

**FIRST NATIONS
ADVOCATES AGAINST
FAMILY VIOLENCE**

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

**Prepared by First Nations Advocates
Against Family Violence**

Submitted to the Legislative Scrutiny
Committee for the Legislative Assembly of
the Northern Territory

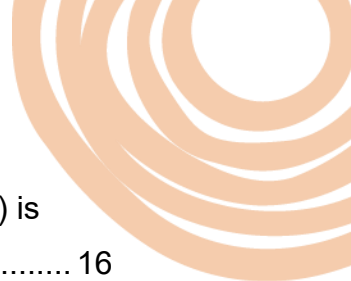




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First Nations Advocates Against Family Violence (FNAAFV)

Who we are

First Nations Advocates Against Family Violence (FNAAFV) is the national peak body for specialist Family Violence Prevention and Legal Services (FVPLS) and the only Aboriginal Community Controlled Organisation (ACCO) dedicated to representing this sector at a national level.

FVPLSs deliver specialist legal and non-legal responses to domestic, family and sexual violence through culturally safe and responsive, holistic service models for Aboriginal and Torres Strait Islander peoples, predominantly women and their children.

FNAAFV provides national leadership across policy, planning and law reform; strengthens frontline sector capacity; supports innovation and best practice; and advocates for safety, justice and self-determination for Aboriginal and Torres Strait Islander peoples experiencing violence.

We work in partnership across the ACCO sector, government and non-government organisations, and mainstream services to advance culturally safe, community-controlled responses. Our work is informed by the principles of self-determination and aligns with the United Nations Declaration on the Rights of Indigenous Peoples¹.

Our members

FNAAFV represents 14 member FVPLSs (from a broader network of 16 services nationally), operating across more than 30 locations in metropolitan, regional and remote communities across Australia.

FVPLSs provide culturally safe and responsive, specialist family and domestic violence services to more than 250 Aboriginal and Torres Strait Islander communities. These services are often the only accessible and trusted supports available to Aboriginal and Torres Strait Islander women and children experiencing violence.

A full list of FNAAFV members is provided at [Appendix A](#).



What we do

FNAAFV works with its members, communities, governments and partners to prevent, disrupt and respond to family, domestic and sexual violence affecting Aboriginal and Torres Strait Islander peoples. We provide a unified national voice for the FVPLS sector, advocating for culturally safe and responsive, holistic legal and non-legal services and support, and drive reform across legal, policy, systems and service delivery.

FNAAFV contributes to national decision-making processes, including as a member of the Coalition of Peaks, and works to ensure that Aboriginal and Torres Strait Islander family, domestic and sexual violence legal and non-legal expertise shape policy, strategy and implementation.

FNAAFVs work is informed by the lived expertise of Aboriginal and Torres Strait Islander women, children, families and communities, alongside more than 25 years of specialist FVPLS sector expertise across family, domestic and sexual violence, child protection and legal systems.

We align our strategic and policy work with key national frameworks, including:

- the National Agreement on Closing the Gapⁱⁱ and its Priority Reforms
- the National Plan to End Violence against Women and Children 2022–2032ⁱⁱⁱ
- the Aboriginal and Torres Strait Islander Action Plan 2023–2025^{iv}
- the National Access to Justice Partnership Agreement 2025-2030^v
- the Our Ways - Strong Ways - Our Voices: National Aboriginal and Torres Strait Islander Plan to End Family, Domestic and Sexual Violence 2026–2036^{vi}

Terminology

FNAAFV respectfully uses the terms “Aboriginal and Torres Strait Islander”, “Aboriginal”, and “Indigenous” throughout this submission. These terms are used intentionally and contextually, including reflecting:

- the preference of communities and organisations,
- the language used within legislation, policy and national frameworks, and
- direct references to existing reports, agreements and source materials.



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

Executive Summary


First Nations Advocates Against Family Violence (FNAAFV) welcomes the opportunity to provide this submission to the Legislative Scrutiny Committee on the Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (the Bill). Our submission has been endorsed by our Northern Territory members - the Central Australian Aboriginal Family Legal Unit (CAAFLU), North Australian Aboriginal Family Legal Service (NAAFLS) and Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPYWC).

This submission responds to the proposed amendments to the 'Every Child Matters' Bill and raises serious concerns regarding the Bill's likely impact on First Nations children, families and communities in the Northern Territory.

FNAAFV submits that the Bill risks further entrenching a child protection system that intervenes too late, removes children too quickly, and fails to adequately invest in family support, prevention and Aboriginal community-controlled infrastructure required to keep children safe within families, community and culture.

This submission reiterates that:

- Aboriginal and Torres Strait Islander children are safest when connected to family, community, culture and Country, and that safety and cultural belonging are not competing concepts.
- The over-representation of Aboriginal children in child protection systems is driven by structural inequality, intergenerational trauma, family violence, housing insecurity, poverty and chronic underinvestment in prevention and early intervention supports.
- Removing Aboriginal and Torres Strait Islander children from their families and kinship systems causes significant long-term harm, including trauma, cultural disconnection and increased pathways into youth justice and criminal legal systems.

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- ACCOs including FVPLSs are not stakeholders within the child protection system, they are essential prevention, healing and family support infrastructure.
 - Legislative reform that weakens Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) protections, expands coercive intervention powers or fast-tracks permanent removal risks repeating the failures identified through decades of inquiries, reviews and Royal Commissions.


