

**SUBMISSION TO  
LEGISLATIVE ASSEMBLY OF  
THE NT LEGISLATIVE  
SCRUTINY COMMITTEE**

**REVIEW OF THE  
CARE AND PROTECTION OF  
CHILDREN LEGISLATION  
AMENDMENT (EVERY CHILD  
MATTERS) BILL 2026**

May 2026

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## Acknowledgement

SNAICC shows respect by acknowledging the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC pays respects to Elders past and present and we acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted. SNAICC's head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally.

## About SNAICC

SNAICC is the national non-government peak body for Aboriginal and Torres Strait Islander children. Our work is concentrated on the fulfilment of the rights of our children, to ensure their safety, development, and well-being. At the heart of SNAICC's work is championing the principles of community control and self-determination as the means for sustained improvements for children and families – whether in child protection and wellbeing or early childhood education and development. SNAICC has a dynamic membership of Aboriginal and Torres Strait Islander community-based child care agencies, Multi-functional Aboriginal Children's Services, crèches, long day care child care services, pre-schools, early childhood education services, early childhood support organisations, family support services, foster care agencies, family reunification services, family group homes, services for young people at risk, community groups and voluntary associations, government agencies and individual supporters.

As the national peak body for Aboriginal and Torres Strait Islander children, SNAICC consults with its member organisations and Aboriginal and Torres Strait Islander leaders to ensure the experiences, needs and aspirations of our leaders, our sector and ultimately, our children and families are the foundation for our submissions and recommendations. SNAICC's work in the Child and Family Wellbeing sector is critical in transforming Australia's systems to better foster strong, healthy, thriving Aboriginal and Torres Strait Islander children who are connected to family and culture and part of self-determining communities. We also endorse the importance of family, community, culture and country in child and family welfare policy, legislation and practice. Our work comprises policy, advocacy, and sector development. We work with non-Indigenous services alongside Federal, State and Territory Governments to improve how agencies design and deliver supports and services for Aboriginal and Torres Strait Islander children and families.

## Acknowledgement of Kumanjayi Little Baby

We acknowledge the devastating loss of Kumanjayi Little Baby and extend our deepest respects to her family, community and all those grieving. We recognise the profound pain and concern this tragedy has generated across the Northern Territory and beyond. At the same time, we urge caution against allowing moments of grief and public shock to drive legislative responses that are reactive rather than evidence based. Tragedy should not be politicised or used to justify amendments that undermine the rights, wellbeing and cultural safety of Aboriginal and Torres Strait Islander children and families.

## Executive Summary

SNAICC strongly opposes the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

While SNAICC supports comprehensive reform of the Northern Territory child protection system, the proposed amendments, together with the review process announced on 13 May 2026, do not provide an appropriate or effective pathway to achieve meaningful reform or improve outcomes for Aboriginal<sup>1</sup> children and families.

SNAICC acknowledges the consistent and strong opposition to this Bill across the NT and further endorses the concerns outlined in the submissions by the Office of Children's Commissioner, Aboriginal Medical Services Alliance Northern Territory, North Australian Aboriginal Justice Agency, and Northern Territory Legal Assistance Forum in their submissions. We support and share their collective concern that the Bill is a significant regression in the protection of the rights of Aboriginal children and families that will not make Aboriginal children safer.

Reform of this scale must occur through an Aboriginal-informed and Aboriginal-led process undertaken in genuine partnership with Aboriginal communities, Aboriginal Community Controlled Organisations (ACCOs), and affected Aboriginal children and families in the Northern Territory.

The Bill weakens key cultural safeguards of Aboriginal children while expanding statutory intervention, compliance-based mechanisms and discretionary decision-making powers within a system already producing profoundly unequal outcomes for Aboriginal children and families.

SNAICC's core concerns are that the Bill:

- weakens and removes key safeguards and protections for children provided by the Aboriginal Child Placement Principle

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<sup>1</sup> SNAICC notes that in the Northern Territory, the term 'Aboriginal' is generally used in preference to 'Aboriginal and Torres Strait Islander'.

- introduces an arbitrary reunification timeframe which will accelerate the permanent removal of Aboriginal children from their families
- expands pathways linking policing, court intervention and child protection escalation;
- increases reliance on coercive and compliance-based intervention mechanisms;
- introduces a 'proactive efforts' framework for preventing removal and prioritising early reunification of children with family that, while positive, falls short of a robust statutory standard and will be ineffective without investment in services to support families; and
- does not establish delegated authority, Aboriginal community-controlled decision-making or accountability mechanisms consistent with Closing the Gap Priority Reforms.

### **Removal of Child Placement Principle Safeguards**

The proposed amendments would significantly alter the operation of the Aboriginal and Torres Strait Islander Child Placement Principle (the Child Placement Principle) and the broader rights framework underpinning child protection decision-making, particularly through clauses amending sections 7, 10, 12B and 12C of the Act. The amendments to section 10 substantially reshape the statutory understanding of a child's best interests by introducing a hierarchy of considerations prioritising safety, protection from harm, permanency and stability. This represents a significant departure from an established rights-protective framework by separating relational, cultural and participatory considerations from core understandings of child safety and wellbeing.

The Bill also weakens the enforceability of the Child Placement Principle by providing that principles operate only "as far as practicable" and do not create enforceable legal rights, introducing a high degree of discretion for decision-makers, reducing accountability and limiting legal recourse for children and families where critical safeguards are not applied. Further, the proposed amendments reduce the practical effect of the Aboriginal child placement framework by removing any requirement to prioritise placement with Aboriginal family, kin or community and by making Aboriginal child placement principles subordinate to broader best interests, permanency and discretionary placement frameworks.

These changes risk repeating historical approaches that separated Aboriginal children from family, culture and community in the name of protection, despite extensive evidence demonstrating that stable, nurturing relationships and cultural connection are central components of safety, wellbeing and long-term positive outcomes for Aboriginal children.

The Child Placement Principle is, itself a child safety framework. It does not prioritise culture or connection at the expense of safety. Rather, it reflects the well-established principle that Aboriginal children's long-term safety and wellbeing are strengthened through connection to family, kinship systems, culture, community and Country. Extensive evidence demonstrates that separating Aboriginal children from family, culture, community and Country has adverse impacts on their safety and wellbeing. Loss of cultural identity and family connection is associated with poor outcomes across health, education, justice involvement and lifelong wellbeing, including increased rates of youth suicide (SNAICC 2025). The Child Placement Principle is not limited to a placement hierarchy. It encompasses actions that span prevention, partnership, participation, placement and connection, and works to guard against both immediate and long-term harm to children.

