

Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

Submission to the Legislative Scrutiny Committee (Legislative Assembly of the Northern Territory)

The Centre for Innovative Justice writes to the Legislative Scrutiny Committee to add its voice to the growing number of First Nations, justice and youth organisations and advocates expressing significant concern over the Northern Territory Government's reactive reforms to its Child Protection system.

These proposed amendments will erode the Aboriginal Child Placement Principle, a national framework that has been enshrined in legislation since the 1980s in response to the profound harms caused by assimilatory child removal policies, including those that led to the Stolen Generations. While this principle seeks to hold culture, family, community and Country at the centre of decision-making as it relates to the safety and wellbeing of Aboriginal and Torres Strait Islander children, we know from the evidence that First Nations children continue to be removed at alarmingly disproportionate rates.

Aboriginal children in the NT are currently over-represented in out-of-home care at 11.2 times the rate of non-Indigenous children yet, 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 well below the national average of 32.1 per cent.¹ These figures, contrary to remarks made by NT Child Protection Minister Robyn Cahill, do not indicate a system overly constrained by the Aboriginal Child Placement Principle. Rather, they suggest that the principle is not being properly implemented or supported, and that lowering the threshold for removing children and diluting responsibilities to place them in kinship care and work with families towards reunification will only deepen an already devastating crisis.

We also echo concerns raised by First Nations legal services that the Bill introduces expanded grounds for intervention by allowing state involvement where there are concerns about a child's "wellbeing", anti-social behaviour, school attendance, or family circumstances that may contribute to adverse outcomes. Such broad and loosely defined concepts lower the bar for state intervention into family life, particularly for families already subject to surveillance due to poverty, racism and systemic disadvantage. It similarly invites subjective, inconsistent decision-making that may entrench bias against Aboriginal families and thereby shift the system further towards a risk averse, compliance driven model rather than one centred on support, trust and partnership.

Across multiple streams of the CIJ's research, we have spoken to many individuals and families, including young people, who have had contact with the Child Protection system. We have spoken with young people who offended because incarceration was preferable to the lack of safety that they experienced in out-of-home care, or, conversely, to children and young people who experienced cyclical Child Protection involvement across their lives without meaningful supports ever being put in place. Likewise, we have heard from mothers whose children were removed from their care by Child Protection and placed with abusive family members who were non-Indigenous and who did not respect or support the child's connection to culture and Country. In the context of

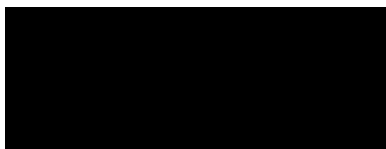
supporting access to redress and reparations, we have also heard from members of the Stolen Generations who have shared their experiences of removal with us. Members of the Stolen Generations consistently speak of the profound harm and lifelong trauma caused by their removal, and associated impacts including loss of identity, disconnection from kin and language, spiritual connections, traditions and culture.

Across our research, it is therefore clear that interventions which function to separate and rupture families, rather than building their capacity to stay safe and strong together, compound intergenerational trauma and often set young people on trajectories towards justice system contact and further experiences of harm. Equally, where relationships between children and their families are prioritised and supported, they are both mutually protective and foundational to healing.

We also know from our close work with Aboriginal peoples, communities and organisations that the solutions are held in the deep cultural and relational knowledge of First Nations peoples, who time and time again have articulated clear, evidence-based solutions that centre family and community decision-making within healing through connection to culture and Country.

We believe that any reform that is not designed and led by Aboriginal communities, organisations and experts is destined to repeat the failures of the past.

As such, the CIJ advocates strongly against the passage or amendment of the proposed Bill and do not believe that it has sufficient regard to the rights and liberties of children and families. Instead, we urge for genuine consultation with communities to understand how families can be empowered to stay safe and strong together – including through increased investment in housing, therapeutic support and culturally safe services.



Authorised by Stan Winford

Director, Centre for Innovative Justice

¹ SNAICC, *Reviewing implementation of The Aboriginal and Torres Strait Islander Child Placement Principle Northern Territory*, (2025)