

# **Lumenia Submission: Legislative Scrutiny Committee Northern Territory Legislative Assembly**

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**May 26**

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**Re: Inquiry into the Care and Protection of Children  
Legislation Amendment Bills**

 **Lumenia**

*Lighting the way, together.*

# Acknowledgement of Country

Lumenia respectfully acknowledges Aboriginal and Torres Strait Islander peoples as the first peoples of Australia and the Traditional Owners of the land upon which we live and work, recognising that sovereignty was never ceded.

We acknowledge the wisdom and strength of their Elders, and the enduring role that Aboriginal and Torres Strait Islander leaders play in empowering children, families and communities across the sector.

We pay our respect to Elders, knowledge holders and leaders of the past, present and future.



*'Community Connections'*

Tamara Murray (MaraMayArt),  
Barkindtji, Yorta Yorta and Dhudaroah  
Commissioned by Lumenia, 2024

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# Lumenia Submission: Inquiry into the Care and Protection of Children Legislation Amendment Bills

## Introduction

This submission is made on behalf of [Lumenia](#), an Australian specialised consultancy working in child protection, youth justice and early intervention system reform alongside Aboriginal community-controlled organisations, governments and service systems across Australia.

Lumenia writes to express deep concern about both the proposed legislative reforms and the review process announced alongside them. In our view, these reforms move the Northern Territory further from evidence-based, community-led responses at the very time there is a need for stronger early support, family strengthening and Aboriginal-led solutions. National data shows First Nations children remain profoundly over-represented in child protection systems (Australian Institute of Health and Welfare, 2026), while *Family Matters 2025* reports that only around 6 per cent of total child protection expenditure is directed to family support (SNAICC, 2025d, 2026c).

Lumenia considers that proceeding with these Bills in their current form without an independent, Aboriginal-led inquiry would be inconsistent with both the evidence base and the commitments made under the National Agreement on Closing the Gap (National Indigenous Australians Agency, 2020), and urges the NT Government to reconsider the proposed reforms and review process.

## **The proposed reforms move away from evidence-based and Aboriginal-led responses**

Aboriginal and Torres Strait Islander children remain profoundly over-represented in child protection and youth justice systems (Australian Institute of Health and Welfare, 2026). Recent reporting shows that as at 30 June 2025, 15,340 Aboriginal and Torres Strait Islander children were living in out-of-home care nationally, comprising around 44 per cent of all children in care, while in the Northern Territory First Nations children represented 89 per cent of all children in care. These figures highlight that Aboriginal children are already subject to very high levels of statutory intervention.

This over-representation should lead to greater investment in prevention, family support and community-led responses, not more punitive and repressive system responses. This sentiment is echoed by Aboriginal and Torres Strait Islander sector leaders; in responding to this over-representation, *Family Matters 2025* highlights that Australia is still far from achieving Closing the Gap Target 12 and calls for greater investment in prevention, family support and Aboriginal and Torres Strait Islander community-controlled services (SNAICC, 2025d, 2026c).

A key systems gap in the Northern Territory is the absence of a legislated Aboriginal family-led decision-making (AFLDM) model in child protection. Recent evidence synthesis commissioned by SNAICC and delivered by Lumenia, Arney-Chong and its consortium partners (2026,

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forthcoming) identifies the NT as one of only two jurisdictions that has not yet implemented a legislated AFLDM framework, despite strong evidence that Aboriginal family-led decision-making improves safety, supports reunification and strengthens children’s connection to family, culture and community (QATSICPP, 2018; Western Australia Department of Communities, 2026).

In other jurisdictions, AFLDM is being used as a core mechanism to shift power to families, support earlier resolution of concerns, prevent unnecessary removals and increase safe reunification, particularly when independently facilitated by Aboriginal community-controlled organisations (QATSICPP, 2018; Western Australia Department of Communities, 2026; SNAICC, 2024). We suggest that the absence of a system-wide, Aboriginal-led decision-making mechanism in the NT directly contributes to high rates of long-term orders, low reunification levels and weak performance on maintaining children’s connections to culture and Country that are highlighted in *Family Matters 2025*, and exacerbates families’ experiences of disempowerment and distrust in the statutory system (SNAICC, 2026c; SNAICC, 2025d).

Lumenia is particularly concerned by proposals that would weaken the Aboriginal and Torres Strait Islander Child Placement Principle and make it easier to permanently place Aboriginal children with non-Aboriginal carers. This reform risks shifting the system further away from cultural connection, reunification and family support, despite longstanding evidence that these are central to safety, belonging and improved outcomes for Aboriginal children (SNAICC, 2024, 2026c).

The Aboriginal and Torres Strait Islander Child Placement Principle should not be characterised as an obstacle to child safety. Rather, it is an evidence-based safeguard against repeating the historical pattern of unnecessary separation of Aboriginal children from family, kin, community and culture, while still allowing protective action where genuine risk exists (SNAICC, 2024). These proposals reinforce a dangerous narrative that maintaining connection to Aboriginal family, community and culture is itself a risk to children, rather than a protective foundation that must be strengthened and supported.

### **The data does not support a more punitive approach**

Recent political debate following the devastating death of Kumanjaya Little Baby has again generated calls for tougher and more punitive system responses from some political leaders. However, the available evidence does not suggest that Aboriginal children are currently under-exposed to state intervention; rather, it points to sustained and extreme over-representation in child protection systems, especially in jurisdictions such as the Northern Territory (Australian Institute of Health and Welfare, 2026; SNAICC, 2026c).

