



17 May 2026

The Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

By email: LSC@nt.gov.au

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

This submission is made by Mikan Aboriginal Corporation, a Yolŋu-governed organisation in North East Arnhem Land with seven years of operational experience supporting Yolŋu families through the child protection system.

Mikan respectfully submits that the Assembly should not pass the Bill. The Bill weakens, rather than strengthens, the legal framework protecting Yolŋu children and other Aboriginal children. Mikan further calls on the Northern Territory Government to withdraw the Bill and to commit to reform developed in genuine partnership with Aboriginal Community Controlled Organisations. We set out our reasoning, our specific concerns with named clauses, and our recommended amendments below. We are available to brief the Committee directly should it be of assistance.



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1. About Mikan Aboriginal Corporation

Mikan Aboriginal Corporation (ICN 10336) is a fully Aboriginal-owned, Yolŋu-governed not-for-profit based in North East Arnhem Land. The name Mikan means “foundation” in Yolŋu Matha.

Mikan was formally incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth) in June 2025. However, the work that Mikan now carries out under its corporate identity has been continuous for more than seven years. From 2017, Mikan operated as the Mikan Reference Group, a body of Yolŋu Elders and senior community members convened within the Northern Territory child protection portfolio to provide cultural authority on Yolŋu children’s matters. Incorporation in 2025 was an act of operational independence — the work, the people, and the cultural authority have been there throughout.

Governance

Mikan is governed by a Board of Yolŋu Elders and senior community members whose authority rests in their standing under Yolŋu law and gurrutu (kinship) systems. The Board comprises:

- Terry Yumbulul — Chairperson
- Clely Yumbulul — Director
- Barayuwa Mununggurr — Director
- Ruth Bandiyal Maymuru — Director
- Dilipuma Wulanayngu — Director
- Marrpalwuy Marika — Director

What Mikan does

Mikan provides Yolŋu cultural authority in child protection and family wellbeing decisions affecting Yolŋu children. Our work includes individual case consultation, kinship and family support, cultural leadership within the statutory system, and community engagement. Mikan currently delivers operational work through subcontracting arrangements with AnglicareNT and partnerships with other organisations including CASPA Services, ARRCs and NAAFLS (North Australian Aboriginal Family Legal Service).

The point we wish the Committee to take from this section is straightforward: when this Bill speaks of the wellbeing and placement of Aboriginal children, it speaks of children whose welfare Mikan’s Directors are connected to through kinship, country and obligation — not abstractly, but personally. The Bill is, in a practical sense, legislation about our work.



2. Mikan's position

Mikan's position on the Bill is as follows.

2.1 The Bill should not be passed

In Mikan's view, the Bill does not meet the standards required by the Committee's Terms of Reference. In particular, the Bill does not have sufficient regard to Aboriginal and Torres Strait Islander tradition (Sessional Order 14(3)(b)(iii)(J)) and does not have sufficient regard to the rights and liberties of individuals (Sessional Order 14(3)(b)(iii)).

Mikan calls on the Committee to recommend that the Assembly not pass the Bill. Mikan further calls on the Northern Territory Government to withdraw the Bill and to commit to a fresh reform process developed in genuine partnership with Aboriginal Community Controlled Organisations from the outset.

The Bill, in its present form:

- Structurally abolishes the Aboriginal Child Placement Principle as a culturally-specific principle, replacing it with a so-called “universal” placement principle to which the Aboriginal-specific provisions are explicitly subordinate;
- Downgrades the participation of Aboriginal children and families in significant decisions from a right to a mere “opportunity”, and expressly strips all principles in the new Part 1.3 of any enforceability at law;
- Retains the rhetorical language of Aboriginal self-determination while removing its operational substance — no role for Aboriginal Community Controlled Organisations is created, despite the existence of organisations such as Mikan with the cultural authority and operational capability to play one;
- Introduces a “proactive efforts” framework that falls short of the “active efforts” standard required by Australia’s national frameworks and adopted in other jurisdictions;
- Creates legal infrastructure that systemically privileges non-Aboriginal carer interests over Aboriginal kinship reunification;
- Imports coercive measures — income management directions, banned drinker order applications, restricted premises declarations — into child protection law via family responsibility orders;
- Accelerates pathways to permanent separation of Aboriginal children from family through compressed timeframes and a permanency-prioritised best-interests hierarchy.