The Bill introduces a new 'Universal Principle' that lists child safety as the primary consideration 'regardless of background' and makes the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) obligations for Aboriginal children conditional on that Universal Principle being satisfied first. Read together with the Bill's other provisions (i.e. the dilution of reunification obligations, expanded coercive powers, and shortened protection order timelines that fast-track permanent placements), the cumulative effect is to subordinate and weaken the ATSICPP. This framing creates a false distinction between child safety and the ATSICPP, despite decades of evidence demonstrating that cultural belonging, family and community are fundamental to the long-term safety and wellbeing of Aboriginal and Torres Strait Islander children. The legislation as drafted will make it easier to remove Aboriginal and Torres Strait Islander children from family and culture, and harder to reunite them.

This is a real risk not theoretical. The NT already records the lowest rate of Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander family or kin in the country; 17% against a national average of 32.1%. Aboriginal and Torres Strait Islander children in the NT are already over-represented in out-of-home care at 11.2 times the rate of non-Indigenous children. Rather than addressing these failures, the Bill risks deepening them.

The cause of the crisis in NT child protection is not the ATSICPP. The crisis stems from decades of systemic underinvestment in early intervention, family support, housing, healing, community-led prevention and culturally safe and responsive services. The 2017 NT Royal Commission¹, the SNAICC 2025 NT review², and the NT and National Children's Commissioners have consistently identified poverty, housing insecurity, family violence, criminalisation of victim-survivors and the absence of adequately funded Aboriginal-led prevention infrastructure as key drivers of child removal and over-representation of Aboriginal and Torres Strait Islander children. The Bill does not address any of these drivers.

¹ https://rmo.nt.gov.au/_media/documents/rcpdcnt/Royal-Commission-NT-Final-Report-Volume-1.pdf

² <https://www.snaicc.org.au/resources/reviewing-implementation-of-the-aboriginal-and-torres-strait-islander-child-placement-principle-northern-territory-2025/>



FNAAFV urges the Committee to recommend substantial amendments to the Bill to restore and strengthen ATSI CPP obligations, remove provisions that fast-track permanent removal, and invest in the Aboriginal community-controlled infrastructure required to keep children safe within family, culture and community. The evidence is clear, and the solutions are known. Aboriginal and Torres Strait Islander children do not need more systems designed around removal and surveillance. They need governments willing to invest in family, healing, prevention and Aboriginal-led solutions that keep children safe and strong in culture. What is required now is the political courage to stop repeating the failures of the past.

Recommendations, Legislative and System Reform Actions

Strengthen, not subordinate, the ATSI CPP

1. Amend the Bill to remove the conditionality framing that makes ATSI CPP obligations contingent on the Universal Principle. The ATSI CPP is itself a child safety, wellbeing and best-interests framework grounded in decades of evidence demonstrating that Aboriginal and Torres Strait Islander children are safest when connected to family, community, culture and Country. The ATSI CPP should not be positioned as secondary to child safety, nor treated as optional or conditional.
2. Restore and strengthen active reunification obligations. The Bill's reduction of short-term protection order limits to two years, without commensurate investment in family support services, will accelerate permanent placements before families have been provided with adequate, culturally safe and properly resourced opportunities to address safety concerns and access supports.
3. Ensure all elements of the ATSI CPP - Prevention, Partnership, Placement, Participation and Connection - are explicitly preserved, resourced and operationalised in the amended Act, consistent with the national Safe and Supported framework and Closing the Gap Target 12.

Address the underlying drivers of harm

4. Rebalance investment away from crisis-driven, statutory intervention and toward sustained investment in Aboriginal community-controlled prevention, healing and family support infrastructure, including:
 - Equitable geographic access to FVPLS services in regional, rural and remote areas




- Long-term investment in prevention, including men’s behaviour change programs
 - Targeted investment to address workforce sustainability, including the impacts of vicarious trauma, institutional racism and online abuse
 - Fund prevention programs addressing the underlying drivers of harm, including culturally appropriate men’s behaviour change programs, housing supports, and services addressing the impacts of intergenerational trauma and colonisation.
5. Review the Bill’s expanded Family Responsibility Agreement provisions to ensure these provisions do not create coercive compliance mechanisms that disproportionately impact Aboriginal and Torres Strait Islander women, victim-survivors of domestic and family violence, and families experiencing poverty, trauma and housing insecurity, and to and incorporate specific safeguards to prevent misidentification of victim-survivors as primary aggressors.

Invest in Aboriginal and Torres Strait Islander-led prevention infrastructure

6. Implement an Aboriginal community-controlled Child Protection Notification and Referral System across all Northern Territory communities to ensure Aboriginal and Torres Strait Islander families are connected to immediate, culturally safe support at the earliest possible opportunity and to prevent escalation and unnecessary child removal.
7. Fund the Territory-wide roll-out and long-term sustainability of the Aboriginal Family-Led Decision-Making program as a primary mechanism for keeping children safely connected to family and culture, delivered through ACCOs, including our FVPLS services in the Northern Territory.
8. Provide transparent, publicly accessible annual reporting on the share of NT child protection funding allocated to ACCOs, consistent with national accountability frameworks under the National Agreement on Closing the Gap.

Require genuine Aboriginal and Torres Strait Islander partnership in implementation

9. Require, as a statutory obligation, that ACCOs and FVPLS organisations are equal decision-making partners in the design, delivery and review of any programs or services arising from the Bill’s implementation, consistent with Priority Reform 1 of the National Agreement on Closing the Gap.