These proposals risk entrenching a pattern in which Aboriginal families are subject to higher levels of surveillance and more punitive intervention, while the structural drivers of harm, including poverty, chronic under-investment in housing and supports and systemic racism,

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continue to be inadequately addressed (AbSec, 2025; Allies for Children, 2026; SNAICC, 2026b, 2026c).

*Family Matters 2025* indicates that only around 16 cents in every dollar of expenditure in the child protection sector is spent on prevention, with most jurisdictions directing under 10 per cent of child protection spending through Aboriginal community-controlled organisations (ACCOs; SNAICC, 2025d, 2026c). Many jurisdictions have invested in ACCO-led service delivery, such as New South Wales, which has committed a 40 per cent allocation of investment in family preservation services to be delivered by ACCOs in its recent commissioning process on the basis of growing evidence for ACCO-led models. These policies have been underpinned by the strength of the evidence base in outcomes for children and families created through ACCO-led services, as overviewed below.

### **Investment in family support and entries to care**

Lumenia's own analysis further reinforces the case for a different policy direction (Lumenia, 2026). Drawing on national data and applying a lagged expenditure outcome model, Lumenia examined the relationship between per-capita expenditure on family support and subsequent entries into out-of-home care.

We found that increases in family support expenditure were associated with reductions in entries to care in the following year. Specifically, a 10 per cent increase in per-capita family support spending was associated with an estimated 4 per cent reduction in children entering care in the next year. When applied to recent Australian spending patterns, this relationship suggests that the number of children in care would have been materially higher in the absence of recent increases in prevention investment. Lumenia's analysis indicates a national return of approximately \$1.30 in avoided out-of-home care and related costs for every \$1 invested in family support since 2021.

While other factors including practice settings and broader system change also influence the rates of children taken into care, the magnitude, direction and statistical significance of this relationship provide strong empirical support for rebalancing investment toward earlier, family-strengthening responses.

### **Building on broader economic evidence**

Drawing on work with AbSec and Aboriginal community-controlled organisations, Lumenia has also led recent modelling of the social and economic returns from earlier, ACCO-led supports for Aboriginal children and families.

This analysis builds on cost–benefit methods used in recent Australian evaluations of early intervention programs to estimate the benefits of shifting investment toward ACCO-led early support at scale (AbSec, 2025). It incorporated outcomes identified by Aboriginal stakeholders as critical, including child safety, healing, cultural connection and long-term wellbeing,

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alongside avoided costs in adjacent crisis systems such as youth justice, homelessness and acute mental health responses.

Using conservative assumptions, this economic modelling found that every \$1 invested in ACCO-led earlier family services was associated with an estimated \$3.83 in social and economic benefits, suggesting that more adequately resourced ACCO-led early supports are not only consistent with Aboriginal community aspirations and better outcomes for children, but also represent a sound fiscal strategy.

### **The review process should be independent and Aboriginal-led**

The design and leadership of the current review process have been subject of considerable cross-sector concern. In its current form, the review has been framed narrowly, led by non-Aboriginal appointees with primary experience in surveillance and enforcement agencies and has not been established in genuine partnership with Aboriginal leaders and experts (National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, 2026).

Proceeding with major legislative change under a review of this nature risks reinforcing a surveillance and punishment paradigm which neglects to consider why the directives of previous inquiries, Aboriginal-led recommendations and commitments to Closing the Gap have not been implemented (National Indigenous Australians Agency, 2020; National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, 2026; SNAICC, 2026a, 2026c; Westerman, 2026).

Lumenia's day-to-day work is informed by the privilege of walking alongside and being led by strong Aboriginal leaders, community-controlled organisations and families across Australia. Our experience in the evaluation of human services and systems outcomes consistently demonstrates that when communities are resourced and enabled to lead, children are safer and families are stronger.

The current reform package moves in the opposite direction. In Lumenia's view, it would be negligent of the significant evidence base on effective child and family systems and service responses to legislate any changes without first undertaking an independent, Aboriginal-led inquiry which Aboriginal leaders, Commissioners and national bodies have called for.

### **Recommendations**

For these reasons, Lumenia respectfully recommends that the Committee as a minimum:

- Discontinues or defers the current bills, pending a genuinely independent inquiry
- Any review or inquiry into the NT child protection system be Aboriginal-led or co-led, and designed in genuine partnership with Aboriginal community-controlled organisations, leaders and Commissioners

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- Reorient policy and investment toward earlier, community-led and evidence-based responses, including Aboriginal community-controlled services, family support, housing and place-based prevention strategies.

If the NT Government is serious about Closing the Gap, reform must be guided by the significant evidence base highlighting approaches that keep Aboriginal children safe, connected and well. *Family Matters 2025* highlights that Aboriginal and Torres Strait Islander children remain disproportionately represented at every stage of the child protection system, and that evidence-based responses such as Aboriginal community-controlled early intervention, family support and culturally grounded care remain critically underfunded.

In this context, expanding punitive responses and proceeding without an independent, Aboriginal-informed inquiry risks deepening the very harms these systems are meant to prevent. Lumenia urges a different path, grounded in Aboriginal leadership with sustained investment in the supports demonstrated through extensive research and evidence base to keep children safe and connected with family, kin, culture and community.

**Dr Melissa Kaltner**  
Partner, Lumenia



**Mark Galvin**  
Partner, Lumenia



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