2.2 Amendments required if, contrary to Mikan's primary position, the Bill proceeds

Mikan's primary position is that the Bill should not be passed and should be withdrawn. If, contrary to that position, the Committee declines to recommend against passage, Mikan recommends substantial amendments. These are set out in Section 10. The presentation of these amendments should not be read as moderating Mikan's primary position; they are offered as a fallback only.

2.3 Alignment with the broader Aboriginal community-controlled sector

Mikan stands with the joint statement of more than 330 organisations led by Aboriginal Peak Organisations Northern Territory (APONT) and the Secretariat of National Aboriginal and Islander Child Care (SNAICC), which has called on the Northern Territory Government to abandon this legislation. Mikan also endorses the public position taken by the Aboriginal Medical Services Alliance Northern Territory (AMSANT). Mikan contributes a specific Yolŋu voice from East Arnhem to that broader Aboriginal sector position.

3. Lived experience within Mikan

Mikan's Directors and members include senior Yolŋu who have worked within the child protection system and who have cared for children under Yolŋu kinship. That lived experience is the foundation of this submission.

From that experience, Mikan knows what happens when Yolŋu children are placed in out-of-home care, away from Yolŋu families — the loss of language, culture and identity, and the long-term harm that can follow into adulthood. Mikan also knows that keeping Yolŋu children with Yolŋu families, on Yolŋu land, connected to kin, culture and country, is both possible and effective when cultural authority is respected and resourced.

The Department has not asked Mikan whether the current system can be improved. It has not asked what Mikan would change. It has written a Bill about Yolŋu children without speaking with the Yolŋu cultural authority best placed to advise. Mikan asks the Committee to ask the Department why.

4. A question for the Committee: who has the Government consulted?



Before turning to clause-by-clause analysis, Mikan invites the Committee to put a foundational question to the Department of Children and Families at its Public Briefing on 27 May 2026.

The Government has introduced legislation that fundamentally alters the legal framework governing the placement and protection of Aboriginal children in the Northern Territory. The Government's stated justification is that the current system is failing those children. Mikan asks the Committee to put a direct question to the Department: which Yolŋu cultural authority bodies has the Government consulted in formulating these reforms, and what did they say?

To Mikan's knowledge, the Department of Children and Families has no recognised Yolŋu body with which it consults on placement matters affecting Yolŋu children. The Mikan Reference Group operated for seven years within the relevant portfolio precisely to provide that cultural authority on a case-by-case basis, but a formal partnership agreement with the Department has never been signed — not during those seven years, and not in the eleven months since Mikan's incorporation.

Mikan is not aware of having been consulted on these reforms. To the best of our knowledge, no Yolŋu cultural authority body — from any region of Arnhem Land — has been consulted on the substance of these amendments before they were introduced to the Assembly on 13 May 2026.

This matters for two reasons:

- **First, it goes to the credibility of the Government's justification.** The Government claims the existing legal framework is failing Aboriginal children and must be amended. But the Government has not engaged the cultural authority best placed to advise on whether the system can be improved within its current legal architecture. The Government has not demonstrated that operational and resourcing reforms — including a proper partnership with bodies like Mikan — have been tried and found wanting. The Government cannot credibly argue that legislative change is necessary when non-legislative options have not been explored.
- **Second, it goes to the legitimacy of the reform process.** Both the National Agreement on Closing the Gap (Priority Reform 1 — formal partnerships and shared decision-making) and the Safe and Supported: National Framework for Protecting Australia's Children 2021–2031 commit governments to partnership with Aboriginal community-controlled organisations on reforms affecting Aboriginal children. The introduction of this Bill, without meaningful engagement of Yolŋu cultural authority on matters that directly affect Yolŋu children, is not consistent with those commitments.



Mikan respectfully asks the Committee to seek, on the public record, the Department's full account of its consultation with Aboriginal Community Controlled Organisations and Aboriginal cultural authority bodies in the development of these amendments. The answer will be material to the Committee's report.

5. The Bill does not have sufficient regard to Aboriginal tradition

The Legislative Scrutiny Committee's Terms of Reference require it to inquire into whether a Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition (Sessional Order 14(3)(b)(iii)(J)). Mikan submits that this Bill does not.

The seven matters set out below are not exhaustive, but they are, in Mikan's view, the most consequential.

