2 Precedent: The 2010 Board of Inquiry**

These terms of reference are, to a striking degree, substantively identical to those under which the 2010 Board of Inquiry into the Child Protection System in the Northern Territory — chaired by Professor Muriel Bamblett AM, Dr Rob Roseby and Dr Howard Bath — operated. That Board was established by the NT Chief Minister and Minister for Children and Families in late 2009 under the same Inquiries Act 1945 (NT). It conducted public forums across the Territory in Nhulunbuy, Palmerston, Katherine, Tennant Creek, Alice Springs and Darwin; held formal hearings from February to June 2010; visited remote Aboriginal communities; drew on interstate and international child protection models; and received written and oral submissions from a wide range of organisations and individuals. Its report, *Growing Them Strong, Together: Promoting the Safety and Wellbeing of the Northern Territory's Children*, was delivered to the Chief Minister on 18 October 2010 (Bamblett et al., 2010).

*Growing Them Strong, Together* made comprehensive recommendations across prevention and early intervention, the Aboriginal Child Placement Principle, community-controlled organisation funding, workforce development, accountability mechanisms and data collection. Those recommendations were never fully implemented. In the sixteen years since that report was delivered, the over-representation of Aboriginal children in out-of-home care in the NT has not decreased. It has worsened significantly. As at 30 June 2024, 786 Aboriginal children were living in out-of-home care in the NT — representing 89% of all children in OOHC in the jurisdiction — compared with the already deeply alarming figures that prompted the 2010 inquiry (SNAICC, 2025; Australian Institute of Health and Welfare [AIHW], 2025).

This Inquiry, therefore, sits within a line of inquiries whose recommendations have been repeatedly noted, occasionally endorsed, and rarely implemented. The 2026 Inquiry has an opportunity to break that pattern. It will do so only if it centres Aboriginal voices in its processes, grounds its recommendations in the accumulated evidence base, and produces binding commitments to implementation rather than aspirational statements of intent. The authors of this submission offer it in that spirit.

## **1.3 Our Concern About the Inquiry's Current Composition**

We are compelled to note at the outset that the 2026 Inquiry, as initially constituted, was headed by a former police commissioner with no Aboriginal leadership on its panel — and was announced simultaneously with moves to reduce child protection officer numbers in the Territory. The weight of evidence accumulated over decades, including that of the Bamblett et al. (2010) inquiry itself, establishes a single consistent finding: child protection responses developed and administered without Aboriginal leadership and participation consistently fail. The 2010 inquiry was co-chaired by Professor Bamblett, a Yorta Yorta woman and one of Australia's foremost Aboriginal child and family welfare leaders. It was supported by an expert reference group that included Aboriginal community representatives. That model must be the minimum standard for the 2026 process.

We call on the Inquiry to ensure that Aboriginal community leaders — including nominees of the Aboriginal Peak Organisations Northern Territory (APO NT) and SNAICC — National Voice for our Children — are included as full participants in its deliberative processes. Without this, the Inquiry risks producing recommendations that Aboriginal communities will, with good reason, refuse to trust.

## **1.4 Summary of Recommendations**

This submission makes the following principal recommendations to the 2026 Inquiry. Full supporting evidence and argument for each appear in the sections that follow. The complete, detailed recommendations appear in Section 11 at the end of this submission.

- Recommendation 1 — Inquiry composition
- Recommendation 2 — Early intervention investment
- Recommendation 3 — Transfer of authority to ACCOs
- Recommendation 4 — Child Placement Principle compliance
- Recommendation 5 — Transparency and ACCO access for family reunification
- Recommendation 6 — Post-release pathways
- Recommendation 7 — Rebalancing of funding
- Recommendation 8 — Interpreting and language services
- Recommendation 9 — Generational strategy
- Recommendation 10 — Child protection workforce
- Recommendation 11 — Tangentyere Council and town camp communities as partners
- Recommendation 12 — Alternatives to child removal
- Recommendation 13 — Perinatal reform and infant removals

## 2. Sources of Evidence

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This submission draws on four primary sources of evidence, each of which is described briefly here and engaged with in detail throughout the submission.

First, the SNAICC Family Matters Report 2025 (SNAICC, 2025) is Australia’s only annual Aboriginal and Torres Strait Islander-led report tracking government performance in reducing the over-representation of Aboriginal children in child protection systems. In its tenth edition, it presents national and jurisdiction-level data drawn from the Australian Institute of Health and Welfare’s Child Protection Australia 2023–24 dataset (AIHW, 2025) alongside community and Commissioner testimony. It makes evidence-based recommendations across all Australian jurisdictions.

Second, the Family is Culture: Independent Review into Aboriginal Out-of-Home Care in New South Wales (Davis, 2019), led by Professor Megan Davis, is the most comprehensive examination of Aboriginal child protection practice ever conducted in Australia. It reviewed the case files of all 1,144 Aboriginal children who entered OOHC in New South Wales between 1 July 2015 and 30 June 2016, generating unprecedented evidence about on-the-ground casework practice. Although focused on New South Wales, its structural findings are directly applicable to the NT and are supported by the Family Matters data (SNAICC, 2025).

Third, the testimony of Robin Granites, a senior Warlpiri elder from Yuendumu and the grandfather of Kumanjayi Little Baby, as recorded and analysed in ‘We Are Not Hiding Anything,’ published in The Saturday Paper (Langton, 2026). This account provides primary evidence about the conditions in Alice Springs town camps that produced the tragedy, and the structural explanations that Aboriginal community leaders offer for those conditions.

Fourth, the documented history and conditions of the Alice Springs town camps (Tangentyere Council, 2026; Thorpe & Boltje, 2026), which provide the immediate geographic and historical context of the child’s death.

### 3. The Context: Alice Springs Town Camps

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Kumanjayi Little Baby was abducted from one of Alice Springs' Community Living Areas — known as town camps — a network of 17 Aboriginal communities within the town, governed by Tangentyere Council Aboriginal Corporation and home to between 1,600 and 2,000 permanent residents, with populations fluctuating considerably higher during major events or when families travel from remote communities to access services (Tangentyere Council, 2026).