SNAICC's firm view is that the Child Placement Principle is in the best interests of Aboriginal children.

The principles reflected in sections 7, 12B and 12C of the existing Act are the result of decades of Aboriginal and Torres Strait Islander leadership and advocacy in response to the harms of the Stolen Generations and subsequent inquiries into child removal and child protection systems. The Child Placement Principle is grounded in recommendations of the *Bringing Them Home* Report, the *Royal Commission into Institutional Responses to Child Sexual Abuse* and commitments made by governments under *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031*. Full implementation of the Child Placement Principle was identified by the Royal Commission as critical to protecting Aboriginal children from harm and supporting their long-term wellbeing.

### **Arbitrary reunification timeframe and focus on permanency**

The increased emphasis on permanency under section 8(2)(d), together with limitations on repeated short-term parental responsibility directions under sections 123 and 128, will reduce opportunities for reunification and kinship care for Aboriginal children. While timely decision-making is important, the framework prioritises expedited permanency outcomes over intensive family preservation and culturally safe reunification efforts.

Experience in other jurisdictions demonstrates the risks associated with permanency-focused child protection frameworks. A similar two-year time frame and tightened permanency settings introduced in Victoria resulted in significantly increased numbers of Aboriginal children being permanently removed from their families (Yoorrook Justice Commission 2023). Victoria has walked back these changes, through reforms that was enacted on the same week that this Bill was introduced to the NT Parliament.

For Aboriginal children, stability includes maintaining connection to family, culture and Country. Jurisdictions' emphasis on stability in permanency reforms relies on Western concepts of attachment that are not appropriate for Aboriginal children and families.

### **Increased surveillance and coercive intervention through family responsibility orders**

The new requirements outlined in the Bill lower the threshold for child protection investigation. This includes new powers to initiate an investigation where a 'family responsibility agreement' is put in place, which must be done when vaguely defined 'events of concern' occur such as an 'event that adversely impacts a child's wellbeing'. This would extend investigatory powers beyond well-established and evidence-based thresholds of concern regarding child abuse and neglect, increasing surveillance, and driving increased intervention in family and community life.

Family responsibility agreements proposed in the Bill would place obligations on families to engage with supports that are not widely available and accessible across the Northern Territory. In practice, Aboriginal families may face heightened scrutiny or child protection escalation where safe housing, parenting programs, culturally safe Alcohol and other Drugs (AOD) counselling, disability services and

therapeutic supports are unavailable, geographically inaccessible or subject to prolonged waiting times. The impact would be punishment of families experiencing service exclusion and poverty rather than reinforcement of the obligations of government to address the extensive deficiencies of the NT family and community service system.

The Explanatory Statement repeatedly emphasises escalation pathways, parental accountability and executive intervention powers while failing to establish corresponding family support, Aboriginal community-controlled governance and shared decision-making mechanisms. Sustainable reform requires a fundamental refocusing of the child protection system toward prevention, early intervention and family preservation delivered through the Aboriginal community-controlled sector.

### **Failure to respond to and address the broader failings of the NT child protection system**

The Bill must also be considered in the context of the Northern Territory's existing child protection outcomes, where Aboriginal children are over 13 times more likely to be in out-of-home care (OOHC) than non-Indigenous children and kinship placement rates remain the lowest nationally<sup>2</sup>. Only 16.7% of Aboriginal children in OOHC in the Northern Territory are placed with Aboriginal relatives or kin, while 74.3% are placed with non-Indigenous non-relative carers (SNAICC 2025). These outcomes demonstrate longstanding failures to implement the Child Placement Principle in practice, rather than failures of the Child Placement Principle itself.

Failures to support families, prevent harm and removals and prioritise reunification supports are endemic to child protection systems across the country, and particularly evident in the NT. In 2022-23 only 5.2% of Aboriginal children were reunified from OOHC in the NT, representing a continuing decrease from rates of 6.6% in 2021-22, and 7.7% in 2020-21 (AIHW 2024b, Table 10.15). In the Northern Territory, investment in supporting families, Aboriginal family-led decision making and kinship care services is extremely low compared to investment in intervention, removal and out-of-home care, including high expenditure on purchased home-based care services. Alongside this lack of investment in supporting families, there is low investment in Aboriginal community-controlled organisations that are best placed to understand and respond effectively to child and family needs (SNAICC 2025). All available evidence and data points to the need for system reform to strengthen families and prevent harm, rather than legislative changes that aim to increase intervention and will do nothing to address the circumstances that lead to safety concerns for children.

### **Conclusion**

The Explanatory Statement does not provide significant clarity on the justifications underpinning the amendments or the reasons for progressing them urgently without thorough consultation. The Minister's tabling statement appears to mischaracterise the operation of the Child Placement Principle by suggesting that the amendments are required to foreground safety and ensure children's participation. Safety and participation are already integral components of the Principle and its five interconnected elements: prevention, partnership, participation, placement and connection. In this context, progressing

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<sup>2</sup> SNAICC calculation of rate ratios, with data drawn from SCRGSP 2026, 16A.1

significant legislative reform without transparency, meaningful consultation and careful consideration of consequences creates substantial risks for Aboriginal children and families and undermines confidence that the reforms will improve child safety and wellbeing outcomes.

While the Bill adopts universal language and framing, Aboriginal children are overwhelmingly and disproportionately impacted by the Northern Territory child protection system. Laws and policies that appear neutral will likely produce deeply unequal impacts in practice because they do not address the specific needs of Aboriginal children.

SNAICC strongly recommends that the proposed amendments not proceed and that legislative reform be paused pending establishment of an independent Aboriginal-informed and Aboriginal-led inquiry into the Northern Territory child protection system, undertaken in genuine partnership with Aboriginal communities, ACCOs and Aboriginal children and families. The inquiry must recognise and incorporate the critical statutory oversight role of the Northern Territory Children's Commissioner.

## Recommendations

SNAICC recommends that the Legislative Scrutiny Committee recommend the following actions in relation to the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*:

### **Recommendation 1**

The proposed amendments to the *Care and Protection of Children Act 2007* do not proceed.

### **Recommendation 2**

An independent Aboriginal-informed and Aboriginal-led Board of Inquiry into the Northern Territory child protection system is established. The inquiry must include genuine consultation with Aboriginal communities, ACCOs and children and families, and must include the critical oversight role of the NT Children's Commissioner.

