

22 May 2026

Secretary  
Legislative Scrutiny Committee  
Department of the Legislative Assembly, 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**

The Darwin Aboriginal Working Group is a collaborative network of Aboriginal Community Controlled Organisations (ACCOs) across the Greater Darwin region working in the domestic, family and sexual violence sector and includes the North Australian Aboriginal Justice Agency, North Australian Aboriginal Family Legal Service, Darwin Aboriginal and Islander Women's Shelter, Northern Territory Stolen Generations Aboriginal Corporation and CAAPS Aboriginal Corporation. The Group's purpose is to advocate for effective responses to *Closing the Gap* Targets 12 (child protection) and 13 (family safety). The collaboration of these Aboriginal Community Controlled Organisations has a strong focus on prevention and healing.

This submission reflects the views of the Darwin Aboriginal Working Group, drawing on its collective experience working with Aboriginal children and families across the Greater Darwin region. It outlines the Group's concerns regarding the proposed amendments to the *Care and Protection of Children (Every Child Matters) Bill*. It recognises that each member may have additional and varied perspectives on the issues. All members have endorsed this submission.

**We do not support the Bill**

The Darwin Aboriginal Working Group does not support the proposed amendments to the *Care and Protection of Children Act 2007 (CAPCA)* and recommends that the Bill not proceed. This amendment of the CAPCA will not address the fundamental issues that lead to poor outcomes for children and the community, nor will it improve the safety of children in the short-term or the long-term. The challenges are in the implementation, practices and resourcing in the child protection system; in inadequate investment in genuine early intervention to strengthen families; and in broader conditions related to housing, substance use and poverty, not in the detail of the legislation.

The legislative framework for child protection reforms must be understood in the context of enduring system failures, where current child protection responses continue to contribute to the over-representation of Aboriginal children, insufficient early support for families, and outcomes that do not consistently promote long-term safety, wellbeing, or cultural connection.

The Darwin Aboriginal Working Group recommends that the Department of Children and Families work in genuine partnership with ACCOs and share responsibility across government and the

community-controlled sector to take an evidence-based approach to reforming the systems that impact on the safety and well-being of children and families. There is an opportunity to rebalance the system towards prevention, culturally safe service delivery, and sustained family strengthening. This requires a deliberate shift away from reactive, statutory responses towards earlier Aboriginal community-led intervention and support underpinned by a collective commitment to improving outcomes for Aboriginal children and young people, strengthening families and communities, and fulfilling the objectives of the *National Agreement on Closing the Gap*.

### Response to proposed amendments

The Darwin Aboriginal Working Group acknowledges and draws on the perspectives outlined in submissions and statements by the National Commissioner for Aboriginal and Torres Strait Islander Children, the Office of the Children's Commissioner NT, community legal services, and Aboriginal Community Controlled Organisations across the NT and Australia. We note that many Aboriginal legal and health organisations have also made submissions. This submission focuses on the amendments most relevant to the Darwin Aboriginal Working Group's expertise, as well as its key interests and areas of concern. The short timeframe provided for stakeholder feedback on this legislation has limited the extent to which the Committee can fully benefit from the sector's expertise.

### Specific principles in relation to Aboriginal children

The Bill removes the existing Aboriginal and Torres Strait Islander Child Placement Principle (Aboriginal Child Placement Principle) and replaces it with a Universal Child Placement Principle. While we acknowledge that the Bill includes some specific provisions in relation to the placement of Aboriginal children, these are significantly weaker than the current Act and do not reflect the nationally agreed Aboriginal Child Placement Principle. There is no evidence presented by Government that the Principle has resulted in harm or negative outcomes for Aboriginal children. Indeed, the NT does not perform well against the Principle with only 19% of Aboriginal children placed with family or kin in 2025 compared to almost 60% nationally and a further 6% placed with an Aboriginal carer other than kin compared to over 7% nationally.<sup>1</sup>

Approximately 90% of children in out-of-home-care in the Northern Territory are Aboriginal.<sup>2</sup> The Aboriginal Child Placement Principle should be retained as a fundamental component of the legislative framework as the vast majority of children in the system are Aboriginal. Successive national and jurisdictional reviews and commissions have all recommended implementing the Principle based on the evidence that it delivers stronger outcomes for children by recognising that connection to family, community, culture and identity is integral to their safety and wellbeing.<sup>3</sup> The Principle ensures that consideration of the best interests of Aboriginal children embed culturally informed, family-led approaches that prioritise prevention, support, and placement within kinship and community

<sup>1</sup> [16 Child protection services - Report on Government Services 2026 | Productivity Commission](#)

<sup>2</sup> [NT Child Protection System | SNAICC in the News](#)

<sup>3</sup> Royal Commission and Board of Inquiry into the Protection and Detention of Children in the NT 2017, Bringing them Home Report, 1997, Family is Culture Review Report 2019, SNAICC Reviews of ATSI CPP Implementation

networks wherever it is safe to do so. It also serves as a critical safeguard against the repetition of historical harms associated with the removal of Aboriginal children from their families, and actively contributes to reducing their over-representation in the child protection system.