The town camps are not a recent phenomenon. Their origins trace to the 1880s, when Aboriginal peoples displaced from their traditional lands by pastoralism, the telegraph line and the expanding settler town were confined to fringe camps on the margins of Alice Springs. Between 1929 and 1960, the township of Alice Springs was a declared prohibited area for Aboriginal people, cementing the geographic and social exclusion that defines the camps to this day (Thorpe & Boltje, 2026). The camps were established, in many cases, on traditional ceremonial camping areas. In 1977, residents established Tangentyere Council as a governing body — an act of self-determination — and, in subsequent decades, the Council built a model of community-controlled service delivery spanning housing, health, family support, early intervention, and substance misuse programs.

Today, those services remain chronically under-resourced relative to need. The camps continue to function as sites of convergence and disruption, drawing people from multiple remote communities who arrive for court appearances, medical appointments, family visits or access to shops, and who often remain, contributing to severe overcrowding. Houses are in disrepair. Infrastructure is strained. The population fluctuates unpredictably (Langton, 2026). This is not a description of community failure. It is a description of structural exclusion sustained over more than a century — the product of dispossession, confinement, under-service, and the repeated withdrawal of community-controlled supports.

### 4. Robin Granites' Account: What Elders Know

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Robin Granites, a senior Warlpiri elder from Yuendumu and the grandfather of Kumanjayi Little Baby, provided a sustained account of the conditions in which the tragedy occurred. His testimony, recorded and analysed in 'We Are Not Hiding Anything' (Langton, 2026), is among the most important evidence available to this Inquiry. It deserves to be read in full and heard directly.

#### 4.1 Family Strain and Caregiving Overload

Granites describes young mothers, often without stable domestic arrangements, leaving children in the care of grandmothers and older relatives who are themselves overwhelmed. He does not frame this as moral failure but as structural strain — the outcome of unstable living conditions, overcrowded households, and the absence of wrap-around supports: 'We do not really know how our people can manage to look after our other kids. It is very hard for us, and for the mothers (Langton, 2026). This is precisely the pattern that decades of research on Aboriginal child protection have documented, and it responds to early intervention and culturally grounded family support — not to policing or surveillance.

#### 4.2 Population Mobility and Camp Instability

Granites identifies the fluid composition of the town camps as a major risk factor. People travel from remote communities for multiple reasons, but in the absence of adequate services on Country, they often remain. The result is fluctuating, overcrowded conditions in which informal protective authority structures are disrupted (Langton, 2026). This has a direct policy implication: reducing the conditions of risk in Alice Springs requires adequately serviced, economically viable remote communities — not restrictions or police patrols.

### **4.3 Alcohol as an Amplifying Factor**

Granites acknowledges that alcohol plays a significant role in disrupting caregiving, fuelling conflict and eroding informal protective authority. He does not treat it as a primary cause, but as a force that intensifies existing pressures and that restrictions alone cannot resolve, since patterns of supply and movement shift in response. What is lost is not only sobriety but the authority structures through which communities can protect their members (Langton, 2026).

### **4.4 Post-Release Pathways and the Absence of Return to Country**

In Mr Robin Granites' account, the alleged perpetrator — a recently released prisoner — was discharged into Alice Springs without any structured return to his home community or reintegration support. For Granites, this is a systemic failure: 'They should be organising... return to country' (Langton, 2026). Without such arrangements, people leaving prison enter already unstable town camp networks where protective authority is difficult to exercise. This is a directly addressable policy failure.

### **4.5 Language, Communication and the Failure to Listen**

Granites identifies a pervasive communication failure at the intersection of community life and government services. Younger people are losing fluency in Warlpiri while also lacking strong English skills, affecting interactions with police, courts and child protection authorities. Interpreting is inadequate. When community members offer explanations, they are routinely simplified or misinterpreted by outsiders. His account ends with a statement that should be read at the opening of every sitting of this Inquiry: 'We tell you that we are not hiding anything... but people don't listen. They don't know what it's all about' (Langton, 2026). This Inquiry must listen differently.

## **5. The National Evidence Base: SNAICC Family Matters Report 2025**

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The SNAICC Family Matters Report 2025 — Australia's tenth consecutive annual report tracking government performance in reducing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems — presents data directly relevant to this Inquiry (SNAICC, 2025). The headline national finding is that in 2023–24, Aboriginal and Torres Strait Islander children were 9.6 times more likely to be in out-of-home care or on third-party parental responsibility orders than non-Indigenous children, a 0.5% increase from the previous year (AIHW, 2025, Table T3).

In the Northern Territory specifically, as at 30 June 2024, 786 Aboriginal children were living in out-of-home care, representing 89% of all children in OOHC in the jurisdiction — a reduction of just five children from the previous year (SNAICC, 2025, p. 105). The NT has the highest proportion of Aboriginal and Torres Strait Islander children relative to its total child population of any Australian jurisdiction, at 41.9% (AIHW, 2025, Table P4). Despite this, multiple structural conditions remain unreformed.

### **5.1 Placement Failures**

As at 30 June 2024, 45% of all OOHC placements in the NT were in purchased home-based care (PHBC), despite the NT Government's commitment to phase out its use. PHBC received \$34.9 million in NT Government funding in 2023–24 — compared with just \$4.1 million for kinship services. Only 6% of children in OOHC were placed with family and significant others, while Aboriginal and Torres Strait Islander carers made up 85% of family carers, yet 0% of purchased home-based carers (SNAICC, 2025, p. 105). This funding distribution is not merely inconsistent with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) — it is a direct and ongoing violation of it. Those families who care for these children should be paid the same amount as the PHBC services and fully supported in these roles, not undervalued or ostracised.

## 5.2 Care Planning Failures

In 2023–24, 56% of children aged 15–17 in OOHC in the NT did not have a current care plan incorporating leaving-care planning (SNAICC, 2025, p. 105). The NT Children's Commissioner, Shahleena Musk, has identified the absence of adequate, timely and meaningful leaving-care planning as a matter of serious concern to Aboriginal and Torres Strait Islander young people in care — and a documented pathway to homelessness and further contact with statutory systems (as cited in SNAICC, 2025, p. 105).