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10. Establish an Aboriginal and Torres Strait Islander-led independent oversight mechanism with publicly accessible reporting to the Legislative Assembly on progress against the ATSICPP and Closing the Gap Target 12.
 11. Ensure any review of the Department of Children and Families is conducted in genuine partnership with ACCOs and FVPLS organisations, is led by people with a demonstrated commitment to Closing the Gap and includes meaningful representation from people with lived experience of child protection intervention, removal and out-of-home care.

Introduction

FNAAFV is the national peak body for Family Violence Prevention and Legal Services (FVPLS), representing specialist, community-controlled services that exist to keep Aboriginal and Torres Strait Islander women and children safe. FVPLSs operate at the frontline of family, domestic and sexual violence and are critical prevention, healing and legal support infrastructure within the national safety system. The growth and sustainability of the FVPLS sector is essential because mainstream systems have consistently failed to provide culturally safe responses for Aboriginal and Torres Strait Islander women, children and families.

The over-representation of Aboriginal and Torres Strait Islander children in child protection systems is not the result of culture or community failure. It is the product of ongoing structural inequality, intergenerational trauma, family violence, poverty, housing insecurity and the continuing impacts of colonisation and dispossession. Deficit-based narratives about Aboriginal and Torres Strait Islander family, kinship systems and communities are deeply harmful. These narratives shape public attitudes, influence policy responses and contribute to discriminatory treatment across policing, courts, housing, health and child protection systems. The ongoing over-surveillance and disproportionate intervention into the lives of Aboriginal and Torres Strait Islander families reflects broader systemic failures, not failures of culture or community.

Decades of inquiries, reviews and Royal Commissions have consistently identified that governments have failed to adequately invest in early intervention, family support, healing and Aboriginal community-controlled prevention responses. Instead, systems continue to intervene after crisis has escalated, resulting in avoidable child removals and growing numbers of Aboriginal and Torres Strait Islander children entering out-of-home care. Aboriginal and Torres Strait Islander children do not need more systems designed around surveillance and removal. They need sustained



investment in family support, culturally safe services and community-led solutions that keep children safe within family, culture, community and on Country.

This submission addresses the Terms of Reference and Explanatory Statement by demonstrating that the proposed amendments to the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 risks further entrenching a child protection that intervenes too late, removes children too quickly and weakens the application of the ATSI CPPs. FNAAFV is deeply concerned that elements of the Bill risk increasing the permanent separation of Aboriginal and Torres Strait Islander children from family, culture, community and Country, with long-term consequences akin to repeating the ongoing harms experienced by the Stolen Generations³.

Aboriginal and Torres Strait Islander communities know how to care for and raise their children. The expertise of Aboriginal and Torres Strait Islander families, communities and community-controlled organisations must be central to any child protection reform. The 'Every Child Matters' Bill requires substantial amendments to ensure the ATSI CPP is strengthened, not weakened, and that mistakes of the past are not repeated. Every Aboriginal and Torres Strait Islander child has the right to grow up safe, connected and strong within family, culture and community.


The Northern Territory Child Protection Crisis

Over-representation driven by systemic failures

As of June 2024, Aboriginal and Torres Strait Islander children in the NT were over-represented in out-of-home care at 11.2 times the rate of non-Indigenous children; exceeding the national average of 10.8 times. Aboriginal and Torres Strait Islander children account for 89% of substantiated claims of abuse or neglect in the NT. These figures reflect a system in crisis and demonstrate the ongoing disproportionate intervention into the lives of Aboriginal and Torres Strait Islander children and families. Despite these outcomes, the NT government does not publicly report the proportion of child protection funding allocated to ACCOs. The absence of transparent NT reporting on ACCO investment is in itself significant. It reflects broader failure of accountability regarding investment in the Aboriginal-led prevention, healing and family support infrastructure required under the ATSI CPP and the National Agreement on Closing the Gap.

These figures do not reflect a failure of Aboriginal and Torres Strait Islander culture, kinship systems or the ATSI CPP. They reflect decades of systemic underinvestment, housing, healing

³ <https://humanrights.gov.au/resource-hub/older-peoples-rights/bringing-them-home-full-contents-page>



and Aboriginal-led family support services, combined with ongoing failures of implementation and accountability. The NT Government continues to respond after crisis has escalated, rather than investing early to keep children safely connected to family, community, culture and Country.


The 2017 Royal Commission into the Protection and Detention of Children in the NT⁴ made 227 recommendations aimed at transforming child protection and youth justice systems. Many remain unimplemented, including recommendations relating to raising the age of criminal responsibility and strengthening early intervention responses. Similarly, the NT government's own 10-year Generational Strategy, developed as a central reform commitment following the Royal Commission, has no publicly available progress reporting. This pattern of announcing reform without transparent implementation or accountability has contributed to ongoing systems failure and growing distrust within Aboriginal and Torres Strait Islander communities.

