

To: The Legislative Scrutiny Committee Inquiry
Inquiry: Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026
Date: 18 May 2026
Submission By: Yeyekerte Aboriginal Corporation

Executive Summary

Yeyekerte Aboriginal Corporation strongly opposes the rushed legislative amendments to the *Care and Protection of Children Act 2007* (NT). While we share the Territory's grief and desire to prevent tragedies like the death of Kumanjayi Little Baby, we firmly believe this legislation misplaces blame on Aboriginal families. By overriding the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) with an ambiguous "universal principle," these changes risk doing generational harm by severing our children's connections to family, culture, and Country. We note, however, that the inclusion of the "locating Family" element within protective steps is welcomed.

Introduction: About Yeyekerte Aboriginal Corporation

Yeyekerte Aboriginal Corporation is a deeply rooted, community-controlled organisation dedicated to serving Aboriginal families, children, and Elders in our region. Governed by a board of local Aboriginal directors, our mission is to empower our community through self-determination, cultural preservation, and targeted support services.

Our frontline work provides us with direct, daily insights into the strengths and vulnerabilities of our families. We deliver vital programs focused on family support, early intervention, youth engagement, and the preservation of cultural heritage. We see firsthand that children thrive when they are safely grounded in their identity, surrounded by kin, and securely connected to their Country. As a trusted community voice, we advocate for systemic solutions that address the root causes of family distress—such as intergenerational trauma, housing shortages, and poverty—rather than punitive interventions. Our perspective in this submission is informed by our unwavering commitment to the safety of our children and our lived experience of what actually works to keep Aboriginal families strong and together.

Our Core Concerns

- **Weakening the ATSICPP:** The proposed amendments weaken a safety framework built on decades of evidence. Removing the primacy of this principle risks repeating the tragedies of the Stolen Generations. Culture and

kin are not optional “red tape”; they are essential protective factors for an Aboriginal child’s safety, identity, and wellbeing.

- **Rushed Legislation:** These sweeping reforms have been rushed through parliament with a deeply inadequate consultation window. Implementing them before the findings of the independent, system-wide Board of Inquiry into the Department of Children and Families are released is irresponsible and deeply concerning.
- **Criminalising Poverty:** The introduction of strict new protocols and court-mandated Family Responsibility Agreements penalises families for systemic issues stemming from government failures. If the government is genuine about child safety, it must prioritize systemic investment in prevention, early intervention, housing, and family support services over punitive child removal mechanisms.

In-Depth Analysis: The Erosion of Protections for Aboriginal Children

1. The Dangerous Shift: From "Consideration" to a Strict "Order of Priority"

The Bill fundamentally alters how decisions are made by replacing broad "considerations" with a rigid, hierarchical order of priority.

- **The Risk:** Moving to a strict numerical or alphabetical hierarchy forces decision-makers to tick boxes in a fixed sequence.
- **The Impact:** This strips away the flexibility needed to look at a child’s life holistically. By placing certain criteria at the top, the law effectively creates a "winner-takes-all" scenario where earlier priorities can completely cancel out later ones.
- **The Structural Bias:** Decision-makers must satisfy priorities (a), (b), and (c) first. By the time they reach item (d), the core direction of the child’s placement has already been decided.
- **The Consequence:** Placing vital family and community factors lower down the list means they are treated as secondary thoughts, easily overridden if they conflict with top-tier, narrowly defined priority criteria.

2. The Relegation of the Right to Culture to "May Also Be Relevant"

The most damaging aspect of this Bill is that sections safeguarding an Aboriginal child’s right to culture, language, and kinship ties have been demoted to a discretionary category that "may also be relevant."

- **Systemic Bias:** Relegating culture to a "may" rather than a "must" treats an Aboriginal child’s identity as a luxury asset rather than a fundamental safety requirement.
- **Ignoring Evidence:** This shift directly contradicts decades of child welfare research. For Aboriginal children, connection to culture and Country is a critical protective factor that keeps them safe and grounded.
- **The Legal Loophole:** Using permissive language like "may be relevant" gives child protection workers and courts a legal loophole to completely ignore the ATSI CPP without breaking the law.

Recommendations

Yeyekerte Aboriginal Corporation urges the Committee and the Northern Territory Government to:

1. **Pause the Bill:** Immediately pause the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* to allow for genuine, extensive consultation with Aboriginal community-controlled organisations.
 2. **Maintain the ATSI CPP:** Maintain the ATSI CPP as a binding and overarching principle in all child protection decisions, ensuring it cannot be outranked or bypassed by lower-tier priority clauses.
 3. **Await the Board of Inquiry:** Await the findings of the independent, system-wide Board of Inquiry to address the root causes of harm before pursuing major legislative overhauls.
 4. **Invest in Family Preservation:** Increase investment in family preservation and kinship care in line with Closing the Gap targets.
 5. **Abolish the Hierarchical Order:** Require decision-makers to evaluate all safety, cultural, and familial factors simultaneously rather than sequentially.
 6. **Upgrade Cultural Rights:** Change the wording relating to an Aboriginal child's right to culture from "may also be relevant" to "must be prioritised," turning it from discretionary to mandatory.
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Sincerely,



Kenny Braun
Managing Director
Yeyekerte Aboriginal Corporation