## 5.3 The Child Protection to Youth Justice Pipeline

The Family Matters Report 2025 documents a direct and well-established pipeline from child protection contact to youth justice incarceration. Children in the child protection system are 12 times as likely as their peers in the general population to be under youth justice supervision (AIHW, 2017, p. v, as cited in SNAICC, 2025). In June 2025, Aboriginal and Torres Strait Islander children aged 10–17 were 27 times more likely to be incarcerated than their non-Indigenous peers (AIHW, 2025, as cited in SNAICC, 2025, p. 79). The NT Children's Commissioner's audit of children aged 10–13 in youth detention found that all children subject to the audit had current and previous child protection experiences, establishing what the report describes as a clear link between incarceration and the failure of government agencies to address the social and economic disadvantage of Aboriginal and Torres Strait Islander families (Office of the Children's Commissioner Northern Territory, 2024, as cited in SNAICC, 2025, p. 78).

This finding opens up a major, cost-effective means of reducing costs and the damage of locking up already damaged young children. Data from the WA Banksia studies (Bower et al., 2018) examined all children aged 10–18 in the only juvenile detention centre in Western Australia in 2019. Nearly 90% had a major irreversible neurological or developmental disability, only one of which had been diagnosed before incarceration. These disabilities included foetal alcohol syndrome, intellectual disability and severe ADHD. All those with and without disability had a history of early life trauma — 100% — which would have contributed to their behaviour and significant health problems. It was shown that if these children had been assessed adequately by health, education, child protection or police services and proper care had been provided, they could have avoided detention and had very different outcomes. Whilst these data are unique to Western Australia, it is highly likely that they are similar across all states and territories nationally. This makes the case even more strongly for early intervention being the most cost-effective approach to solving these problems (Hollands, 2024).

## 5.4 ACCO Funding Inequity

APO NT notes in its community voice submission to the Family Matters Report 2025 that only a small fraction of total child and family funding in the NT reaches ACCOs (as cited in SNAICC, 2025, p. 104). Aboriginal community-controlled organisations carry the expertise, trust and cultural legitimacy necessary to deliver effective change. However, they remain chronically under-funded relative to government agencies and non-Aboriginal service providers. In APO

NT's words, partnerships without authority or equitable resourcing are tokenistic (as cited in SNAICC, 2025, p. 104). NT government personnel and decision-makers must acknowledge and understand that most Aboriginal families do not trust mainstream services, particularly those historically responsible for forced removal policies (Andrews et al., 2024). It is clear that attendance at ACCOs such as Aboriginal Community Controlled Health Organisations is much higher than at mainstream services. Aboriginal birthing programs have dramatically increased attendance for antenatal care, pregnancy diagnosis and treatment as they have been introduced nationwide, and have reduced the number of children removed from families (O'Dea et al., 2024; Kildea et al., 2021).

## 6. Family is Culture: The Davis Review and Its Implications for the Northern Territory

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### 6.1 Overview and Significance

The Family is Culture: Independent Review into Aboriginal Out-of-Home Care in New South Wales (Davis, 2019), led by Professor Megan Davis, is the most comprehensive examination of Aboriginal child protection practice ever conducted in Australia. It is also the first review to focus specifically on Aboriginal children and families; the first to be led by an Aboriginal chairperson supported by a largely Aboriginal reference group; and the first to be granted access to the departmental case files of a large cohort of Aboriginal children in OOHC. The review examined the files of all 1,144 Aboriginal children and young people who entered OOHC in New South Wales between 1 July 2015 and 30 June 2016 (Davis, 2019, p. 44).

Although focused on New South Wales, the Davis Review's findings carry direct implications for the Northern Territory. The structural patterns it identifies — the failure to implement the Child Placement Principle, the criminalisation of Aboriginal children through OOHC, the role of intergenerational trauma, the dominance of ritualistic compliance culture in child protection bureaucracies, the chronic under-resourcing of early intervention, and the absence of meaningful ACCO authority — are not jurisdiction-specific. They reflect systemic failures that Family Matters 2025 (SNAICC, 2025) confirms are present in the NT in acutely intensified form.

### 6.2 Key Findings

The Davis Review's findings can be grouped under five themes of direct relevance to this Inquiry.

First, intergenerational trauma is structurally produced and systemically reproduced. Over two-thirds of mothers of children in the cohort (68.3%) had a child protection history in New South Wales, and one quarter (25.5%) had been in OOHC as children (Davis, 2019, p. 47). For almost a third of cohort children (32.4%), both parents had a child protection history. These figures establish that the child protection system is not merely responding to family dysfunction but actively producing the conditions for its own future caseload. As Davis (2019) writes, any reform must respond to 'the extent and intergenerational nature of the trauma that has been caused and compounded by the state' (p. 8). This observation applies with particular force to the NT, where decades of intervention from the Protection Era to the NT Emergency Response have compounded the very harms they were ostensibly designed to address.

Second, the Aboriginal Child Placement Principle is routinely not implemented in practice. The Davis Review found pervasive non-compliance with the ACPP across the New South Wales system. Only approximately half of the cohort children who remained in care were placed with an Aboriginal carer (53.1%), and of those in foster care, over half were with non-Aboriginal

carers (Davis, 2019, p. 46). More troublingly, for 4.1% of cohort children who had a care application filed, the care application did not identify the child as Aboriginal. For a further 8.6%, the application did not indicate that the ACP was being considered at all (Davis, 2019, pp. 46–47). Davis (2019) characterises the department’s approach as ‘ritualism’: ‘the outward appearance of compliance — formal participation in a system of regulation — shields a culture of non-compliance’ (p. 16). This finding is directly reflected in the NT, where ATSI CPP compliance data remain inadequate, and kinship placement rates are deeply deficient (SNAICC, 2025, p. 105).