Lack of access to culturally safe services driving preventable child removals

Family, domestic and sexual violence is one of the primary drivers of child protection removal for Aboriginal and Torres Strait Islander families. In many regional and remote NT communities, often the same communities experiencing the highest rates of violence, housing insecurities and intergenerational trauma, access to culturally safe specialist support remains critically inadequate. In the absence of local FVPLS services, many Aboriginal and Torres Strait Islander women have no choice but to engage with mainstream systems they do not trust or cannot safely access or receive no support at all. This service gap increases risk of violence escalating, children entering contact with child protection systems and families becoming further entangled in punitive statutory responses. The FVPLS sector has consistently advocated for a minimum access standard: no Aboriginal and Torres Strait Islander woman should have to travel more than one hour or 100 km to access culturally safe specialist family violence support. In practice, this standard remains far from achieved across the NT.

Without sustained Commonwealth and NT Government investment to expand Aboriginal community-controlled family violence, prevention and legal support services, Aboriginal and Torres Strait Islander women and children remain at heightened risk of violence, system contact and child removal. The Bill does not address this structural service failure, not does it invest in Aboriginal-led

⁴ <https://www.royalcommission.gov.au/child-detention/final-report>



prevention infrastructure required to keep children safely connected to family, community, culture and Country.

Key Concerns with the Bill

The ‘Universal Principle’ subordinates the ATSICPP

The Bill’s introduction of a Universal Principle placing child safety first ‘regardless of background’ is framed as a neutral safety measure. In practice, however, it creates a legal structure in which ATSICPP obligations for Aboriginal and Torres Strait Islander children become conditional; applying only where and to the extent that the Universal Principle permits. This fundamentally alters the character of the ATSICPP from a mandatory safeguard to a qualified guideline. It also creates false distinction between safety and cultural belonging, despite decades of evidence demonstrating the family, culture, community, Country and identity are fundamental to the long-term safety and wellbeing of Aboriginal and Torres Strait Islander children.


This framing misrepresents the existing law. The existing Act already requires that the best interests of the child are the paramount consideration in all decisions. Section 10(1) of the Care and Protection of Children Act 2007 (NT)⁵ states this in express terms. The practical effect of the amendments is therefore not to strengthen child safety, but to weaken the legal protections that preserve Aboriginal and Torres Strait Islander children’s connection to family, culture and community.

The Government has relied on Article 2 of the United Nations Convention on the Rights of the Child (UNCRC)⁶ – the non-discrimination provision – to justify these changes. This is a misapplication of international human rights obligations and protections. The ATSICPP exists precisely because Aboriginal and Torres Strait Islander children experience systemic disadvantage and disproportionate removal from family and culture. Article 30 of the UNCRC⁷ explicitly protects the rights of Indigenous children to enjoy their culture, language and community. The UN Declaration on the Rights of Indigenous Peoples, which Australia has endorsed, further affirms the rights of Indigenous children to maintain cultural identity, kinship and community connection. Using non-discrimination principles to weaken protections to address the documented harms of separation, fundamentally inverts the purpose of those protections.

⁵ Care and Protection of Children Act 2007 (NT), s 10(1).

⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁷ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>



Dilution of reunification obligations and accelerated permanent placements

The Bill reduces obligations to actively pursue reunification and caps short-term protection orders at two years in the name of providing ‘long-term certainty’. However, in the absence of any commensurate investment in the family support, healing and early intervention services required to address safety concerns within that timeframe, these changes risk functioning as a mechanism to accelerate permanent non-familial placements of Aboriginal and Torres Strait Islander children.


Many Aboriginal and Torres Strait Islander families involved in child protection systems are simultaneously navigating poverty, housing insecurity, family violence, intergenerational trauma and limited access to culturally safe and responsive services. Accelerating permanency timeframes without addressing these underlying structural conditions risk punishing families for failure of government investment and service access.

Aboriginal and Torres Strait Islander children in the NT are already placed with non-Indigenous families at the highest rate in the country. Only 17% of Aboriginal and Torres Strait Islander children in NT out-of-home care are placed with Aboriginal and Torres Strait Islander relatives or kin, compared to the national average of 32.1%. Professor Paul Gray of the Aboriginal and Torres Strait Islander Leadership Group has observed that this data ‘suggests that the NT is already ignoring the ATSICPP and failing to adequately keep Aboriginal and Torres Strait Islander children safe’^{vii}. Rather than responding to these failures by strengthening implementation of the ATSICPP and investing in family preservation and reunification supports, the Bill risks further entrenching permanent separation from family, culture, community and Country.

Expanded coercive powers and the risk to victim-survivors

The expansion of Family Responsibility Agreements (FRA), including court-enforced mechanisms requiring families to ‘engage or face consequences’ significantly expands the coercive reach of the child protection system into the lives of Aboriginal and Torres Strait Islander families. These measures do not address the structural drivers of unsafe family environments, including poverty, housing insecurity, family violence, intergenerational trauma and inadequate access to culturally safe support services. Instead, they risk shifting responsibility for government failures onto the very families most impacted by those failures.

FVPLS organisations regularly support Aboriginal and Torres Strait Islander women who have been misidentified by policy and child protection authorities as primary aggressors while



attempting to protect themselves and their children from violence^{viii}. This is a well-documented and systemic issue across family, domestic and sexual violence and child protection systems^{ix}. Expanded coercive FRA mechanisms increase the risk that victim-survivors will be penalised for circumstances created by their perpetrators; for example, where compliance with a family plan requires ongoing engagement with a violent partner, attendance at unsafe locations or participation in systems that place women and children at further risk.