### **Recommendation 3**

Increase long-term investment in Aboriginal-led prevention, early intervention, reunification and family support services across the Northern Territory.

## Key Areas of Concern

The following table summarises SNAICC’s principal concerns regarding the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* and identifies the provisions giving rise to concern.

These issues must be considered within the broader context of the Northern Territory child protection system, including the profound overrepresentation of Aboriginal children in OOHC, longstanding failures to properly implement the Child Placement Principle, and the need for reform grounded in prevention, cultural safety, Aboriginal self-determination, community control and meaningful investment in family supports.

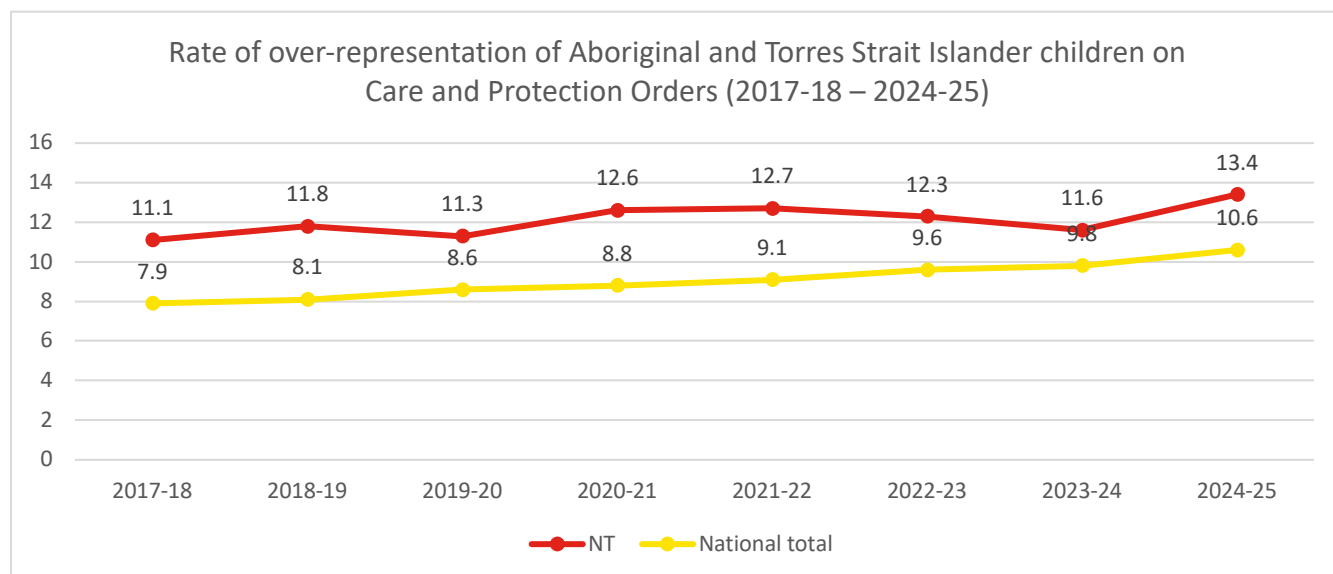
Issue	SNAICC Concern
Aboriginal placement hierarchy (Clauses amending ss 12B and 12C)	The Bill restructures the Aboriginal placement framework, reducing requirements for placement with Aboriginal family and community members and making Aboriginal child placement principles subject to broader best interests, permanency and discretionary placement considerations. This displaces the focus on the importance of cultural connection to children’s safety and wellbeing and will put children at risk of harm.
Disproportionate child protection outcomes (SNAICC 2025)	Aboriginal children in the Northern Territory are more than 13 times more likely to be in OOHC than non-Indigenous children, with declining kinship placement and reunification outcomes occurring within broader structural conditions including poverty, housing insecurity and systemic over-surveillance of Aboriginal families. The Bill will exacerbate rather than address these inequities by reinforcing poor implementation of the Child Placement Principle and focusing on intervention rather than addressing the conditions that lead to harm to children.
Child Placement Principle (Clauses amending ss 7 and 12C)	Clauses amending sections 7 and 12C weaken the enforceability of the Child Placement Principle by providing that principles do not create enforceable legal rights. This alters the legal operation of the Child Placement Principle from a statutory safeguard constraining decision-making to a discretionary interpretive framework, broadening decision-maker discretion and reducing accountability in decisions affecting Aboriginal children
Permanency and best interests framework (Clauses amending ss 8, 12B, 12C, 123 and 128)	Increased emphasis on permanency and stability may permit cultural continuity and family preservation to be treated as secondary considerations within best interests assessments and decision-making processes. Experience in other jurisdictions, including concerns identified through the Yoorrook Justice Commission (2023) in Victoria, demonstrates the significant risks permanency-focused approaches may pose for Aboriginal children, families and cultural connection where cultural safeguards are weakened or inadequately implemented.

<b>Issue</b>	<b>SNAICC Concern</b>
“Active efforts” safeguards (Clause inserting s 12D)	The requirements for proactive efforts to prevent removal and prioritise early reunification of children with family are positive but fall short of a robust statutory standard that requires thorough, timely and purposeful efforts. These requirements will also be ineffective without investment in services to support families that are currently not available or accessible across the NT.
Expansion of coercive intervention pathways (Clauses amending ss 35, 65D, 65E, 102A–102S and 121)	<p>Section 65D effectively lowers the child protection intervention threshold well below evidence-based and established standards internationally and across Australia. Collectively these provisions increase the interconnection between policing, court intervention, family responsibility orders, compliance mechanisms and child protection escalation and substantially expand coercive intervention pathways into the lives of Aboriginal families already disproportionately affected by structural disadvantage, racial discrimination and over-surveillance.</p> <p>These provisions will escalate family involvement with statutory systems rather than addressing underlying social and structural conditions affecting family wellbeing.</p>
Family responsibility orders (Clauses inserting ss 102A–102S)	Family responsibility agreements and orders provide for investigations and monitoring of families to commence with vague thresholds relating to impacts on child wellbeing. They may compel participation in behavioural programs, alcohol restrictions, income management and housing-related interventions. These measures risk shifting child protection responses toward compliance-based and punitive intervention, disproportionately affecting Aboriginal families experiencing poverty, housing insecurity, overcrowding, disability and limited access to culturally safe supports. Families may face escalating statutory intervention where required services are unavailable, severely undersupplied or subject to lengthy waiting periods across the Northern Territory.
Child protection and policing intersections (Clauses amending ss 65E and 102C)	Expanded pathways between policing and child protection risk reinforcing the over-criminalisation and over-surveillance of Aboriginal children and families, leading to unnecessary punitive interventions that cause harm rather than increasing safety for children or communities.
Aboriginal self-determination and accountability	The Bill does not establish delegated authority arrangements, mandated ACCO partnership frameworks or meaningful accountability mechanisms consistent with Closing the Gap Priority Reforms.
Structural reform and investment	The Bill expands statutory intervention powers without corresponding structural reform or sustained investment in the