Third, early intervention is systematically defunded and underutilised. Over a third of cohort children had been known to the child protection system for between one and four years before they entered care, receiving an average of 5.5 risk-of-significant-harm (ROSH) reports in the two years before entry (Davis, 2019, p. 45). The system had multiple opportunities to intervene before removal, but consistently failed to do so. The Davis Review recommends that investment in early intervention be legislatively mandated and set at a level commensurate with the proportion of Aboriginal children in OOHC (Davis, 2019, Recommendations 21–26). These recommendations directly parallel the SNAICC Family Matters 2025 call for a national, systematic and sustainable approach to funding ACCO-led integrated early years services (SNAICC, 2025, Recommendation 2).

Fourth, removal causes harm — and this harm is systematically unacknowledged. For almost half of the cohort of children (47%), reviewers identified practice issues in how the children came into care (Davis, 2019, p. 46). The review documents the care-criminalisation pipeline: children in OOHC are frequently charged with offences against carers or residential staff for conduct that would not be criminalised if it occurred in a family home. Davis (2019) recommends that judicial officers be required to consider the harm of removal when making child protection decisions, and that the government formally acknowledge ‘that as an ostensible “parent”, it can and does cause harm to children for whom it has parental responsibility’ (p. 65). No NT government has yet made this acknowledgement.

Fifth, the child protection system has historical continuity with the Stolen Generations. When police are used for removal, when babies are assumed into care at hospitals based on prenatal risk notifications, when siblings are separated, when families who reach out to be assessed as carers have their calls unreturned — all of these practices, Davis (2019) writes, have ‘historical continuity’ (p. 17) with the Protection and Assimilation eras. This context is a live explanation for why Aboriginal families continue to experience the system as adversarial and why trust in state child protection mechanisms remains so low. The Inquiry must grapple with this historical dimension if it is to design responses that can genuinely protect children.

### **6.3 The Critical Finding on Transparency and Family Reunification**

Among the most important — and most consistently overlooked — findings of the Davis Review are the evidence of systemic failure in family finding and kinship engagement. Davis (2019) found that across the cohort, Aboriginal families who reached out to child protection authorities requesting to be assessed as carers for nieces, nephews and grandchildren routinely had their calls unreturned and their offers ignored (Davis, 2019, p. 13). This was, Davis (2019) notes, ‘an unexpected finding, as the popular sentiment is that there are not enough Aboriginal people available to be carers’ (p. 13). There were. They were not contacted, assessed, or supported.

This failure is structural, not incidental. It arises from a combination of the absence of any duty on child protection agencies to actively disclose information about children in OOHC to their extended families or to relevant ACCOs; inadequate resourcing of family finding as a casework priority; the absence of independent ACCO oversight of placement decisions; and cultural and institutional barriers that prevent families from navigating an opaque and adversarial system. The consequence is that children who could be — and whose families wish them to be —

placed with kin and community are instead placed in purchased home-based care or with non-Aboriginal foster carers, at greater financial cost to government and at immeasurable human cost to children and families.

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**The Davis Review’s evidence establishes that the solution is not merely better caseworker training. It requires a structural reform: a legislated duty of transparency in the management of Aboriginal children in the child protection system, giving ACCOs real-time access to information about Aboriginal children in OOHC so that family finding, kinship assessment and reunification can be actively and independently pursued.**

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This reform is addressed directly in Recommendation 5 of this submission, which we elaborate on in Section 8.5 below.

## 6.4 Convergence with Family Matters 2025

The findings of the Davis Review (2019) and the SNAICC Family Matters Report 2025 are strikingly convergent across separate jurisdictions and separated by six years, yet arriving at the same structural diagnosis. Both documents find that: Aboriginal children are disproportionately removed at birth or in infancy before adequate early intervention has been offered; the Child Placement Principle is formally acknowledged but practically ignored, with kinship care dramatically under-resourced; ACCO-led services carry greater community trust and produce better outcomes but receive a disproportionately small share of funding; the child protection to youth justice pipeline is driven by system failure rather than child or family characteristics; family finding is systematically inadequate, with willing kin overlooked; and government regulatory systems exhibit the pattern Davis (2019) calls ritualism and SNAICC (2025) describes as the gap between the rhetoric of reform and the reality on the ground (p. 3).

This convergence is not coincidental. It reflects the structural nature of the problem: a child protection system designed around risk management and crisis response rather than family support and cultural continuity, operating within a broader policy environment in which Aboriginal self-determination is espoused but not enacted. The 2026 NT Inquiry has the evidence of both the Davis Review and the Family Matters Report 2025 before it. There is no absence of knowledge about what is wrong or what must change. What has been absent is political will and sustained investment. This Inquiry must address that absence.

## 7. What Has Failed Before: The Policy History

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The NT Government’s initial response to the death of Kumanjaya Little Baby — appointing a former police commissioner to lead a child protection review while simultaneously reducing child protection officer numbers — is not new. It is the default position that Australian governments have adopted in response to every preceding crisis in Central Australia. The evidence of its failure is unambiguous and extensively documented.

The Howard Government’s NT Emergency Response — the Intervention — was introduced in 2007 ostensibly to address child sexual abuse identified in the Little Children are Sacred report. It was imposed without the free, prior and informed consent of Aboriginal communities. It suspended the Racial Discrimination Act. It was opposed by virtually every Aboriginal organisation in the NT. By every measurable indicator, child sexual abuse increased in every year following the Intervention. The report that prompted it had explicitly recommended community-controlled solutions; those solutions were ignored in favour of military-style

deployment, welfare income management and land tenure changes. No lesson appears to have been learned.

Earlier still, in 2015, there were 75 Aboriginal community-controlled family and children's services operating across the nation. The Abbott, Turnbull and Morrison governments defunded them. The children who depended on those services are now teenagers. They missed out on the nurturing environments that support young people away from out-of-home care, suicide, truancy and detention. Their absence is visible in Alice Springs today (Stanley & Langton, 2026).