5.1 The Aboriginal Child Placement Principle is structurally abolished

The Aboriginal Child Placement Principle ("ACPP") is the legal expression, in Australian child protection law, of a hard-won recognition: that for Aboriginal children, removal from kin, culture and country is itself a profound harm, separate from and additional to any harm the child protection system seeks to remediate. The Principle exists because the Stolen Generations existed. The Principle exists because the harm continues.

The current Care and Protection of Children Act 2007 (NT) embeds the ACPP at section 12. That section sets out a culturally-specific placement hierarchy for Aboriginal children, prioritising placement with Aboriginal extended family, then Aboriginal community members, then Aboriginal carers.

The Bill abolishes section 12 in its current form. *The Explanatory Statement states this directly:* "New section 12C removes the provisions relating to the Aboriginal Child Placement [Principle], which is now provided for through the new placement of children principle at section 12B, which applies to all children" (Explanatory Statement, page 4).

The new section 12B introduces a "universal" placement hierarchy with two priorities:

- (a) a family member of the child;
- (b) a person approved by the CEO under section 78(1)(a)(iii).

Critically, the new section 12C(4) provides:



“The principles set out in this section [i.e. the Aboriginal-specific principles in 12C] are subject to the principles set out in section 12B [i.e. the ‘universal’ placement principles].”

This is structural subordination. The Aboriginal-specific provisions are not equal to the “universal” principles. They operate only within whatever space the “universal” principles leave open. The Government's own press release acknowledges this: the reform “includes additional requirements for Aboriginal children conditional upon the Universal Principle being met” (Government media release, 13 May 2026).

Minister Cahill has stated publicly that the Bill will “absolutely not” remove the ACPP. The Bill text and the Explanatory Statement, read together, contradict that statement. The Committee is invited to test this directly at the Public Briefing on 27 May.

This Bill is not a sudden response. In January and February 2025, leaked documents revealed Government plans to weaken the ACPP by qualifying it with “as far as practicable” language. Those plans drew sustained public criticism — from Aboriginal community leaders, from the Independent Member for Mulka Yingiya Guyula, and from the Northern Territory Children’s Commissioner, who, as reported in ABC News on 18 February 2025, characterised the proposed direction as putting the Northern Territory at risk of “another Stolen Generation”. The Bill now before this Committee represents an escalation of that direction. Rather than weakening the ACPP by qualification, it structurally abolishes it as a standalone framework. Fifteen months of public concern, raised at the highest levels including by the Children’s Commissioner, has been met with legislation that goes further than what was first proposed.

Mikan's position is that the ACPP must be retained as a standalone, culturally-specific principle that applies to Aboriginal children, not as a set of secondary considerations subordinate to a “universal” framework. This is the position of SNAICC nationally. It is the position of APONT and 330+ organisations in the Northern Territory. It is the position of every Aboriginal Community Controlled Organisation Mikan is aware of.

5.2 Participation is downgraded from right to opportunity, and stripped of enforceability

The current Act provides that Aboriginal children and their families have a right to participate in significant decisions affecting them. The Bill removes that right.

The Explanatory Statement states this directly:



“Section 12C(2)(a) provides that a child and their family members will no longer have a right to participate and be enabled to participate in an administrative or judicial process for making a significant decision relating to an Aboriginal child. Rather the child and their family will be provided an opportunity to participate.” (Explanatory Statement, page 5, emphasis added.)

The replacement of “right” with “opportunity” is a significant legal downgrade. A right is enforceable; an opportunity is a matter of administrative discretion. The same legal architecture that the Bill introduces — a new section 7(4) — reinforces this by expressly stripping all principles in the new Part 1.3 of any enforceability:

“(4) To avoid doubt, the principles do not: (a) create, or confer on any person, any right or entitlement enforceable at law; or (b) affect the operation of any law in force in the Territory.” (new section 7(4))

Read together, sections 12C and 7(4) tell Aboriginal children and families: you may have an opportunity to participate in decisions about your own children, but that opportunity gives rise to no enforceable right, and a court hearing a child protection matter cannot give it legal effect. This is participation without standing.

Mikan's view is that this is not a drafting accident. It is a deliberate and substantial weakening of Aboriginal children's and families' legal position in the child protection system.

5.3 Self-determination is named but operationally hollowed out

New section 12C(1) provides:

“Kinship groups and communities of Aboriginal people have a major role, through self-determination, in promoting the wellbeing of Aboriginal children.”