Issue	SNAICC Concern
	practical supports families require to safely care for children, including ACCO-led prevention, housing, parenting supports, culturally safe AOD services, disability supports and intensive family assistance.
Consultation and implementation	Consultation with Aboriginal communities, ACCOs, affected children and families, and other relevant stakeholders require meaningful involvement in reform processes affecting Aboriginal children and families. This has not occurred in the development of the Bill.

## Child Removal and Over-Representation in Out-of-Home Care

Aboriginal and Torres Strait Islander children in the Northern Territory continue to experience some of the most severe child protection outcomes in Australia. In the NT in 2024-25, Aboriginal and Torres Strait Islander children made up 88.8% of the population in OOHC, despite representing just 39.6% of the total child population (SCRGSP 2026, 16A.1) and are more than 13 times more likely to be in OOHC<sup>3</sup> than non-Indigenous children, while kinship placement and reunification outcomes continue to decline.



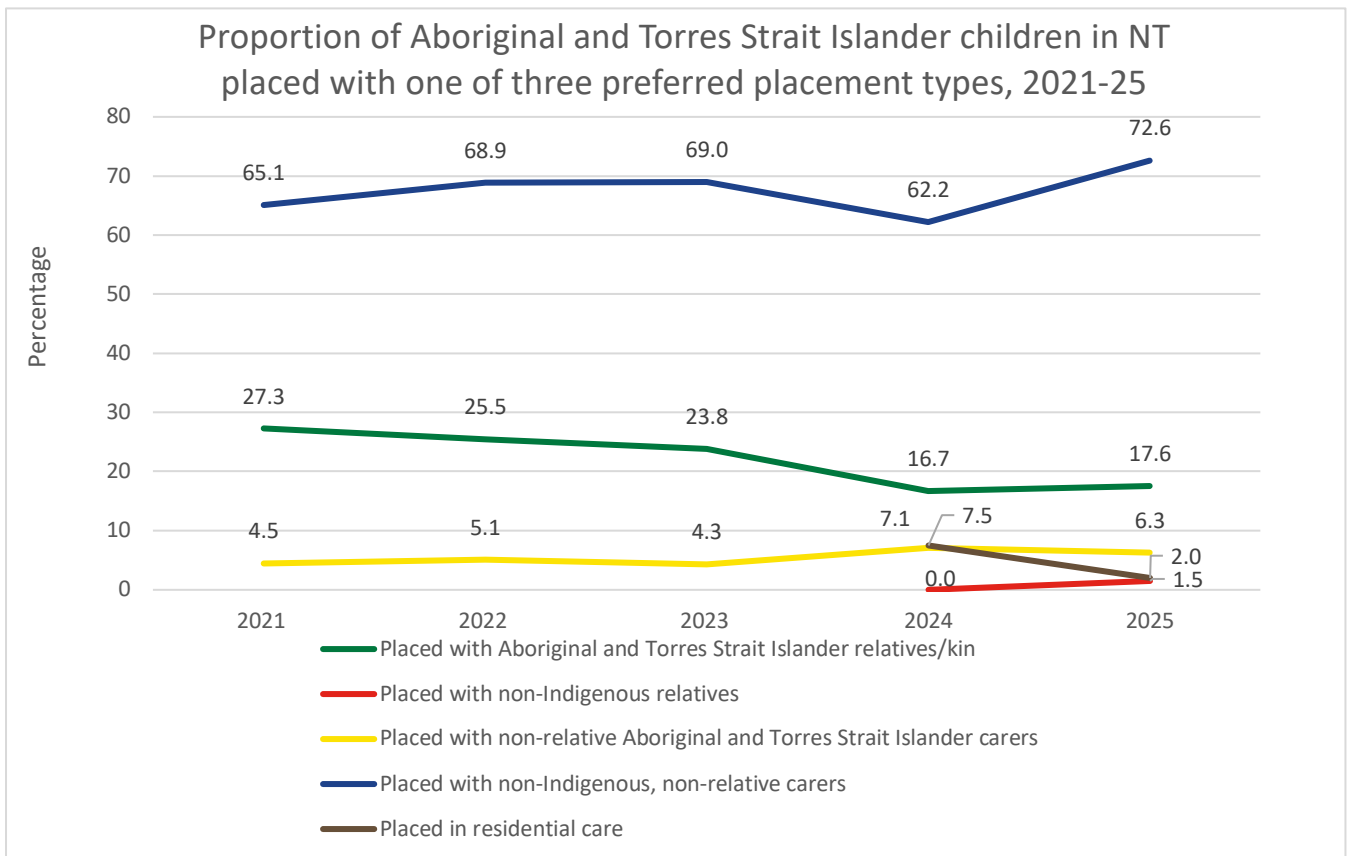
Source: SNAICC calculation of rate ratios, with data drawn from SCRGSP 2026, 16A.1

Of particular concern are declining rates of kinship care and reunification. As of 30 June 2025, only 17.6% of Aboriginal children in the NT were placed with Aboriginal relatives/ kin. This is the lowest

<sup>3</sup> SNAICC calculation of rate ratios, with data drawn from SCRGSP 2026, 16A.1

rate in Australia (SCRGSP 2026, Table 16A.25) and substantially declined from 23.7% in 2021. The number of children reunified in the NT in 2023-24 was not available but, in the latest available information from 2022–23, 5.2% of Aboriginal children were reunified from OOHC in the NT, representing a continuing decrease from rates of 6.6% in 2021–22, and 7.7% in 2020–21 (AIHW 2024b, Table 10.15). By comparison, 7.2% of non-Indigenous children were reunified from OOHC in 2022–23 (AIHW 2024b, Table 10.15).