APO NT's community voice submission to Family Matters 2025 is explicit about what this continuing pattern of policy failure looks like on the ground: programs such as Circuit Breaker are labelled prevention yet operate as youth-justice interventions delivered by a statutory agency, not by Aboriginal and Torres Strait Islander organisations. True prevention begins with family, culture and community, through housing security, healing programs, early childhood supports and culturally driven family services in which ACCOs lead rather than are sidelined (as cited in SNAICC, 2025, p. 104).

The Connected Beginnings program provides one of the clearest examples of what integrated, community-driven service delivery can achieve. An independent evaluation found that it can provide an effective framework to support the integration of services across health, education and family support systems (Australian Healthcare Associates, 2019). Three defining features emerged: community-driven, flexible approaches; connections to wider service systems; and dual Education-Health funding. The evaluation identified key conditions for success, including the need for extended funding timeframes beyond three years to support sustainable integration, stronger guidelines emphasising community-driven approaches, and unified operational guidelines reflecting integration goals. In 2023, the Commonwealth Government invested \$81.8 million to expand the program to 50 sites by 2025 (Burney, 2023).

Furthermore, the NT Government's discontinuation of its 10-Year Generational Strategy for Children and Families represents a serious loss of the long-term accountability framework that had provided a mechanism for shared governance between government and the Aboriginal community sector. APO NT has called for its reinstatement or replacement with a co-designed framework that enshrines Aboriginal and Torres Strait Islander governance in perpetuity (as cited in SNAICC, 2025, p. 104). We support that call unreservedly.

## **8. What the Evidence Supports: Detailed Recommendations**

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The evidence base for what does work to protect Aboriginal children is extensive, consistent and well-established. It is not new. What is lacking is not knowledge but political will and sustained investment. We address each of our principal recommendations in turn.

### **8.1 Aboriginal Community-Controlled Early Intervention (Recommendation 2)**

The SNAICC Family Matters Report 2025 recommends that the Australian Government commit to leading the design and implementation of a national, systematic and sustainable approach to funding ACCO-led integrated early years services (SNAICC, 2025, Recommendation 2). The Davis Review (2019) makes the same case, recommending legislative mandating of early intervention services as a precondition to removal and investment commensurate with the proportion of Aboriginal children in OOH (Davis, 2019, Recommendations 21–26).

The Maari Ma Health Aboriginal Corporation in far-west New South Wales — operating for over 30 years across Wilyakali and Barkindji Country — demonstrates what such services look like in practice: integrated, place-based, culturally grounded, and trusted by the

communities they serve (Stanley & Langton, 2026). In the NT context, the nine Aboriginal-led Child and Family Centres (CFCs) established as at 30 June 2024, and the additional two in development, represent a promising model — but they are wholly inadequate to meet the scale of need across the Territory at current levels of investment and geographic reach (SNAICC, 2025, p. 103).

## **8.2 Transfer of Authority to ACCOs (Recommendation 3)**

Family Matters 2025 calls for the expansion and appropriate resourcing of the transfer of authority to Aboriginal and Torres Strait Islander community-controlled organisations for early intervention and statutory child protection functions (SNAICC, 2025, Recommendation 6). This is not a recommendation for the future; it reflects what is already working where it has been implemented. APO NT identifies the Northern Territory Indigenous Family Legal Support Service as demonstrating what works: culturally safe, legally supported family-led decision-making that supports Aboriginal and Torres Strait Islander families from investigation through to reunification. This model should be expanded across the Territory rather than treated as a pilot (as cited in SNAICC, 2025, p. 104).

## **8.3 Child Placement Principle Compliance (Recommendation 4)**

The ATSI CPP is not being implemented to the standard required by the law. As the data documented in Section 5 establishes, the NT's placement profile continues to reflect a profound failure of active efforts: 45% of placements remain in purchased home-based care, only 6% are with family and significant others, and kinship care services receive less than 12% of the funding allocated to PHBC (SNAICC, 2025, p. 105). The Davis Review (2019) establishes that this failure is systemic and structural, not the product of individual caseworker failure. This Inquiry should recommend mandatory compliance mechanisms, independent Aboriginal oversight of all placement decisions, and transparent public reporting against the five elements of the ATSI CPP.

## **8.4 Post-Release Pathways and Return to Country (Recommendation 6)**

Robin Granites' testimony identifies a specific and addressable failure: people leaving prison are discharged into Alice Springs town camps without structured support for return to their home communities (Langton, 2026). This requires resourcing of Country-based reintegration programs, supported by ACCOs, with adequate transitional support and cultural supervision. The NT Government should establish this as the standard discharge pathway for all NT prisoners with remote-community connections. Programs to prepare prisoners for discharge should be part of the rehabilitation process and commence early in the prison stay; such programs should also employ Aboriginal staff.

## **8.5 Transparency and ACCO Access for Family Reunification (Recommendation 5)**

This recommendation addresses one of the most significant and least discussed structural failures in the NT child protection system: the opacity with which Aboriginal children are managed once they enter OOHC, and the systematic exclusion of their families and communities from information about their situation, placement and progress.

The Davis Review (2019) found that Aboriginal families across the New South Wales cohort repeatedly attempted to be assessed as carers for children known to them and were systematically ignored. Calls went unreturned. Offers of care were not followed up on. In many cases, files contained no record that the family had ever been sought. Davis (2019) describes this as one of the most unexpected and disturbing findings of the review, given that the common assumption is that there are insufficient Aboriginal carers available (p. 13). The evidence shows the opposite: willing kin exist and are not being engaged.

In the NT, the Family Matters Report 2025 documents that Aboriginal and Torres Strait Islander carers make up 85% of family carers, yet only 6% of children in OOHC are placed with family and significant others, and 45% remain in purchased home-based care (SNAICC, 2025, p. 105). The NT Children's Commissioner notes that the government's own data shows one-third of Aboriginal children in care are separated from siblings, and only a small percentage move into kinship care when placements change (as cited in SNAICC, 2025, p. 104). These are not outcomes consistent with active family finding. They are outcomes consistent with a system that does not seek family.