This is an aspirational statement. It is not accompanied by any operational mechanism by which self-determination is exercised. Specifically:

- There is no requirement to consult any Aboriginal Community Controlled Organisation in any significant decision affecting an Aboriginal child;
- There is no formal recognition of bodies like Mikan whose cultural authority is the substance of what “self-determination” means in this context;



- There is no pathway for the delegation of statutory child protection functions to Aboriginal-led bodies, despite this being an active reform direction in other Australian jurisdictions;
- Section 7(4) makes the section 12C(1) statement explicitly unenforceable in any event.

In Mikan's view, the Bill enshrines the language of self-determination while removing its operational substance. Naming a principle is not the same as implementing it. The Bill has the former and not the latter.

By contrast, the Australian Capital Territory's draft Children and Young People Amendment Act 2024 (Bill 3) — currently under consultation — proposes “mechanisms for full delegations of statutory child protection functions to ACCOs” and “culturally appropriate family-led decision-making processes throughout the system”. Victoria's child protection framework has analogous structures. The NT Bill does not.

5.4 “Proactive efforts” is a weaker standard than the “active efforts” required by national frameworks

New section 12D introduces a “proactive efforts” framework requiring the CEO to take action with the aim of preventing removal, and — if a child is removed — to take “all reasonable proactive efforts to reunify the child with the child's parents” within two years (section 12D(2)).

This appears positive. But the standard adopted is materially weaker than the “active efforts” standard required by SNAICC's national framework and embedded in the Commonwealth's Safe and Supported: National Framework for Protecting Australia's Children 2021–2031, to which the Northern Territory is a signatory.

The differences matter:

- **“Active efforts”** is a defined legal standard, derived from international and comparative practice, requiring intensive, culturally-grounded, and time-bound efforts to keep families together, including the active involvement of Aboriginal community-controlled organisations.
- **“Proactive efforts”** as defined in the Bill is undefined to that standard. Section 12D(4) lists examples (counselling, finding family, family responsibility agreements and orders) but does not require the active involvement of Aboriginal Community Controlled Organisations. The framework is administered by the CEO of the Department, without external accountability.

Further, section 12D is subject to section 8 (best interests), and section 8(2) has been reordered so that “permanency” and “stable and nurturing relationships” outrank “the child's right to enjoy the culture and tradition of the child's family and community” (now demoted to



section 8(3), where it is described as something that “may also be relevant”). The architecture of section 12D and section 8 together creates pressure toward early permanent placement decisions and against the kind of long-term, culturally-grounded engagement that Aboriginal community-controlled approaches to family preservation require.

Mikan submits that the section 12D framework should be replaced with an explicit “active efforts” framework, defined to the standard articulated by SNAICC and operationalised through formal partnership with Aboriginal Community Controlled Organisations.

5.5 The Bill creates legal infrastructure that privileges non-Aboriginal carers over kin

New sections 94(1)(da), 125(2)(ca) and 137D(2)(ba) provide that a carer with whom a child has been placed for more than eight months has standing as a party to:

- Protection order proceedings;
- Permanent care order proceedings.

On its face, this provision is neutral. In operational reality, in the Northern Territory, it is not.

Data reported by the National Indigenous Times on 13 May 2026 indicates that only 17 per cent of Indigenous children aged 0–17 in out-of-home care in the Northern Territory are placed with an Aboriginal or Torres Strait Islander relative or kin. This is the lowest rate of any Australian jurisdiction. The corollary is that approximately 83 per cent of Aboriginal children in out-of-home care in the NT are placed with non-Aboriginal carers.

In practice, then, the carer-as-party provisions will give legal standing to contest reunification — in the substantial majority of cases involving Aboriginal children — to non-Aboriginal carers. The eight-month threshold compounds this: it is shorter than the timeframes typically required to identify, assess and place an Aboriginal child with appropriate kin in remote and very remote communities.

Combined with the permanency framework in sections 8 and 12B, this creates legal infrastructure that systemically privileges non-Aboriginal placement over Aboriginal kinship reunification. This is the precise harm the ACPP was created to prevent.

5.6 Family responsibility orders import coercive measures with a problematic history

New Part 2.1A introduces family responsibility agreements (“FRAs”), and new Subdivision 1A of Chapter 2, Part 2.3 introduces family responsibility orders (“FROs”). The trigger threshold is low: an “event of concern” includes a school-age child not attending school, or “an event that adversely affects a child’s wellbeing” (section 65D(6)).