Of particular concern is the increasing use of non-kin placements where children are placed in private purchased home-based care (PHBC). As of 30 June 2024, PHBC accounted for 45% of all OOHC placements in the Northern Territory. In 2023–24, PHBC received \$34.9 million in Northern Territory Government funding, compared with just \$4.1 million allocated to kinship services. None of the PHBC carers were Aboriginal (SNAICC 2025).



Source: SCRGSP 2026, Table 16A.25.

At every stage of the OOHC Aboriginal children in NT are overrepresented, and once in care they are 23.5 times more likely to spend over five years in OOHC than their non-Indigenous peers (SNAICC 2025b; SNAICC 2025), indicative of the systemic failure to prioritise reunification. Where children were successfully reunified with Aboriginal relatives or kin through placement change, the substantial majority remained stable at home for at least 12 months (AIHW, 2025b, Table 10.19). These findings reinforce evidence that culturally connected kinship placements can support both stability and long-term wellbeing outcomes for Aboriginal children. They also suggest the central challenge within existing child protection

systems is not the existence of the Child Placement Principle itself, but persistent failures to adequately implement and enforce its requirements in practice.

## **The Aboriginal and Torres Strait Islander Child Placement Principle**

The Child Placement Principle was developed in response to the disproportionate removal of Aboriginal children from their families and communities and the long-term harms caused by these practices, including the Stolen Generations. The Child Placement Principle reflects the rights of Aboriginal children to remain connected to family, kinship systems, culture, language and Country, and the rights of Aboriginal communities to participate in decisions affecting their children.

The Child Placement Principle is not limited to a placement hierarchy. It encompasses five interconnected elements: prevention, partnership, participation, placement and connection. These elements are intended to:

- prevent unnecessary child removal by addressing family challenges earlier and more holistically;
- ensure Aboriginal families and communities participate in decision-making;
- prioritise placement with kin and community;
- maintain cultural connection; and
- support Aboriginal self-determination in child and family welfare systems.

The Child Placement Principle is embedded within *Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported) and aligns with the National Agreement on Closing the Gap Priority Reforms concerning shared decision-making and strengthening the community-controlled sector. The Northern Territory Government has committed through Safe and Supported and its associated action plans to implement all five elements of the Child Placement Principle to the standard of active efforts and to do so through partnership and shared decision-making with Aboriginal and Torres Strait Islander representatives. The Bill must therefore be considered in light of the Northern Territory's own commitments to Aboriginal leadership, partnership and shared decision-making in child and family wellbeing reform.

## **Analysis of the Bill to amend the Care and Protection of Children Act 2007**

SNAICC submits that the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* weakens enforceable protections for Aboriginal children while expanding statutory intervention and compliance-based mechanisms within the Northern Territory child protection system. While the Bill is framed as strengthening child wellbeing, safety and permanency, in reality it increases state intervention without corresponding strengthening of cultural safeguards, family supports, self-determination or Aboriginal community-controlled responses.

### **Weakening of the Child Placement Principle**

A central concern is the weakening of the Child Placement Principle through sections 7 and 12C of the Bill. Section 7(1)-(4) provides that the principles contained within Part 1.3 of the Act apply only “as far as practicable” and do not create or confer on any person any right or entitlement capable of

enforcement at law. The Explanatory Statement confirms that these amendments are intended to ensure the principles operate only as guidance for decision-makers exercising powers under the Act. This alters the legal operation of the Child Placement Principle from an enforceable statutory safeguard to a discretionary interpretive principle, broadening decision-maker discretion and reducing accountability in decisions affecting Aboriginal children.

The Bill also restructures the operation of the Aboriginal placement framework through sections 12B and 12C. While safety, wellbeing and best interests remain overarching considerations within the Act, the Bill relocates the primary placement framework into section 12B and expressly provides that the Aboriginal child principles in section 12C are subject to that framework. Section 12B introduces a general placement and permanency hierarchy centred on parental placement, family placement, CEO-approved placements, stability and long-term permanence. By contrast, section 12C focuses principally on participation, cultural connection and proximity to family and community. These amendments effectively remove requirements to prioritise placement with Aboriginal family and community and increase the likelihood of children being separated from cultural connections that are critical to their safety and wellbeing.

In practice, this limits the ability of affected children, families and communities to challenge decisions inconsistent with cultural connection and placement protections. Statutory safeguards are most effective where they operate as mandatory considerations constraining discretionary power and supporting accountability and reviewability. They act to ensure that rights are protected in systems exercising significant coercive powers over Aboriginal children and families.

Reducing the enforceability of the Child Placement Principle risks repeating patterns identified in the *Bringing Them Home* Report and subsequent inquiries, where Aboriginal children were separated from family and culture through systems prioritising state intervention over the best interests of Aboriginal children and families. These numerous reviews and inquiries have identified persistent failures to properly implement and enforce the Child Placement Principle in practice. Weakening enforceability risks further reducing accountability within a child protection system already producing profoundly unequal outcomes for Aboriginal children and families.

### **Best Interests, Permanency and Cultural Continuity**

Sections 8, 12B and 12C increase emphasis on “best interests”, permanency and long-term stability considerations while permitting cultural protections to be displaced where alternative arrangements are considered safer, more stable or more permanent. The Explanatory Statement confirms that the Bill introduces a hierarchy of considerations prioritising safety, protection from harm, permanency and stability, and that the Child Placement Principle in section 12C is expressly subject to these broader principles.

Section 8 positions matter such as children’s rights to enjoy culture, their views, and their needs for stable and nurturing relationships as lower-level or supporting considerations, rather than recognising these matters as integral to safety. Introducing this hierarchy of considerations undermines the best interests principle, a central pillar of children’s rights protections internationally and across Australia.

The best interests principle is about prioritising children’s holistic needs across safety, development and wellbeing, not siloing and prioritising them in a rigid way as proposed by the Bill.

South Australia previously introduced safety as a separate paramount consideration in child protection legislation above other best interests considerations. A systemic inquiry in South Australia found that this impacted decision-making that failed to take proper account of the safety and wellbeing needs of Aboriginal children and contributed to unnecessary removals (Lawrie 2024). As a result, legislation has been passed in South Australia in 2025 retaining safety as a guiding principle but removing the hierarchy of principles, bringing the principle of the best interests of the child onto equal footing and allowing for stronger consideration of the holistic factors that impact safety and wellbeing for children. Proposed reforms in the NT risk repeating mistakes that have already been learnt from in other jurisdictions.