The cause of this failure is structural. Child protection agencies in the NT operate under no enforceable duty to proactively disclose information about Aboriginal children in OOHC to their extended families or to relevant ACCOs. Families who wish to care for their children, grandchildren, nieces and nephews have no guaranteed right to know where those children are, what their circumstances are, or how to engage with the system to be assessed as carers. ACCOs with the cultural authority, community knowledge and family relationships to identify kin and facilitate reunification are not given the information they need to do so.

The reform required is clear. The NT Government must establish, through legislation, a statutory duty of transparency in the management of all Aboriginal children in the child protection system. This duty must include the following elements:

- ACCOs nominated by the child's community or family must have a right of access to case information about Aboriginal children in OOHC, including placement details, care plan status, cultural support arrangements and restoration progress, subject only to genuine safety-based restrictions determined independently. They should have a duty to report on all notifications where there is a concern about child safety, to prevent family separation if possible.
- Child protection agencies must be required to notify a relevant ACCO within 24 hours of any Aboriginal child entering OOHC, so that family finding and kinship assessment can begin immediately, rather than after placement decisions have been made.
- All Aboriginal children in OOHC must have an identified ACCO cultural support worker with direct and continuing access to the child, the child's family and the child's case manager, with a mandate to identify kin, support family contact and actively pursue restoration.
- Child protection agencies must be required to document and report publicly, at least annually, on the number of Aboriginal children for whom family finding was conducted, the number of kinship carers approached and assessed, the number of placements changed to kin arrangements, and the number of children restored to family.
- Where an ACCO has identified willing and suitable kin, and the child has not been placed with those kin, the agency must provide written reasons, which must be subject to independent review by an Aboriginal Children's Commissioner or equivalent body.

These provisions would not reduce the protective role of the child protection system. They would make it better: more informed, more connected to family networks, and more capable of achieving the outcomes the ATSICPP requires. The evidence from both the Davis Review (2019) and the Family Matters Report 2025 (SNAICC, 2025) establishes that the principal barrier to family reunification in Aboriginal child protection is not the absence of willing kin. It is the absence of a system that finds them, informs them, and supports them. Legislated transparency and ACCO access are the mechanisms by which that absence is remedied.

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**We urge this Inquiry to make a landmark recommendation: that the NT establish a legislated right for ACCOs to access information about Aboriginal children in**

**the child protection system, so that family finding and reunification can be actively and independently pursued. This is the single reform most likely to reduce the number of Aboriginal children in long-term OOHC in the NT, and results in fewer people being incarcerated at huge cost and with a high risk of further harm.**

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## 8.6 Housing and Infrastructure

The NT and Australian Governments' March 2024 commitment to a ten-year, \$4 billion Remote Housing investment targeting up to 2,700 homes and aiming to halve overcrowding in remote communities is a necessary step (SNAICC, 2025, p. 103). Overcrowding in town camps and remote communities is a direct driver of child vulnerability, as Robin Granites' account confirms (Langton, 2026). Housing investment must be matched by investment in community-controlled tenancy support services with ACCOs in a leading role, not merely a contracted one.

## 8.7 Interpreting and Language Services (Recommendation 8)

Robin Granites identifies language loss and inadequate interpreting as a direct barrier to child protection (Langton, 2026). When young people cannot communicate with police or child protection workers in either Warlpiri or English with sufficient fluency, they cannot navigate those systems safely. The Inquiry should recommend mandatory accredited interpreting for all child protection interactions with Aboriginal clients, and investment in language maintenance programs in community-controlled settings. This is not a peripheral concern: it goes to the heart of whether Aboriginal families can participate meaningfully in decisions about their children.

# 9. Infant Removals and the Perinatal Window: The SAFeST Start Evidence

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## 9.1 Overview and Significance

The SAFeST Start commentary — Supporting Aboriginal and Torres Strait Islander Families to Stay Together from the Start — authored by Chamberlain et al. (2022), including Professor Marcia Langton as a co-author, represents the most concentrated peer-reviewed analysis of infant removals in Australian Aboriginal and Torres Strait Islander child protection. Published in the *Australian Journal of Social Issues*, it was co-authored by 31 researchers, clinicians, Aboriginal community leaders, midwives and social workers, and draws together evidence from public health, perinatal medicine, social work, psychiatry, bioethics and Aboriginal and Torres Strait Islander studies. It is directly relevant to this Inquiry because the Northern Territory has the highest rate of infant removal of any Australian jurisdiction, and because the structural failures it identifies are precisely those visible in the context of Kumanjayi Little Baby's death.

The commentary's central finding is unambiguous: the current child protection system in Australia is failing Aboriginal and Torres Strait Islander families, not despite its design, but because of it. The rate of Aboriginal and Torres Strait Islander children in OOHC was 11 times that of non-Indigenous children at 30 June 2020. One in five children entering OOHC each year was under one year of age — at a rate of 46.6 per 1,000 children, more than ten times the rate for non-Indigenous infants (Chamberlain et al., 2022, p. 252). The authors project that, without urgent reform, Aboriginal and Torres Strait Islander children will be over-represented in OOHC by more than 20 times that of non-Indigenous children by 2031. This is not a crisis approaching. It is a crisis already underway.

## 9.2 The Ten Systemic Failures

Chamberlain et al. (2022) identify ten interacting systemic failures that drive the crisis in infant removals. Each is directly applicable to the NT context.

First, the number of Aboriginal and Torres Strait Islander children in OOHC continues to increase despite Closing the Gap commitments. The 45% reduction target by 2031 is not being met and, on current trajectories, will not be met.

Second, Child Protection Services (CPS) function as a significant barrier to parents' access to support, rather than as a pathway to it. Blunt prenatal 'screening' measures generate high rates of false positives with significant harm to families. Critically, there is no evidence that prenatal reporting leads to improved outcomes for children or mothers or that it reduces the likelihood of removal at birth (Chamberlain et al., 2022, p. 257).

Third, coercive practices by maternity and CPS services trigger protective 'threat' responses that compound harm. The ultimatum requiring mothers experiencing family violence to leave their relationship or have their child removed is more likely to reduce disclosure of family violence than to protect children (Chamberlain et al., 2022, p. 257).