Most strikingly, section 102E(1)(c) permits an FRO to direct the CEO to:



- Apply for a parent to be subjected to the enhanced income management regime under section 123SCA of the Social Security (Administration) Act 1999 (Cth);
- Apply for a banned drinker order for a parent under the Alcohol Harm Reduction Act 2017 (NT);
- Provide information about a parent's "antisocial behaviour" to the Chief Executive Officer (Housing) for the purposes of an acceptable behaviour agreement under section 28C(1) of the Housing Act 1982 (NT);
- Apply for a parent's residence to be declared restricted premises under the Liquor Act 2019 (NT).

These are not child protection measures. They are coercive welfare, alcohol, housing and law enforcement measures. They have a long and documented history of disproportionate application in Aboriginal communities in the Northern Territory, including in connection with the Northern Territory Emergency Response (the "Intervention") and its successor frameworks. Importing them into child protection law, triggered by a child not attending school, is a substantial expansion of the coercive reach of the state into Aboriginal family life.

Mikan submits that these provisions should be removed entirely. To the extent the Government considers that early intervention with families requires legal infrastructure, that infrastructure should be designed in genuine partnership with Aboriginal Community Controlled Organisations and based on support, not coercion.

5.7 The permanency framework accelerates pathways to permanent separation

The Bill's amendments to the best-interests test (section 8), the placement principle (section 12B), and the duration of short-term parental responsibility directions (section 123) work together to compress the timeframe within which reunification with family is realistically possible, and to push the system toward early decisions for permanent placement.

Specifically:

- Section 8(2) elevates "permanency in the child's living arrangements" and "stable and nurturing relationships" into the priority best-interests hierarchy, while demoting cultural connection to section 8(3) ("may also be relevant");
- Section 12B introduces "permanence and long-term stability" as central placement considerations applying to all children;
- Section 123 reduces the maximum duration of short-term parental responsibility directions from two years to one year, and section 128(1B) caps the total number of short-term directions at two — creating a hard two-year ceiling on the period in which reunification efforts can sit under short-term orders before the system must shift to a long-term direction;



- Section 12D imposes a two-year reunification clock, after which the system pivots either to a family-member placement or, by default, away from family altogether.

In the East Arnhem context, where Yolŋu families face structural barriers — critical housing shortages, distance from services, the language barriers Yolŋu Matha speakers encounter in dealing with English-language statutory and court systems, and the intergenerational impacts of colonisation — a hard two-year clock with a permanency emphasis is, in operational effect, biased against reunification. The system will resolve uncertainty by defaulting to long-term separation. That is not a hypothetical concern; it is the lived experience Mikan's Directors have witnessed for decades.

6. The Bill does not have sufficient regard to rights and liberties

The Committee's Terms of Reference require it to inquire into whether a Bill “has sufficient regard to the rights and liberties of individuals” (Sessional Order 14(3)(b)(iii)), including whether the Bill “is consistent with principles of natural justice” (1(b)(iii)(B)).

Mikan submits that the Bill is deficient in this respect, principally because of section 7(4) and the matters discussed at section 5.2 above.

Section 7(4) provides:

“(4) To avoid doubt, the principles do not: (a) create, or confer on any person, any right or entitlement enforceable at law; or (b) affect the operation of any law in force in the Territory.”

This provision strips every principle in the new Part 1.3 — including the best-interests principle at section 8, the participation principle at section 11, the family principle at section 12A, the placement principle at section 12B, the Aboriginal children principle at section 12C, and the proactive efforts principle at section 12D — of any enforceability at law.

The practical consequence is that the principles function as guidance for administrators, not as substantive legal protections for children and families. A child whose participation is denied has no remedy. A family whose cultural connection is disregarded has no remedy. A decision that fails to treat the best interests of the child as the paramount concern cannot be challenged on the basis of the principle itself.

Mikan submits that section 7(4) is inconsistent with the principles of natural justice and should be removed. The principles in Part 1.3 should give rise to enforceable rights, at least



to the extent that procedural fairness in their application is enforceable. To the extent that the Bill seeks to clarify that principles do not displace other operative provisions of the Act, this can be achieved with much more targeted drafting.