The Bill contains no visible safeguards to prevent these foreseeable harms. FNAAFV calls on the Committee to closely examine this risk of coercive intervention, misidentification and punitive responses toward victim-survivors, and to require targeted amendments developed in genuine partnership with Aboriginal and Torres Strait Islander women, FPLSs, and ACCOs.

The Bill undermines Closing the Gap commitments


Target 12 of the National Agreement on Closing the Gap (CTG) commits all signatory governments, including the NT, to reducing the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031. The NT is already moving in the wrong direction against this target. By making child removal easier, weakening reunification obligations and subordinating the ATSICPP, the Bill risks further entrenching over-representation and undermining the NT Government's own CTG commitments.

CTG requires governments to move beyond crisis-drive intervention and invest in Aboriginal community-controlled prevention, healing and family support systems that keep children safely connected to family, community, culture and Country.

Federal Minister for Indigenous Australians Malarndirri McCarthy has publicly expressed concern regarding the proposed changes and reiterated the CTG commitment to reduce the over-representation of Aboriginal children in care^x. The implications of the Bill extend beyond the NT. Unilateral legislative changes that weaken ATSICPP protections and increase the risk of preventable child removal undermine the agreed reform priorities under CTG and weaken confidence in genuine structural reform.

The proposed review lacks independence and Aboriginal and Torres Strait Islander-led oversight

Following the death of Kumanjayi Little Baby, the NT government announced a review into the Department of Children and Families (NT)^{xi}. However, significant concerns have been raised regarding the independence, governance and cultural legitimacy of the proposed review process.



The review has been appointed to former NSW Police Commissioner Karen Webb alongside senior NT public servant Greg Shanahan. Both the NT Children's Commissioner and SNAICC have publicly questioned whether this constitutes a genuinely independent review process capable of restoring confidence in Aboriginal and Torres Strait Islander communities.


NT Children's Commissioner Musk offered to lead an inquiry with the support of the National Commissioner for Aboriginal Torres Strait Islander Children and Young People Sue-Anne Hunter, citing their expertise, independence and direct experience in child protection and Aboriginal and Torres Strait Islander children's wellbeing^{xii}. That offer was not taken up.

SNAICC Chief Executive Officer Catherine Liddle has stated that any review must occur in 'genuine partnership with Aboriginal community-controlled organisations, leaders and Commissioners who understand the realities facing children and families on the ground^{xiii}.' FNAAFV strongly agrees. Reviews into systems that disproportionately intervene in the lives of Aboriginal and Torres Strait Islander children and families cannot be effective, credible or culturally safe unless Aboriginal and Torres Strait Islander communities, FVPLSs, ACCOs and specialist Aboriginal and Torres Strait Islander-led services are central to their design, oversight and implementation. A review process that fails to genuinely center Aboriginal and Torres Strait Islander expertise risks reproducing the very system failures it claims to address.

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSCIPP) is a child safety and wellbeing framework

The Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) emerged through decades of advocacy by Aboriginal and Torres Strait Islander leaders, Elders, families and Aboriginal community-controlled childcare organisations during the 1970s and 1980s. Aboriginal and Torres Strait Islander leaders including Uncle Brian Butler, Aunty Mollie Dyer and Aboriginal community-controlled childcare advocates across the country worked to prevent the ongoing separation and removal of Aboriginal and Torres Strait Islander children from family, culture and community in the aftermath of the Stolen Generations^{xiv}.

ATSICPP was first incorporated into statutory child welfare legislation in the NT in 1983, with other jurisdictions subsequently adopting the principle nationally. The ATSICPP recognises that connection to family, kinship, community, culture and Country are fundamental to the safety, wellbeing, and identity of Aboriginal and Torres Strait Islander children. It exists to address the



ongoing over-representation of Aboriginal and Torres Strait Islander children in out-of-home care and to prevent the repetition of harms experienced through the Stolen Generations^{xv}.

The ATSI CPP operates through six interconnected elements which guide child protection decision making and accountability:

1. Prevention - Recognises that children have the right to grow up safely within their family, community, and culture, and requires governments to invest in early intervention, healing and family support services that prevent unnecessary child removal. Prevention remains one of the most under-resourced elements of the child protection system despite decades of evidence demonstrating that early, culturally safe and responsive supports lead to better outcomes for children and families. FVPLS organisations are well positioned to deliver community-led prevention responses grounded in trust, cultural authority and lived experience.

2. Partnership - Requires ACCOs and Aboriginal and Torres Strait Islander communities to be genuine decision-makers in the design, delivery, oversight and review of child protection systems and individual case decisions. Partnership is not consultation. FVPLS organisations possess significant cultural authority, trusted community relationships and frontline expertise that must be central to child protection reform and implementation


3. Placement – Requires a clear placement hierarchy to ensure Aboriginal and Torres Strait Islander children remain connected to family, kinship and community wherever possible. Priority placement order includes:

- 1) With extended family or kin.
- 2) Within the child's Aboriginal or Torres Strait Islander community.
- 3) With other Aboriginal or Torres Strait Islander families.

4. Participation - Requires the rights of the children, parents, families and communities to actively participate in decisions affecting their care and protection, including being heard, respected and supported to be engaged meaningfully in child protection processes.

5. Connection - Requires child protection systems to actively maintain, strengthen and support a child's ongoing connections to family, community, culture, and Country throughout their time in care.