The Child Placement Principle is itself a child safety framework grounded in the recognition that Aboriginal children’s long-term safety and wellbeing are strengthened through connection to family, kinship systems, culture and community. Stable and safe long-term care arrangements are important considerations for Aboriginal children. However, there is a significant risk that the Bill permits cultural continuity to be treated as subordinate to permanency and stability considerations within best interests assessments. Historically, “best interests” frameworks have often been interpreted through non-Indigenous institutional standards, contributing to disproportionate removals and cultural disconnection.

The assumption that removal and long-term care arrangements necessarily produce greater safety also requires careful scrutiny. AIHW data indicates that during 2023-24 approximately 1,500 children already living in OOHC were the subject of substantiated abuse notifications relating to those care placements (AIHW 2026c). Aboriginal children were over-represented in these substantiations relative to their representation in care, demonstrating that OOHC is not inherently safe and reinforcing the importance of robust cultural safeguards, prevention, family preservation and culturally safe placement decision-making.

The increased emphasis on permanency under section 8(2)(d), together with limitations on repeated short-term parental responsibility directions under sections 123 and 128, will reduce opportunities for reunification and kinship care for Aboriginal children. The Explanatory Statement states that these amendments are intended to promote “timely decision making and decisive action towards either reunification with family or alternative long-term care”. While timely decision-making is important, the framework prioritises expedited permanency outcomes over intensive family preservation and culturally safe reunification efforts.

Experience in other jurisdictions also demonstrates the risks associated with permanency-focused child protection frameworks where cultural safeguards are weakened or inadequately implemented. Evidence before the Yoorrook Justice Commission in Victoria identified significant concerns regarding the impacts of permanent care arrangements, cultural disconnection and failures to adequately uphold Aboriginal children’s rights to family, community and culture within child protection decision-making. Tightened permanency settings were introduced into Victoria’s *Children Youth and Families Act 2005* in 2016 and resulted in increased numbers of Aboriginal children being removed from their families.

Victoria subsequently brought forward legislative amendments in 2025 to:

- remove the 12-month and 24-month time limits for children to reunify with their parents under family reunification orders
- remove adoption from the hierarchy of permanency objectives, and
- replace ‘permanency’ with ‘stability’ as a key element in determining the best interests of the child.

For Aboriginal children, stability includes maintaining connection to family, culture and Country. Jurisdictions’ emphasis on stability in permanency reforms relies on Western concepts of attachment that are not appropriate for Aboriginal children and families. SNAICC asserts that stability for our children does not rely exclusively on developing particular bonds with a single set of parents or carers, or on living in one house. There are differences in family life across Nations, groups and families, but many long-practiced Aboriginal and Torres Strait Islander models of child rearing hold that “...*children are part of a system of care...described as intermittent flowing care (Wharf 1989), (with) different kinship relationships with various members of extended families and often move between...or indeed outside it*”. Stability for Aboriginal children comes from being grown up and cared for within extended family and kin networks that form “the foundations of their identity, culture and spirituality” (SNAICC 2016).

The Royal Commission into Institutional Responses to Child Sexual Abuse and the Family Matters reports have both identified the importance of cultural connection, family participation and Aboriginal community involvement in achieving positive long-term outcomes for Aboriginal children in care.

### **Failure to Establish Strong “Active Efforts” Safeguards**

Section 12D introduces a statutory “proactive efforts” framework relating to prevention of removal and reunification. SNAICC acknowledges this as a positive step toward recognising prevention and reunification obligations within the Act. However, the Bill does not establish a sufficiently strong or enforceable standard before removal and throughout reunification processes.

The Explanatory Statement states that the purpose of the proactive efforts framework is to promote “timely actions”, permanency and stability for children and requires the CEO to undertake “reasonable proactive efforts” toward reunification. SNAICC submits that the wording “reasonable proactive efforts” establishes a lower procedural threshold than stronger approaches identified in reform processes in other jurisdictions. In Victoria, reforms following the *Yoorrook Justice Commission* and earlier Aboriginal child welfare reforms have emphasised self-determination, family preservation and Aboriginal authority in decision-making, while reform processes in New South Wales, including *Family is Culture*, have highlighted the importance of stronger prevention, family-led decision-making and implementation of the Child Placement Principle (Yoorrook for Justice 2023; Davis, M., 2019). By contrast, the proposed “reasonable proactive efforts” framework does not clearly require demonstrable, culturally safe and intensive efforts before removal or throughout reunification processes.

Aboriginal legal and community-controlled sectors have consistently advocated for demonstrable active efforts requiring affirmative, culturally safe and intensive supports before removal and throughout

reunification processes, including safe housing, parenting supports, disability services, family violence responses, culturally safe alcohol and other drug treatment, therapeutic supports and intensive family assistance. Active efforts obligations cannot operate effectively where families face prolonged barriers accessing the supports required to prevent child removal, support reunification or comply with expectations embedded within a family responsibility framework.

There are significant operational challenges facing the Northern Territory child protection system, including workforce pressures, shortages of kinship carers and limited availability of culturally safe services in some remote communities. However, these systemic constraints do not justify weaker safeguards or diminished investment in prevention, family preservation and Aboriginal community-controlled services. It is the responsibility of government to address these structural and service delivery challenges. The inadequacy or unavailability of supports must not become a rationale for reducing protections or increasing separation of Aboriginal children from family, kin and community.

The proposed “reasonable proactive efforts” framework risks creating a threshold capable of being satisfied without meaningful investment in culturally safe prevention, family preservation and reunification supports. While the Bill introduces procedural requirements and timeframes, these do not necessarily ensure the availability of adequate supports capable of addressing the underlying drivers of child protection involvement or supporting families to safely care for children.

Strong active efforts provisions are critical to ensuring removal is genuinely a measure of last resort and align with CRC Articles 9 and 18 concerning preservation of family relationships and state support for families caring for children. A stronger statutory framework requiring demonstrable, culturally safe, timely, thorough and purposeful active efforts would better support accountability, family preservation and safe reunification outcomes for Aboriginal children and families.

## **Expansion of Coercive Intervention Pathways**

SNAICC is deeply concerned by the expansion of statutory intervention pathways through sections 35, 65D, 65E, 102A-102S and 121 of the Bill.

The Explanatory Statement repeatedly describes these reforms as creating a “stepped escalation pathway” designed to increase “parental accountability”, support compliance and enable escalation toward child protection intervention where parents “refuse to engage” with services or agreements. Collectively, these provisions increase the interconnection between policing, court intervention, family responsibility orders, compliance mechanisms and child protection escalation.