7. The Bill is inconsistent with Closing the Gap and Safe and Supported commitments

The Northern Territory is a signatory to:

- The National Agreement on Closing the Gap (2020), including Target 12 — to reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031; and Priority Reform 1 — formal partnerships and shared decision-making with Aboriginal and Torres Strait Islander peoples;
- Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031, including the Aboriginal and Torres Strait Islander First Action Plan 2023–2026, which commits jurisdictions to implementing the five elements of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of “active efforts”, in genuine partnership with Aboriginal community-controlled organisations.

Northern Territory data is the most concerning in Australia. According to SNAICC's Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Northern Territory 2025, Aboriginal and Torres Strait Islander children in the NT are 11.2 times more likely than non-Indigenous children to be in out-of-home care. Only 17 per cent of those children are placed with an Aboriginal or Torres Strait Islander relative or kin — the lowest rate in the country.

This data does not support the Bill's premise. It does not support a conclusion that the ACPP is over-protective and needs to be weakened. It supports the opposite conclusion: that the Northern Territory's implementation of the ACPP is the weakest in the country, and that the operational gap between what the Principle requires and what the Department delivers is the most acute. The answer to that gap is to strengthen implementation — funding to Aboriginal community-controlled organisations, formal partnerships, delegation of functions — not to weaken the Principle itself.

Mikan submits that the Bill, in its current form, sets the Northern Territory back from its Closing the Gap commitments. It is difficult to see how a Bill that subordinates Aboriginal-specific placement considerations to a “universal” principle is consistent with Target 12 or with Priority Reform 1.

8. Provisions worth retaining

Mikan does not wish to suggest that every provision of the Bill is deficient. Three elements are worth preserving in any future reform, with appropriate adjustment:

- **Strengthened independent legal representation for children.** New section 143A, which provides that the Court must not hear an application for a permanent care order or a protection order with a long-term parental responsibility direction unless the child is represented by a legal practitioner (with limited exceptions), is a positive change. It strengthens the voice of children in proceedings that determine their long-term futures.
- **The principle of pre-removal effort.** The concept that the Department should make demonstrated efforts to prevent removal, and to support reunification when removal occurs, is sound. The problem with section 12D is the standard adopted (“proactive” rather than “active” efforts), the absence of operational partnership with ACCOs, and the compression of timeframes. The concept can be retained with proper implementation.
- **Some Working with Children Clearance reforms.** The extension of clearance validity from two to five years to align with other jurisdictions (section 192) and the introduction of continuous monitoring are sensible operational reforms. Mikan flags, however, that the interim bar and suspension provisions (new sections 191A and 191B) require careful safeguards to ensure they do not have disproportionate impact on Aboriginal applicants, including in the context of Aboriginal Community Controlled Organisations’ ability to recruit and retain Aboriginal workers.

9. What good legislation would look like

Mikan offers the following as a constructive contribution to what reform of the Care and Protection of Children Act 2007, properly developed in partnership with Aboriginal Community Controlled Organisations, could achieve:

- Retention of the Aboriginal Child Placement Principle as a standalone, culturally-specific principle, with the placement hierarchy (Aboriginal extended family, then Aboriginal community, then Aboriginal carers) preserved and given operational priority;
- A statutory “active efforts” standard, defined consistently with SNAICC's national framework, with measurable indicators and external accountability;
- Statutory recognition of Aboriginal Community Controlled Organisations, with formal pathways for partnership and shared decision-making, and the legal capacity for



MIKAN ABORIGINAL CORPORATION

ICN 10336
North East Arnhem Land, NT
info@mikan.org.au

delegation of statutory functions to ACCOs where they have the capability and consent of community;

- A requirement of meaningful consultation with the relevant Aboriginal cultural authority body in all significant decisions affecting Aboriginal children, with that consultation enforceable;
- Removal of the section 7(4) enforceability stripper. The Act's principles should give rise to enforceable rights, at least at the level of procedural fairness;
- Removal of the family responsibility order provisions that direct the CEO to apply for income management, banned drinker orders, restricted premises declarations and the like. Early intervention with families requires support, not coercion;
- Resourcing and recruitment commitments aligned with Closing the Gap Target 12, particularly investment in Aboriginal Community Controlled Organisations and the recruitment of Aboriginal carers.

Mikan is available to assist the Government in developing this kind of legislation, if the Government is willing and interested in hearing the voice of a *Yolŋu-led* Child Wellbeing and Child Protection service.