The National Commissioner for Aboriginal and Torres Strait Islander Children and Young People and numerous independent inquiries have consistently found that when the ATSI CPP is genuinely implemented, Aboriginal and Torres Strait Islander children experience significantly better long-



term social and emotional and developmental outcomes^{xvi}. Jurisdictions that have invested in transferring decision-making, placement and case management responsibilities to ACCOs have generally seen improved placement stability, stronger family connection and higher reunification rates^{xvii}. The ATSICPP is not symbolic policy language. It is an evidence-based child safety and wellbeing framework grounded in lessons learned from the Stolen Generations and decades of Aboriginal and Torres Strait Islander-led advocacy, research and lived experience.

Community-led solutions already exist

Aboriginal Family-Led Decision Making

FNAAFV draws your attention to the successful pilot Aboriginal Family-Led Decision Making (AFLDM) Program run by North Australia Aboriginal Family Legal Service (NAAFLS). This program is culturally safe, run by an Aboriginal community-controlled organisation, and empowers families to make decisions regarding at-risk children, keeping them connected to culture and preventing out-of-home care.

Rather than intervening after a child is removed, NAAFLS' team provides early legal advocacy in tandem with AFLDM. This allows families to find kinship support and address safety issues early. This model both empowers families to understand their rights and obligations in the child protection legal system and assists Departmental decision making through supporting families to gather and provide current, relevant child safety information. Dedicated co-convenors and lawyers work with families to draft plans that meet the safety and wellbeing needs of the child. The AFLDM is an ideal example of an effective program that can be tailored and rolled out across the communities of the Northern Territory.

AFLDM demonstrates that Aboriginal community-controlled, family-led approaches can improve child safety outcomes while reducing unnecessary child removal and strengthening family participation in decision-making. It provides a clear evidence base for broader investment in Aboriginal-led prevention and early intervention infrastructure across the NT.

The WA State Government is committed to reducing the number of Aboriginal children in out-of-home care and has recently announced an injection of close to \$45 million in the 2026-27 State Budget to expand two successful Aboriginal-led child protection initiatives, grounded in the AFLDM model. Their AFLDM pilot program has delivered strong outcomes, having diverted or reunified 47 children from the child protection system^{xviii}.



Trusted community-led service provision

FVPLS organisations are trusted because they are embedded within community, grounded in cultural authority and operate through culturally safe, trauma-informed and holistic service models. FVPLSs provide far more than legal assistance. They deliver counselling, safety planning, court support, community education, prevention initiatives and culturally safe advocacy for Aboriginal and Torres Strait Islander women and children experiencing violence. This holistic, community-led model helps disrupt the pathway from family violence into child protection and justice system involvement. In many communities, FVPLSs are among the few services trusted by Aboriginal and Torres Strait Islander women and families to engage safely with highly sensitive issues involving family violence, child protection and legal systems.


FNAAFV's NT FVPLS members possess the cultural authority, lived experience, trusted community relationships and frontline experience necessary to play central roles in the design, delivery and oversight of child protection reform. Strengthening Aboriginal-led systems is not supplementary to reform - it is essential to improving outcomes for Aboriginal and Torres Strait Islander children and families.

Prevention requires investment in trusted Aboriginal and Torres Strait Islander-led systems

When Aboriginal and Torres Strait Islander women engage with FVPLSs, they are engaging with culturally safe, trauma-informed practitioners who understand kinship systems, community dynamics and the ongoing impacts of colonisation, intergenerational trauma and family violence. FVPLSs often provide one of the earliest trusted points for women and families experiencing escalation risk. Embedding prevention within these Aboriginal-led systems enables earlier access to housing and social supports, and earlier engagement in healing responses that help keep children safely connected to family, culture, community, and Country.

Too often, child protection systems intervene only after violence, poverty, housing instability or trauma has escalated into crisis, rather than investing in the culturally safe and responsive supports known to prevent unnecessary child removal.

Prevention works most effectively when it is delivered by those who are known, trusted and accountable to the communities they serve, particularly the Aboriginal and Torres Strait Islander women and children we serve. FVPLSs embody that model. Yet prevention and early intervention responses remain chronically underfunded across the NT. In the absence of sustained investment, FVPLSs are too often forced to triage escalating crisis and immediate safety risk rather than shift the long-term trajectory of harm for families and communities. Prevention, early intervention and healing initiatives are not optional additions to statutory child protection responses. They are



foundational to child safety in out-of-home care along with investing in the Aboriginal-led prevention infrastructure, which is proven to keep children within family, culture and community.

Addressing the real drivers of harm

Child protection intervention is being driven by structural inequality

Aboriginal and Torres Strait Islander children in the NT remain disproportionately represented in out-of-home care, while placement with Aboriginal and Torres Strait Islander relatives or kin remains critically low. These outcomes are not the result of failures within First Nation families or communities. They reflect the ongoing structural inequality, including poverty, unsafe and overcrowded housing, family violence, intergenerational trauma, the criminalisation and misidentification of victim-survivors, and chronic underinvestment in prevention, healing and family support services^{xix}.

Child protection systems continue to intervene after harm has escalated rather than investing in the culturally safe and responsive supports known to prevent unnecessary child removal and strengthen family safety. Legislative reform that fails to address these structural factors will not improve child safety outcomes. It will instead deepen the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care and further trap them into cycles of trauma, disadvantage, and system contact.