Fourth, systemic racism and discrimination are inherent in CPS involvement. Many 'risk factors' that trigger prenatal notifications are direct products of intergenerational trauma, colonisation and socioeconomic deprivation. Homelessness — a structural outcome of dispossession — is used as a rationale for removing children, rather than as a signal that the family needs housing support (Chamberlain et al., 2022, p. 258).

Fifth, infants are removed shortly after birth without acceptable support being provided, and frequently without prior discussion with parents — a practice described within service systems as 'undisclosed infant removal'. This practice denies parents information and agency in decisions about their infant (Chamberlain et al., 2022, p. 258).

Sixth, there is inadequate culturally safe therapeutic support for parents with complex social and emotional needs. A national survey of perinatal care providers found that 98% identified trauma, stress and grief as significantly impacting Aboriginal and Torres Strait Islander mothers, yet almost half (43%) were not satisfied with their service's capacity to address these issues (Chamberlain et al., 2022, p. 258).

Seventh, vulnerable parents are re-victimised by the system after removal, with limited or no therapeutic support provided following the highly traumatic experience of having their baby taken. Successive removals of newborns from the same mother are a documented consequence of inadequate post-removal support (Chamberlain et al., 2022, p. 260).

Eighth, documentation of unborn notifications is poorly recorded and inconsistent with professional standards, producing inadequate data for oversight and accountability (Chamberlain et al., 2022, p. 259).

Ninth, workers in maternity and CPS services are at risk of moral injury through participation in practices they know are harmful. Aboriginal and Torres Strait Islander workers are at the highest risk, and moral injury is a key driver of the workforce retention crisis facing NT child protection (Chamberlain et al., 2022, p. 259).

Tenth, incarcerated parents face unjust discrimination, with very limited opportunities to care for their infants. Becoming a parent is identified in longitudinal research as one of the most significant life-course opportunities for recovery for people involved with the justice system from a young age (Chamberlain et al., 2022, p. 259). The NT, with its extremely high rates of Aboriginal incarceration and infant removal, is missing this opportunity systematically.

## 9.3 The SAFeST Start Framework for Reform

Chamberlain et al. (2022) organise their reform recommendations around the five elements of the ATSI CPP: Prevention, Partnership, Placement, Participation and Connection.

Under Prevention, the authors call for the redesign of maternity and neonatal services to ensure all parents have access to culturally responsive, trauma-integrated support during pregnancy, birth and the early postpartum period. Evidence from the Birthing on Country programme demonstrates that community-led, continuity-of-care models can dramatically increase antenatal attendance and reduce preterm births by 50% (Kildea et al., 2021, as cited in Chamberlain et al., 2022, p. 261; Ireland et al., 2022).

Under Partnership, Aboriginal and Torres Strait Islander communities must drive the development and implementation of culturally embedded models of care for new and expectant parents. ACCOs should lead the design and delivery of systems, services and practice. The economic evidence supports this: community-led preventive services demonstrate significantly higher returns on investment than statutory CPS responses (Chamberlain et al., 2022, p. 261).

Under Placement, all alternatives to removal must be exhausted before a child is taken from their parents. Chamberlain et al. (2022) call for investment in culturally safe, high-quality live-in supported parent accommodation, co-designed with communities, and for the development and evaluation of prison-based programmes enabling incarcerated parents to care for their infants full-time in a supervised and supported environment (p. 262).

Under Participation, no plans for infant removal should ever be made without prior discussion with parents, in the presence of a support person of their choosing. The practice of 'undisclosed infant removal' must be abolished without exception. The authors call for a pilot model in which CPS and perinatal care providers work together under ACCO leadership to develop comprehensive, transparent support plans using Aboriginal Family-Led Decision-Making frameworks (Chamberlain et al., 2022, p. 262).

Under Connection, where infants are removed, practical measures must be taken to sustain bonding and connection, including providing parents with photographs and keepsakes, supporting breastmilk expression, establishing contact arrangements as early as possible, and working holistically with extended family and community. The goal of the child protection system must be restoration, not permanent separation.

#### **9.4 The Perinatal Window as a Unique Opportunity**

The SAFeST Start commentary makes a broader argument that deserves particular attention: pregnancy and the first year of life constitute a unique therapeutic window. The transition to parenthood is a time of heightened psychological malleability, optimism and hope — a life-course moment when healing from even severe prior trauma is possible, through what the authors describe as the 'virtuous cycle' of mutually reinforcing love between parent and infant (Chamberlain et al., 2022, p. 260). This process of 'earned security' can interrupt cycles of intergenerational trauma that no other intervention can reach.

The current system not only misses this opportunity but actively destroys it. By removing infants, threatening removal, and treating pregnancy as a surveillance trigger rather than a therapeutic opportunity, the system compounds the very trauma it is ostensibly designed to address. The cost accounting of the current system — if done honestly — would show that the expense of OOH placements, youth justice contact, adult corrections, chronic health conditions and loss of economic participation attributable to childhood removal vastly exceeds the investment that prevention would require.

#### **9.5 Convergence with Other Evidence Sources**

The findings of Chamberlain et al. (2022) converge with those of Davis (2019) and SNAICC (2025) across every major structural dimension. All three sources find that: prenatal and infant-

stage removal is over-used and under-evidenced; ACCO-led therapeutic models produce better outcomes than statutory CPS at every stage; the child protection system systematically produces the conditions for its own future caseload; transparency, family participation and kinship engagement are structurally absent; and investment in prevention and early intervention would be both more effective and more economical than the current crisis-and-removal model.

Together, these three sources — the most comprehensive case-file review (Davis, 2019), the national annual tracking report (SNAICC, 2025), and the perinatal-focused clinical and research commentary (Chamberlain et al., 2022) — constitute a triangulated, multi-method evidence base pointing to the same structural diagnosis and the same structural remedy. The NT Inquiry has before it an unusually well-evidenced basis for its recommendations. There is no legitimate basis for inaction.

