From: Sam Cotton
To: Legislative Scrutiny Committee
Subject: Regarding: Submission on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026
Date: Friday, 22 May 2026 1:08:40 PM

To: The Committee Secretary
Legislative Scrutiny Committee
Email: lsc@nt.gov.au
Regarding: Submission on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026
Date: 22 May 2026

1. Sender Information

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- **Confidentiality:** This submission is public

2. Introduction

I welcome the opportunity to provide feedback to the Legislative Scrutiny Committee regarding the proposed amendments. As a Northern Territory community member, my insights are driven by profound personal experience

navigating the child protection system. I have fought two major battles against departmental incompetence: supporting my Indigenous brother-in-law through a five-year struggle to be reunified with his two daughters, and fighting to get my own grandson out of care after he was taken due to departmental mistakes. These experiences show that the system requires more accountability, not more discretionary power.

3. Key Concerns and Areas for Amendment

- **Erosion of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)**
  The proposed "special and exceptional circumstances" clause expands discretionary powers for a department that already proves it cannot use its current powers competently or consistently. In the first year of my brother-in-law's case, he was completely excluded by the Department of Children and Families with absolutely no basis. The department was only held accountable after he contacted an Aboriginal Community Controlled Organisation (ACCO) to intervene on his behalf. It was only through the ACCO's advocacy that the department finally brought him in and formally issued an

apology for their treatment of him.Following that apology, myself and my sister-in-law were asked by the department to become respite carers to support his reunification with the girls. Once we stepped up and met these requirements, we were told by the department and the caseworker that the final step for him to get his daughters back was to secure a bigger house further away from the mother who had the girls removed from her care.Even though he accomplished everything asked by the department, the girls still remained with the carer. For the next three years, his case was shifted through another three caseworkers. Each new worker brought their own changing demands, moving the goalposts continuously. The absolute dysfunction of the department became undeniable with the final caseworker. When I asked this worker what the actual safety concerns were regarding the father, they responded with: *"Does he cook dinner every night or eat leftovers from the fridge?"* It was entirely obvious that the department was ignoring its own policies and that safety was never the real issue.Furthermore, during the final years the

girls were in care, they spent stretches of six weeks at a time living with their father. During these long blocks, the department conducted absolutely no welfare checks. When I questioned the caseworker about why he wasn't checking on the children—especially if the department claimed there were safety risks—his response was that policy only required him to physically sight the girls once every six weeks. This is not child protection; it is systemic incompetence.The breakdown in accountability was further highlighted in the final six months of the girls being in care. I was explicitly promised by the Team Leader that by the time the upcoming six-week school holidays arrived, the girls would be permanently reunified with their father. Based on this commitment, I left Darwin at the start of January. When I returned in mid-February, I discovered that the promised reunification had been completely abandoned and the girls had been returned to the carer yet again. Over the subsequent three months, I repeatedly attempted to establish contact to resolve this. However, the original Team Leader had left the department, the Aboriginal Child Workers at

the Department of Children and Families provided zero response, and the new Team Leader role sat completely empty.The final straw came during the June/July school holidays, coinciding with local NAIDOC celebrations. The children were again staying with their father, and our family had arranged for the girls to participate in a Torres Strait Dance group alongside their cousins. Instead of supporting this vital cultural connection, the foster carer contacted the father and abruptly removed the girls from his care, with the active support of the caseworker, simply to place them into a generic school holiday program.The pure contempt and disrespect shown by both the carer and the caseworker left me completely upset and in utter disbelief. Driven by this final insult on top of years of trauma, I bypassed the local office and called the CEO of the department directly. The CEO was shocked by the details, acknowledged the severity of the situation, and promised an immediate investigation into the case. Thanks entirely to that intervention, the girls were finally, permanently reunified with their father just

six weeks after that phone call.Our family should not have had to escalate a case to the CEO of a government department just to have basic policy followed and children returned to a safe parent. Giving the Department of Children and Families broader legal loopholes to bypass the ATSICPP will lock more children into institutional care and permanently sever vital cultural connections.