Lack of access to culturally safe support is increasing child removal

Family, domestic and sexual violence (FDSV) remains one of the primary drivers of child protection involvement and child removal for Aboriginal and Torres Strait Islander women. Many Aboriginal and Torres Strait Islander mothers fleeing violence experience the dual trauma of surviving abuse while also facing heightened surveillance and intervention from child protection systems. This often occurs in circumstances where women have limited access to safe housing, culturally safe support services or trusted legal advocacy.

The FVPLS sector has consistently advocated for a minimum access standard: no Aboriginal and Torres Strait Islander woman should have to travel more than one hour or 100 kilometers to access culturally safe and responsive specialist family violence support. In practice, this standard remains far from being achieved across the NT. Expanding access to culturally safe Aboriginal and Torres Strait Islander-led services is essential to preventing violence escalation, reducing child protection intervention and strengthening family safety.




In many regional and remote NT communities, often the same communities experiencing the highest rates of violence and the lowest trust in government systems, the absence of local FVPLSs forces women to choose between unsafe mainstream responses or no support at all. This significantly increases the risk of violence escalating, families entering crisis and children becoming involved in child protection systems.

Without sustained investment from both the NT and Commonwealth Governments to expand culturally safe and responsive, Aboriginal-led FDSV prevention and support systems, Aboriginal and Torres Strait Islander women and children will remain at heightened risk of violence, system contact and child removal. Governments cannot continue to respond primarily through statutory intervention while underinvesting in the Aboriginal-led prevention infrastructure required to keep children safe within family, culture, community and on Country.

Cultural disconnection and pathways into youth justice

Aboriginal and Torres Strait Islander children in the NT remain significantly over-represented in out-of-home care, while placement with Aboriginal and Torres Strait Islander family and kin remains critically low. We know that children in out-of-home care are also disproportionately represented in the youth justice system, and that this crossover is deeply connected to trauma, placement instability, cultural disconnection and ongoing system contact. When our Aboriginal and Torres Strait Islander children are removed from family, kinship systems and community, they often experience profound disruption to identity, belonging and cultural belonging. Separation from culture, Country and community can contribute to social and emotional distress, disconnection and increased vulnerability to contact with youth justice systems.

SNAICC's Implementation Reviews of the ATSCPP have identified that frequent movement between residential care, group home and foster placements prevents many Aboriginal and Torres Strait Islander children and young people from developing stable relationships, cultural supports, and long-term connection to family and community. Placement instability increases the likelihood of poorer social and emotional wellbeing outcomes and justice system involvement. Children placed in residential or non-familial care settings are also more likely to have trauma responses and distress that escalates to police involvement, including incidents that would be managed within a family or community setting without criminal justice and intervention. The increasing criminalisation and policing of behaviours associated with trauma, instability and disconnection is contributing to the mass-incarceration of Aboriginal and Torres Strait Islander children, young people and women.



Aboriginal and Torres Strait Islander communities, Elders and ACCOs possess the cultural authority, kinship knowledge and community accountability structures necessary to support children, strengthen family safety and respond to harm through culturally informed and evidenced ways of knowing, being and doing^{xx}.

Decades of evidence demonstrates that maintaining a child's connection to family, kinship, community, culture and Country is a critical protective factor for long-term social and emotional wellbeing and reducing pathways into the youth justice system. Weakening of the ATSICPP in the NT, particularly in the absence of genuine Aboriginal-led partnership, engagement, prevention, investment and community-controlled design, risks compounding the very harms that child protection systems are intended to prevent.

FNAAFV also notes comments made by Prime Minister Anthony Albanese during his visit to the NT on 20 May 2026, where he stated that any legislative reform affecting Aboriginal communities should occur in genuine partnership with community.

Conclusion

Decades of evidence from Australia and internationally demonstrates that children are safest when they remain connected to family, kinship, culture and Country. Aboriginal and Torres Strait Islander leaders, families, Elders, FVPLSs and ACCOs have long advocated for systems that strengthen families, invest in prevention and keep children safe within community and culture.

This Inquiry presents another opportunity for the NT Government to move away from crisis-driven, removal-focused responses, toward evidence-based reform. That requires strengthening the ATSICPP, investing in Aboriginal and Torres Strait Islander community-controlled prevention and family support systems, and building the culturally safe and responsive infrastructure communities have called for across decades of inquiries, reviews and Royal Commissions.

The evidence is clear. The solutions already exist. What is required now is the political courage to stop repeating the failures of the past.

End notes

For any further information, please contact FNAAFV on [REDACTED]

Appendix A: FNAAFV Member List



QIFVLS

Queensland Indigenous Family Violence Legal Service



Ngaanyatjarra
Pitjantjatjara
Yankunytjatjara
Women's Council



NAAFLS

NORTH AUSTRALIAN
ABORIGINAL FAMILY
LEGAL SERVICE



Family Violence Legal Service
Aboriginal Corporation (SA)