10. Specific amendments required if the Bill proceeds

Mikan's primary position is that the Bill should not be passed and should be withdrawn (see Section 2.1). If, contrary to that position, the Committee declines to recommend against passage, Mikan recommends the amendments set out in the table below. The presentation of these amendments should not be read as moderating Mikan's primary position; they are offered as a fallback only.

Clause	Problem	Recommended amendment
Section 12B (universal placement principle)	Subordinates the Aboriginal Child Placement Principle to a "universal" framework.	Retain ACPP as a standalone, culturally-specific principle. Remove section 12C(4) which makes 12C subject to 12B.
Section 12C(2)(a)	Downgrades participation of Aboriginal children and families from "right" to "opportunity".	Restore "right to participate" language as currently in section 12 of the Act. Provide an enforceable mechanism.
Section 12C(1)	Recognises Aboriginal self-determination in principle without any operational mechanism.	Add operational requirements: mandatory consultation with relevant ACCOs in significant decisions; statutory recognition of ACCO partnership; pathway for delegation of functions.
Section 12D (proactive efforts)	Adopts a weaker standard than the "active efforts" standard required by national frameworks.	Replace "proactive efforts" with "active efforts", defined consistent with SNAICC's national framework. Require active involvement of ACCOs in efforts.
Sections 94(1)(da), 125(2)(ca), 137D(2)(ba)	Privilege non-Aboriginal carer interests over Aboriginal kinship reunification due to the 17% kinship placement rate in the NT.	Either remove the carer-as-party provisions entirely, or balance with equivalent standing for the relevant ACCO and for kin members not currently primary carers.
Section 102E(1)(c)	Permits FROs to direct the CEO to apply for income management, banned drinker orders, restricted premises declarations, and information-sharing with Housing about "antisocial behaviour".	Remove section 102E(1)(c) in its entirety. Early intervention should be supportive, not coercive.



Clause	Problem	Recommended amendment
Section 65D(6) (“event of concern”)	Trigger threshold for FRA is too low (e.g. child not attending school).	Narrow the definition of “event of concern”. Require ACCO consultation before any FRA is offered to an Aboriginal family.
Section 7(4)	Strips all principles in Part 1.3 of enforceability at law.	Remove section 7(4) in its entirety. If the Government considers narrower clarification is required, draft it narrowly.
Section 8(2)	Demotes cultural connection from priority best-interests considerations to section 8(3) (“may also be relevant”).	Restore cultural connection as a priority best-interests consideration for Aboriginal children, equivalent to section 12C(3).
Sections 123, 128	Hard caps on short-term parental responsibility directions accelerate pathways to permanent separation.	Retain the existing two-year maximum for short-term directions. Remove the cap on number of short-term directions in cases where active efforts toward reunification are continuing in good faith.

This list is not exhaustive but identifies the matters Mikan considers most urgent.

11. Mikan's offer to appear before the Committee

Mikan respectfully offers to appear before the Committee to brief Members directly on the matters set out in this submission. Mikan can offer:

- The perspective of senior Yolŋu Elders, with cultural authority and seven years of operational experience in this work;
- Specific Yolŋu and East Arnhem context that the broader Aboriginal sector submissions may not be positioned to provide;
- Operational insight into how the Bill's provisions would interact with the realities of remote and very remote Aboriginal community life in the NT.

Mikan would welcome the opportunity to participate either at a public briefing or through any other arrangement the Committee considers appropriate.



12. Conclusion

Mikan Aboriginal Corporation submits that the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 should not be passed. The Bill structurally weakens the Aboriginal Child Placement Principle, downgrades the participation of Aboriginal children and families from a right to a non-enforceable opportunity, enshrines the language of self-determination while removing its operational substance, imports coercive measures with a problematic history in Aboriginal communities, and accelerates pathways to permanent separation. It does so without meaningful consultation with the Yolŋu cultural authority bodies whose children are the subject of the legislation.

Mikan calls on the Northern Territory Government to withdraw the Bill. The path forward is reform developed in genuine partnership with Aboriginal Community Controlled Organisations, implementing the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of “active efforts”, with statutory recognition of bodies like Mikan and the legal capacity for partnership and shared decision-making. Mikan is available to contribute to that work.

We thank the Committee for the opportunity to make this submission.

Submitted on behalf of Mikan Aboriginal Corporation by:

Terry Yumbulul
Chairperson, Mikan Aboriginal Corporation

Contact for this submission

Sam Brennan, General Manager
Mikan Aboriginal Corporation
Email: info@mikan.org.au