- **Departmental Error, Kinship Care, and the Best Interests Hierarchy**
  While child safety is paramount, isolating "safety" from family connection is a flawed approach. My grandson was taken into foster care entirely due to mistakes and administrative incompetence by the Department of Children and Families. Within two weeks of him entering care, both myself and his other Aboriginal grandmother (on his mother's side) were formally interviewed by the department. I explicitly supported the other grandmother taking him as the primary option because I knew she was deeply responsible, caring, and that he would be beautifully looked after. I made it completely clear to the department that if

placement with her wasn’t possible, I would take him immediately.Just 30 minutes after my interview wrapped up, I received a phone call from the department stating they had formally decided to place him with the other grandmother. I supported this wholeheartedly. However, the department's internal communication and processes were so dysfunctional that just two days later at court, their lawyer handed my son's lawyer paperwork completely contradicting this. The document stated they had uncovered historical allegations against the other grandmother, and they were applying to keep my grandson in institutional department care instead.The department completely ignored the fact that I was standing right there, fully assessed, holding a current Working with Children card (Ochre Card), and possessing absolutely zero child protection history. Instead of immediately exercising the family fallback option we had explicitly agreed upon two days prior, the department fought to keep him in institutional care with strangers.For the next three months, I attended every single court appointment. I also attended supervised visitations at the department to see my grandson, who was

only three months old. I requested more frequent visits to bond with him—which the foster carer was completely happy to accommodate—but the department actively refused to allow it. During these three months, every single judge who presided over the case directly questioned why my contact had to be supervised given my completely unblemished history. The department's lawyer could provide no real response to the court.The judge finally intervened and formally placed my grandson into my care. Following this, all parties involved entered a mandatory mediation meeting. At this meeting, the Department of Children and Families ironically demanded that *I*facilitate regular access between my grandson and his other maternal grandmother. Because of this demand, our lawyer requested that the department produce the necessary information regarding the "historical allegations" they had used to deny her custody in the first place.It took the department an entire week to gather the files they had relied on to block her from caring for her grandchild. When they finally reviewed their own paperwork, they came

back, apologized, and admitted they had made a mistake: they had no historical allegations against her at all. The records belonged to an entirely different person.Today, his maternal grandmother has full custody of him. He is thriving, learning his culture, and growing up surrounded by his extended Aboriginal family, while spending school holidays with myself and his Torres Strait family. This is the positive, culturally secure outcome our family always intended, yet an innocent infant spent three critical months of his life in institutional foster care with strangers—and family bonding was actively restricted—entirely because the department could not even check a name correctly on a file.

- **The Reality of Systemic Dysfunction and the Risk of the New Amendments**
  Once again, these multi-generational family battles highlight the ongoing dysfunction of the department and their profound failure to follow current policies and practices. When the system operates with this level of administrative inertia, shifting goalposts, and basic errors, it is the children who pay the price.Alarmingly, since my experiences,

ACCOs and the Aboriginal workers within the department itself have become increasingly powerless and granted even less respect by departmental leadership. Their vital advocacy and expertise are regularly sidelined. If a family cannot rely on internal Aboriginal workers or external ACCOs to successfully hold the department accountable, then cases like ours are undoubtedly happening far more frequently today—but without any of the positive outcomes we fought so hard to achieve.If these new amendments are allowed to pass, expanding the department's discretionary power and eroding the ATSICPP, it will create a dangerous fast-track to permanent removal. Aboriginal children will become completely caught in the system for their entire childhoods, cut off from family networks that are fully willing and capable of keeping them safe. Crucially, this will lead to a systemic breakdown of culture and connection, effectively creating another Stolen Generation. The consequences of this legislative overreach will be devastating, inflicting ongoing intergenerational trauma and lifelong health and well-being issues on our children and community.

4. Recommendations to the Committee

I urge the Legislative Scrutiny Committee to recommend that the Legislative Assembly:

1. **Remove or strictly narrow** the "special and exceptional circumstances" clause to protect the ATSICPP.
2. **Explicitly integrate** connection to kin, culture, and community into the legal definition of a child's "best interests."
3. **Establish an independent oversight body** with the power to review mistakes made by the Department of Children and Families and enforce mandatory statutory timelines for reunification and immediate kinship placements when family fallback options are available.
4. **Legislate mandatory "live" Cultural Care Plans** for every Indigenous child in contact with the system. These plans must be legally required to be updated every six months, incorporating direct, active input from the child, their immediate family, and their extended but relevant kinship networks to prevent cultural erasure.
5. **Establish and appropriately fund a**

dedicated Reunification Team within the Department of Children and Families, staffed with a significantly greater number of Aboriginal workers. Case continuity must be mandated: caseworkers assigned to a reunification case must remain in that position until its conclusion. If a caseworker must leave, a formal handover process must be legally triggered where all involved parties—including the family—meet, review, and formally agree to the exact safety goals established at that time. This is critical to stop new caseworkers from constantly moving the goalposts and adding unfounded demands onto families.

Thank you for considering this submission.

Sincerely,

Samantha Cotton