Section 35 broadens the circumstances in which the CEO may initiate child protection investigations, including where directed through family responsibility order processes. Section 121 permits the Court to direct the CEO to apply for a protection order regardless of whether the CEO independently holds the requisite belief that the child needs protection. Section 65D directs that the CEO must invite a parent to enter a family responsibility agreement in particular circumstances where an ‘event of concern’ has occurred or is at risk of occurring. That section defines an event of concern vaguely to include events that adversely affect the child’s wellbeing or a child not attending school. Section 65D effectively lowers

the child protection intervention threshold well below evidence-based and established standards internationally and across Australia. Sections 102A-102S establish family responsibility agreements and family responsibility orders linked to behavioural compliance, counselling, alcohol restrictions, housing interventions and income management.

The Explanatory Statement further confirms that family responsibility orders may involve directions relating to enhanced income management, banned drinker orders, housing interventions and declared restricted premises under the *Liquor Act 2019*. Although these measures are described as supporting “the wellbeing of children and their families”, they substantially expand coercive intervention pathways into the lives of Aboriginal families already disproportionately affected by structural disadvantage, racial discrimination and over-surveillance.

In practice, these provisions will escalate family involvement with statutory systems rather than addressing underlying social and structural conditions affecting family wellbeing. The Bill therefore risks moving further toward compliance-based and punitive intervention approaches rather than culturally safe prevention, early support and family-led decision-making.

These concerns are particularly significant in the Northern Territory context, where families face prolonged barriers accessing the practical supports required to safely care for children or comply with expectations embedded within family responsibility and child protection processes. Northern Territory Government data indicates estimated social housing wait times of up to 8-10 years or more in Darwin, Alice Springs and Katherine, with thousands of households remaining on Territory housing waitlists (NT Government 2026). While these figures are not Aboriginal-specific, they must be understood alongside the disproportionate housing pressures experienced by Aboriginal families. In 2022, the Australian National Audit Office reported that approximately 27,600 Indigenous people in the Northern Territory were living in overcrowded housing and that 54% of homes in remote Aboriginal communities were overcrowded (Australian National Audit Office 2022).

Barriers extend beyond housing. Northern Territory Government reporting for 2022/2023 on neurodevelopmental assessment pathways, including Foetal Alcohol Spectrum Disorder (FASD) diagnostic services, identified average waiting periods of around 12 months in the Top End, 3-9 months for paediatric referrals in Central Australia and 12-18 month wait times for diagnostic services delivered by Central Australian Aboriginal Congress in partnership with Alice Springs Hospital Paediatrics (NT Parliament 2024). These figures illustrate broader system constraints affecting timely access to disability-related, developmental and therapeutic supports for children and families.

Comparable pressures affect access to stable housing, parenting supports, culturally safe alcohol and other drug treatment, disability services, early intervention and intensive family assistance. Without corresponding investment in these supports, families may be expected to meet child protection requirements in circumstances where necessary services remain inaccessible, delayed or insufficiently available.

## **Child Protection, Policing and Criminalisation**

Sections 65E and 102C(d) create stronger pathways between police contact, family responsibility processes and child protection intervention.

The Explanatory Statement confirms that police referrals may occur where a child has been found not criminally responsible for an offence or where a child continues to experience police contact or engage in anti-social behaviour. The Bill will therefore create a more formalised pathway between policing, youth behaviour responses and child protection escalation.

Aboriginal legal organisations, child wellbeing advocates and independent inquiries have consistently raised concerns regarding the over-criminalisation of Aboriginal children and families and the intersection between child protection and youth justice systems (*Royal Commission into the Protection and Detention of Children in the Northern Territory 2017*). Evidence demonstrates strong links between involvement in out-of-home care and later justice system contact, with children involved in child protection significantly more likely to experience youth justice supervision and detention (AIHW 2024). Aboriginal children are disproportionately represented across both child protection and youth justice systems, reflecting the well-documented “care-to-criminalisation pipeline” or “crossover children” phenomenon (SNAICC 2023).

These concerns are particularly relevant in the Northern Territory context, where an audit of the child justice system found that every single child in detention under the age of 14 years had had contact with child protection, and 77% had unmet mental health, cognitive disability and poor health needs (Office of the Children’s Commissioner Northern Territory 2024). Expanding pathways between policing and child protection will be counterproductive, increasing surveillance, statutory escalation and criminalisation without corresponding investment in prevention, family support and culturally safe community responses (*Royal Commission into the Protection and Detention of Children in the Northern Territory 2017*). Reinforcing existing patterns of surveillance and criminalisation and unnecessary statutory intervention affecting Aboriginal children and families.

### **Lack of Structural Accountability and Aboriginal Self-Determination**

While the Bill expands statutory powers and intervention pathways, it does not include corresponding structural reforms supporting Aboriginal self-determination and shared decision-making, despite the NT Government having committed to such reforms through the National Agreement on Closing the Gap and Safe and Supported.

Inconsistent with Closing the Gap Priority Reforms, the Bill does not establish:

- mandated ACCO partnership frameworks;
- delegated decision-making authority;
- transparent reporting regarding ACCO funding and outcomes; or
- enforceable mechanisms for shared decision-making.

The Productivity Commission’s *Review of the National Agreement on Closing the Gap* found governments continue to rely on “business-as-usual” approaches and have failed to implement the scale of structural reform required to support genuine shared decision-making and community control. Recent

developments in the Northern Territory reinforce these concerns. In the 2026–27 Northern Territory Budget, the Territory Government withdrew its contribution to the operation of the Tripartite Forum, raising concerns regarding implementation of Closing the Gap commitments relating to Aboriginal accountability and shared decision-making (DCF Budget 2026-2027). Broader Northern Territory reforms also demonstrate the fragility of existing self-determination mechanisms. The cessation of Local Decision-Making processes has raised concerns regarding reduced opportunities for Aboriginal communities to exercise meaningful influence over service design, governance and accountability arrangements affecting children and families.

Evidence consistently demonstrates that Aboriginal-led prevention, reunification and family support services improve outcomes for Aboriginal children and families. Sustainable reform requires greater investment (DSS 2024) in Aboriginal community-controlled approaches rather than continued expansion of statutory intervention powers without corresponding structural accountability or self-determination mechanisms. Taken together, the proposed amendments will expand state intervention and surveillance while weakening enforceable cultural safeguards and failing to address the structural drivers contributing to the overrepresentation of Aboriginal children in OOHC.