Effectively removing the Aboriginal Child Placement Principle and replacing it with a less strong principle as proposed would directly contradict the Northern Territory Government's commitment to *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031*. Action 5 in the First Action Plan calls on governments to undertake active efforts to implement the Aboriginal Child Placement Principle.<sup>4</sup>

### **Threshold for removal**

The Bill lowers the threshold for removing children from their families by allowing intervention where there is a "significant and likely risk of harm" (s 12A(3)). In practice, this is likely to result in more children being removed, including in situations where targeted support could mitigate risk and avoid the well-documented trauma associated with removal—particularly for Aboriginal children.<sup>5</sup> This practice is inconsistent with working towards *Closing the Gap* Target 12, which aims to reduce the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45%, and risks driving numbers in the opposite direction with no evidence that increased removals will lead to improved immediate safety or long term outcomes for children.

By promoting partnerships with Aboriginal communities, strengthening cultural capability in decision-making, and aligning with national and territory commitments to self-determination and children's rights, the Aboriginal Child Placement Principle represents both an evidence-based and rights-based approach that must be maintained.

### **Involvement of carers in court proceedings**

The Bill departs from the approach taken in other Australian jurisdictions by making carers automatic parties to proceedings after a child has lived with them for more than eight months. In states such as Victoria, carers are not parties by default and must apply to the court, which retains discretion to join them only where they demonstrate a sufficient interest in the child's wellbeing.<sup>6</sup> This discretionary model acts as a safeguard to ensure proceedings remain focused on the child, parents and the state. The CAPCA also currently requires that additional parties to hearings must be a "person considered by the Court to have a direct and significant interest in the wellbeing of the child" (Division 3, s 94). By contrast, the Bill would grant carers full procedural rights equivalent to parents, including the ability to call evidence, make submissions and contest agreed outcomes. This is likely to increase adversarial litigation and shift the balance of proceedings, particularly given that carers are often non-family and

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<sup>4</sup> [Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031](#)

<sup>5</sup> [\(PDF\) Sovereign Childhoods and the Colonial Care System: Structural Drivers, Cultural Rights and Pathways to Transformation in First Nations OOH](#)

<sup>6</sup> [Child Protection | Childrens Court of Victoria, Foster Care Association of Victoria](#)

non-Aboriginal, and may hold interests that differ from those of parents or from reunification and cultural placement objectives. The existing provisions provide appropriate opportunities for additional parties to participate in the interests of the child.

### Introduction of proactive efforts

The Bill characterises Part 2.1A and s 12D as an ‘early intervention’ framework aimed at preventing children entering the child protection or justice systems by requiring proactive support once a child is identified as at risk of harm. However, these measures occur only after the child has already come to the attention of the Department and entered the statutory system, meaning they cannot properly be understood as early intervention. *The Royal Commission into the Protection and Detention of Children in the Northern Territory* makes clear that early intervention is preventative and pre-statutory, involving support provided before problems escalate to the point of formal involvement.<sup>7</sup> By contrast, mechanisms such as Family Responsibility Agreements, Orders and mediation arise at a much later stage, when risk has already crystallised and compliance mechanisms are engaged. Mischaracterising these responses as early intervention risks obscuring the distinction between genuine prevention and statutory intervention, and undermines the Royal Commission’s finding that the absence of meaningful early support is a key driver of system failure. Evidence from the Northern Territory further reinforces this point, demonstrating strong links between cumulative disadvantage, exposure to violence, prior child protection involvement and subsequent youth justice contact—particularly for Aboriginal children, who remain significantly overrepresented across both systems.<sup>8</sup> This body of research supports a shift toward a public health approach that prioritises culturally responsive, trauma-informed, family-strengthening initiatives before statutory thresholds are reached.<sup>9</sup> Programs such as Early Steps Together<sup>10</sup> illustrate this approach in practice, delivering place-based, ACCO-led early support that address underlying drivers of harm, strengthens families and communities, and contributes to reducing overrepresentation in out-of-home care and family violence, in line with *Closing the Gap* targets and broader reform frameworks.

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<sup>7</sup> [NT Royal Commission Report Overview](#)

<sup>8</sup> He et al. 2025, Prevalence and Factors Associated With Alleged Offending Among Children Aged 10–13 Years in the Northern Territory of Australia, *Australian Journal of Social Issues*.