Aboriginal
Family Violence
Legal Service



Sharing stories, finding solutions



Binaal Billa

Family Violence Prevention Legal Service



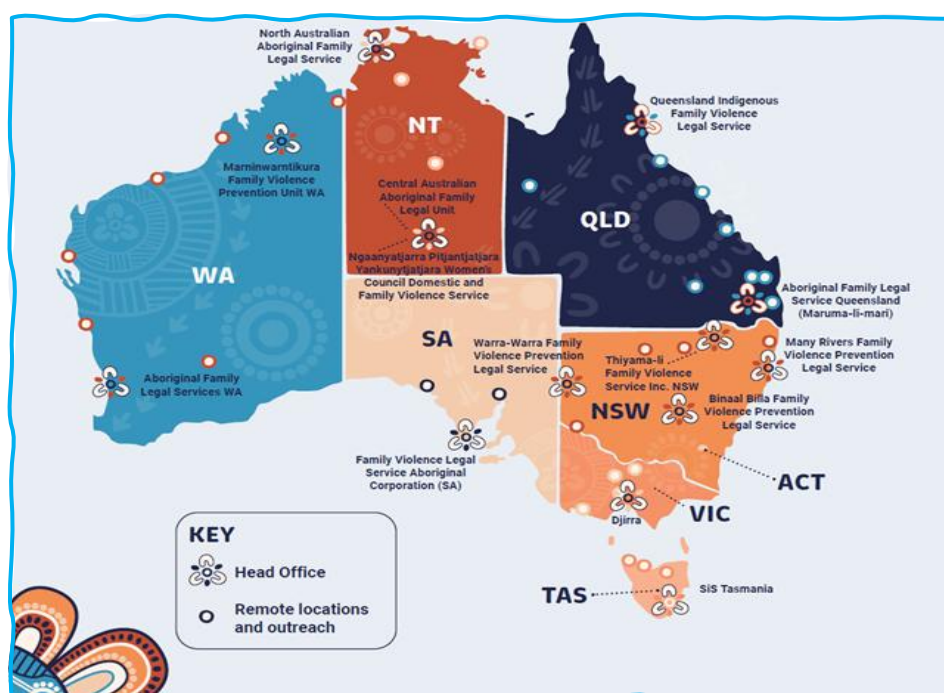
Aboriginal
Family
LEGAL
SERVICES



Warra Warra
Legal Service



- Aboriginal Family Legal Services Western Australia (Perth Head Office, Broome, Derby, Carnarvon, Kununurra, Geraldton, Kalgoorlie and Port Hedland)
- Aboriginal Family Legal Services Queensland (Toowoomba Head Office, Roma, Murgon and Gympie)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs Head Office, Tennant Creek)
- Djirra (statewide service with head office in Melbourne and 8 regional offices in Bairnsdale, Warrnambool, Bendigo, Echuca, Shepparton, Morwell, Melton and Mildura)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta Head Office, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey Head Office, Grafton)
- Marninwarnitkura Family Violence Prevention Legal Service (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns Head Office, Townsville, Mackay, Rockhampton, Mount Isa, Bamaga, Thursday Island and Brisbane)
- Thiyama-li Family Violence Service Inc. NSW (Moree Head Office, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)
- North Australian Aboriginal Family Legal Service (Darwin Head Office, Katherine)
- SIS Tasmania (Hobart Head Office, Tasmania)



References

- ⁱ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf
- ⁱⁱ <https://www.closingthegap.gov.au/national-agreement>
- ⁱⁱⁱ <https://www.dss.gov.au/system/files/resources/national-plan-end-violence-against-women-and-children-2022-2032.pdf>
- ^{iv} <https://www.dss.gov.au/national-plan-end-violence-against-women-and-children/resource/aboriginal-and-torres-strait-islander-action-plan-2023-2025>
- ^v <https://www.ag.gov.au/legal-system/legal-assistance-services/national-access-justice-partnership-2025-30>
- ^{vi} <https://www.dss.gov.au/first-nations-national-plan-end-family-domestic-and-sexual-violence/resource/our-ways-strong-ways-our-voices-national-aboriginal-and-torres-strait-islander-plan-end-family-domestic-and-sexual-violence-2026-2036>
- ^{vii} <https://nit.com.au/19-05-2026/24355/nt-government-making-serious-mistake-with-child-protection-changes-first-nations-social-justice-commissioner>
- ^{viii} <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://fnaafv.org.au/wp-content/uploads/2025/04/FNAAFV1.pdf>
- ^{ix} <https://cij.org.au/research-projects/the-misidentification-of-first-nations-women-as-family-violence-perpetrators/>
- ^x <https://nit.com.au/13-05-2026/24243/nt-government-pushes-ahead-with-indigenous-child-placement-law-changes-despite-expert-warnings>
- ^{xi} <https://www.abc.net.au/news/2026-05-15/nat-commissioner-indigenous-children-nt-child-protection-review/106664866>
- ^{xii} <https://www.ncatsicyp.gov.au/news/commissioners-call-independent-inquiry-systems-designed-protect-territorys-children>
- ^{xiii} [NT Government pushes ahead with Indigenous child pl... | National Indigenous Times](#)
- ^{xiv} <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/>
- ^{xv} <https://humanrights.gov.au/bringing-them-home/the-report/bringing-them-home-report.html>
- ^{xvi} <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/>
- ^{xvii} <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters/>
- ^{xviii} [https://www.wa.gov.au/government/media-statements/Cook%20Labor%20Government/\\$45-million-to-expand-Aboriginal-led-child-protection-programs-20260410](https://www.wa.gov.au/government/media-statements/Cook%20Labor%20Government/$45-million-to-expand-Aboriginal-led-child-protection-programs-20260410)
- ^{xix} <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/aboriginal-and-torres-strait-islander-people>
- ^{xx} <https://psychology.org.au/for-members/publications/inpsych/2021/august-special-issue-3/trauma-informed-care>