## Conclusion

The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* does not provide an appropriate foundation for the scale of reform required to improve outcomes for Aboriginal children and families. The Bill weakens key safeguards underpinning the Child Placement Principle while expanding coercive intervention and discretionary decision-making powers within a system already producing profoundly unequal outcomes for Aboriginal children. Reform focused primarily on escalation, compliance and permanency cannot address the underlying structural drivers of child removal or the longstanding failures to properly implement the Child Placement Principle in practice.

Meaningful reform must be grounded in prevention, early intervention, family preservation, cultural safety and Aboriginal self-determination. The Child Placement Principle is itself a child safety framework, grounded in the recognition that Aboriginal children’s long-term safety and wellbeing are strengthened through connection to family, kinship systems, culture and community. This requires genuine partnership with Aboriginal communities and sustained investment in ACCOs to deliver culturally safe and community-led supports.

SNAICC joins the Safe and Supported Aboriginal and Torres Strait Islander Leadership Group, the Northern Territory Children’s Commissioner and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People in calling for the proposed amendments to be halted and replaced with an Aboriginal-informed and Aboriginal-led Board of Inquiry into the Northern Territory child protection system.



## References

Australian Institute of Family Studies (2015) Enhancing the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle: Policy and practice considerations <https://aifs.gov.au/resources/policy-and-practice-papers/enhancing-implementation-aboriginal-and-torres-strait-islander> (Accessed 18 May 2026)

Australian Institute of Health and Welfare (AIHW)

-- (2024), *Young people under youth justice supervision and their interaction with the child protection system 2022–23* (2024)

-- (2025a) Data tables: Child protection Australia 2023–24: Insights <https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/data> (Accessed 18 May 2026)

-- (2025b) Closing the Gap targets: key findings and implications Chapter 12: Child Protection <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications/contents/child-protection> (Accessed 18 May 2026)

-- (2026a) Child Protection Australia 2023-24 *Aboriginal and Torres Strait Islander children in out-of-home care* [web report] <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/contents/aboriginal-and-torres-strait-islander-children/out-of-home-care> (Accessed 18 May 2026)

-- (2026b) Data tables: Child protection 2023–24: Aboriginal and Torres Strait Islander Children <https://www.aihw.gov.au/reports-data/health-welfare-services/child-protection/data> (Accessed 18 May 2026)

-- (2026c) Child Protection Australia 2023-24 *How many children were the subject of a substantiation of abuse in care?* [web report] <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24/contents/safety-of-children-in-care/how-many-children-were-the-subject-of-a-substantia> (Accessed 18 May 2026)

Australian National Audit Office (2022) Remote Housing in the Northern Territory <https://www.anao.gov.au/work/performance-audit/remote-housing-the-northern-territory> (Accessed 18 May 2026)

Create (2026) CREATE Foundation's Northern Territory Budget Summary <https://www.create.org.au/get-informed/blog/create-foundations-northern-territory-budget-summary/>

Davis, M (2019) Family is Culture: Independent Review into Aboriginal Children and Young People in OOHC

Department of Social Services (2023) Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023–2026.

[https://www.dss.gov.au/system/files/resources/final\\_aboriginal\\_and\\_torres\\_strait\\_islander\\_first\\_action\\_plan.pdf](https://www.dss.gov.au/system/files/resources/final_aboriginal_and_torres_strait_islander_first_action_plan.pdf) (Accessed 18 May 2026)

Department of Social Services (DSS) (2024) National Child and Family Investment Strategy

<https://www.dss.gov.au/child-protection/safe-and-supported-implementation/national-child-and-family-investment-strategy>

Lawrie, A (2024) Holding onto our Future: Final report of the inquiry into the application of that Aboriginal and Torres Strait Islander Child Placement Principle in the removal and placement of Aboriginal children and young people in South Australia. [https://cacyp.com.au/wp-content/uploads/2024/06/CACYP-Inquiry\\_Final-Report\\_14052024.pdf](https://cacyp.com.au/wp-content/uploads/2024/06/CACYP-Inquiry_Final-Report_14052024.pdf)

National Child and Family Investment Strategy (Australian Government Department of Social Services)

<https://www.dss.gov.au/child-protection/safe-and-supported-implementation/national-child-and-family-investment-strategy> (Accessed 18 May 2026)

Northern Territory Government (2026) Social housing wait times [webpage]

<https://nt.gov.au/property/social-housing/apply-for-housing/apply-for-public-housing/waiting-list>

(NT Parliament (2024) Questions on Notice No. 633 <https://parliament.nt.gov.au/business/written-questions/wq/14th-assembly-written-questions/answers/Answer-to-Written-Question-633-Wait-times.pdf>

Office of the Children’s Commissioner Northern Territory (2024) Our most vulnerable children bearing the consequences of a failed system. <https://occ.nt.gov.au/resources/occ-publications/other-reports>.

*Royal Commission into the Protection and Detention of Children in the Northern Territory, Final Report (2017); Family is Culture: Independent Review into Aboriginal Children and Young People in OOHC in NSW (2019).*

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

Productivity Commission (2025). Closing the Gap Data Dashboard – Child Protection (Target 12). Socio-economic outcome area 12 - Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system <https://www.pc.gov.au/closing-the-gap-data/dashboard/outcome-area/child-protection/> (Accessed 18 May 2026)

-- Productivity Commission (2024) Review of the National Agreement on Closing the Gap, <https://www.pc.gov.au/inquiries-and-research/closing-the-gap-review/> (Accessed 18 May 2026)

SNAICC – National Voice for Our Children (2025), Family Matters Report 2025.

<https://www.snaicc.org.au/resources/family%20%80%91matters%20%80%91report%20%80%912025/>

(Accessed 18 May 2026)

SNAICC – National Voice for Our Children (2025b), Reviewing the Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle Northern Territory 2025

<https://www.snaicc.org.au/resources/reviewing-implementation-of-the-aboriginal-and-torres-strait-islander-child-placement-principle-northern-territory-2025/> (Accessed 20 May 2026)

SNAICC – National Voice for Our Children (2016) Achieving stability for Aboriginal and Torres Strait Islander children in out-of-home care

Yoorrook Justice Commission (2023) Yoorrook for Justice Report <https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorrook-for-justice-report.pdf> (Accessed 18 May 2026)



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