<sup>9</sup> He et al. 2025, Patterns of Multisystem Involvement in Adolescence: Implications for Health, Education and Social Services in the Northern Territory of Australia, *Australian Journal of Social Issues*.

<sup>10</sup> Early Steps Together is a co-designed ACCO program created to address Closing the Gap Targets 12 and 13 by reducing the over-representation of Aboriginal children in out-of-home care and lowering family violence against Aboriginal children and women. Early Steps Together aligns closely with *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026* supporting children and young people at both the child and family level, and at the system level by prioritising resourcing and strengthening families to stay safe together. It also aligns with the newly released *NT Aboriginal Affairs Framework 2026–2028*; creating safer communities by developing place-based preventative approaches to addressing family and domestic violence.

### **An alternative approach - a shared reform agenda aligned with *Closing the Gap***

The Northern Territory Government and ACCOs working with Aboriginal children and families share a strong, mutual commitment to ensuring Aboriginal children are safe and supported. Progress requires a shared approach to identifying improvements to the child protection system through formal partnerships and genuine shared decision-making.

Recently published journal articles by Dr Vincent Yaofeng He (currently working with the NT Department of Children and Families in research and evaluation) and other Northern Territory researchers highlight the strong correlation between children in out-of-home-care and involvement in the youth justice system, and the urgent need for a paradigm shift in both systems.<sup>11</sup> Their work advocates for prevention-focused, culturally responsive approaches that strengthen families and communities prior to statutory involvement.

South Australia's landmark *Children and Young People (Safety and Support) Act 2025* reinforces this direction by embedding cultural authority and mandating active efforts to uphold the Aboriginal Child Placement Principle. The Act also establishes a strengthened legal foundation for early support, child and family well-being initiatives, and shared accountability primarily intended to operate prior to statutory intervention (Part 2, Division 2, 9(5)).<sup>12</sup>

In line with these reforms, the South Australian Department for Child Protection is working closely with the South Australian Aboriginal Community Controlled Organisation Network and has supported the establishment of Wakwakurna Kanyini as the peak body for Aboriginal children and families.<sup>13</sup> Aboriginal Community Controlled Organisations deliver programs such as the Strong Families Strong Communities Program, providing targeted support to families experiencing low to moderate child safety concerns. The Department supports the transition towards an Aboriginal-led system for Aboriginal and Torres Strait Islander children and families.<sup>14</sup>

In the Northern Territory, it is encouraging to see the establishment of the ACCO Sector Reference Group guiding SNAICC to deliver the NT Child and Family Sector Strengthening and Reform Project. We are optimistic that this will lead to progressing *Closing the Gap's* Priority Reform 2 and the transition of government services to ACCOs in child protection and family strengthening activities, and other areas.

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<sup>11</sup> He et al. 2025, Prevalence and Factors Associated With Alleged Offending Among Children Aged 10–13 Years in the Northern Territory of Australia, *Australian Journal of Social Issues*.

<sup>12</sup> [Children and Young People \(Safety and Support\) Act 2025](#)

<sup>13</sup> [DCP-Annual-Report-2024-25.pdf](#)

<sup>14</sup> [DCP-Annual-Report-2024-25.pdf](#)

## Recommendations

The Darwin Aboriginal Working Group recommends that:

1. The Bill does not proceed;
2. A public hearing is conducted following the submissions process to further explore key issues and stakeholder perspectives, including those of families directly affected by the proposed legislation, particularly those in remote communities;
3. Any reform of the child protection system must be conducted through a shared and collaborative approach with Aboriginal families, communities and service providers as proposed in this submission. It must be based on the Northern Territory context and informed by evidence of what works to deliver positive outcomes for Aboriginal children and families. Legislative change should be considered only if that shared approach identifies a need for legislative reform;
4. The relevant policy partnership (Tripartite Forum) be used to build capacity in the ACCO sector;
5. Significant investment should be made in genuine early intervention and family strengthening programs, with the ACCO sector leading culturally responsive early intervention activities to strengthen families in order to avoid statutory involvement;
6. Government services in child protection and family strengthening programs should transition into the ACCO sector thus aligning with Priorities 2 and 3 of *Closing the Gap* reform;
7. If the legislation proceeds, government must significantly increase resourcing across the child protection system both within the Department and in funding to ACCOs to enable compliance with the legislation.

The Darwin Aboriginal Working Group welcomes the opportunity for further genuine engagement on this matter and is happy to appear at a public hearing. If you require more information in relation to the content of this letter, please contact [REDACTED]

Yours sincerely,

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