## 10. On the Inquiry's Responsibility

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We return, in conclusion, to the Inquiry itself. The 2010 Bamblett et al. inquiry produced recommendations that, had they been implemented, would have materially reduced the over-representation of Aboriginal children in OOH in the NT. They were not implemented. The 2026 Inquiry, therefore, begins not on a blank page but against a record of recommendations that have been made and ignored.

The Inquiry has an opportunity to break with this pattern — but only if it centres Aboriginal voices in its deliberations, grounds its recommendations in the accumulated evidence base, and produces binding commitments to implementation with specific timeframes, funding allocations and accountability mechanisms. Aspirational statements, without these elements, will be indistinguishable from the many that have preceded them.

Robin Granites has put the case for what is needed with the directness that the moment requires: 'Someone has to start listening... anything that we want to do is start listening to each other' (Langton, 2026). The NT Inquiry into Child Protection has the opportunity to demonstrate that this time, someone will.

## 11. Summary of Recommendations

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This submission calls on the 2026 Northern Territory Inquiry into Child Protection to make the following recommendations to the NT Government. Each recommendation is stated in full. Detailed supporting evidence and argument appear in the sections above.

- **Recommendation 1 — Inquiry composition:** Aboriginal community leaders, including nominees of APO NT and SNAICC, must be appointed as full participants in the Inquiry’s deliberative processes, consistent with the model established by Bamblett et al. (2010).
- **Recommendation 2 — Early intervention investment:** Substantial and sustained investment in ACCO-led prevention and early intervention services, including integrated early years services, must be legislatively mandated and funded at a level commensurate with the proportion of Aboriginal children in the child protection system, consistent with Davis (2019) and SNAICC (2025). These investments should aim to achieve integrated wraparound pregnancy, birthing, and early-years family services.
- **Recommendation 3 — Transfer of authority to ACCOs:** The transfer of authority to Aboriginal and Torres Strait Islander community-controlled organisations for early intervention and statutory child protection functions across the NT must be expanded and fully resourced, not merely contracted. Full resourcing is key to the success of these organisations, along with capacity building. For these services to be effective, non-Indigenous staff will likely need more comprehensive cultural safety and awareness training to work in ACCOs.
- **Recommendation 4 — Child Placement Principle compliance:** The ATSICPP must be implemented to the standard of active efforts, with binding compliance mechanisms, independent Aboriginal oversight of all placement decisions, and transparent annual public reporting against each of the five elements of the Principle.
- **Recommendation 5 — Transparency and ACCO access for family reunification:** The NT Government must acknowledge that close kinship networks exist within Aboriginal families and work with communities to establish a statutory duty of transparency in the management of all Aboriginal children in the child protection system. This must include: a right of ACCO access to case information about Aboriginal children in OOHC, including placement details, care plan status, cultural support arrangements and restoration progress; mandatory notification of a relevant ACCO within 24 hours of a child entering OOHC; a mandatory ACCO cultural support worker for every Aboriginal child in OOHC with a mandate to identify kin, support family contact and actively pursue restoration; annual public reporting on family finding activity and outcomes; and a requirement that where an ACCO has identified willing and suitable kin and the child has not been placed with those kin, written reasons must be provided and subject to independent review. ACCOs should also have a duty to report on all notifications where there is a concern about child safety, to prevent family separation where possible. Providing transportation to family members may be critical to success, and families may also need training and support for reunification to succeed.
- **Recommendation 6 — Post-release pathways:** Structured post-release pathways supporting the return to Country for all NT prisoners must be established as a standard discharge requirement and resourced through ACCOs with adequate transitional and cultural support. Such activities should commence as part of the rehabilitation process within prison, well before release, and programs should employ Aboriginal staff.

- **Recommendation 7 — Rebalancing of funding:** NT Government child and family funding must be substantially rebalanced from crisis intervention and OOHC toward early intervention and ACCO-delivered family support services.
- **Recommendation 8 — Interpreting and language services:** Mandatory accredited interpreting must be established for all child protection interactions with Aboriginal clients, with investment in language maintenance in community-controlled settings. This needs to be properly resourced to succeed; interpreters also provide another culturally acceptable support service for these children and families.
- **Recommendation 9 — Generational strategy:** The 10-Year Generational Strategy for Children and Families must be reinstated or replaced with a co-designed framework enshrining Aboriginal and Torres Strait Islander governance, with binding implementation targets and independent reporting, consistent with the call of APO NT (as cited in SNAICC, 2025).
- **Recommendation 10 — Child protection workforce:** Any reduction in child protection officer numbers must be immediately reversed, with a workforce investment strategy that prioritises Aboriginal staff in both identified and non-identified roles at all levels.
- **Recommendation 11 — Tangentyere Council and town camp communities as partners:** Tangentyere Council Aboriginal Corporation and the 17 town camp communities must be engaged as genuine partners — not subjects — in designing responses to the conditions in Alice Springs that produced this tragedy, with direct funding and authority to implement community-designed solutions.
- **Recommendation 12 — Alternatives to child removal:** Alternatives to child removal should be systematically researched, resourced and implemented. These include ACCO-run family support programs and school-run programs that involve Elders and on-Country activities. Models exist in most states and internationally. Preliminary evidence suggests that they are far more effective in terms of child and youth outcomes than child removal to OOHC.
- **Recommendation 13 — Perinatal reform and infant removals:** Consistent with the SAFeST Start framework (Chamberlain et al., 2022), the NT Government must: (a) redesign maternity and neonatal services in the NT to provide culturally responsive, trauma-integrated, ACCO-led continuity-of-care models including Birthing on Country programmes (Kildea et al., 2021; Ireland et al., 2022); (b) legislatively abolish the practice of undisclosed infant removal, requiring that no plan for removal of an infant may be made without prior transparent discussion with parents in the presence of a support person of their choosing; (c) replace blunt prenatal risk-screening with an ACCO-led needs-assessment and support-planning model; (d) invest in culturally safe residential family support facilities as alternatives to removal; and (e) develop and evaluate prison-based programmes enabling incarcerated Aboriginal parents to care for their infants in a supported environment.

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