



**NORTHERN
LAND COUNCIL**

Our Land, Our Sea, Our Life

Chair
Legislative Scrutiny Committee
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NLC SUBMISSION TO THE INQUIRY INTO THE CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

About the Northern Land Council

The Northern Land Council (**NLC**) was established in 1973. Following the enactment of *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), the NLC became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and seas. The Land Rights Act combines concepts of traditional Aboriginal law and Australian property law, and sets out the functions and responsibilities of the land councils.

The NLC is also a Native Title Representative Body under the *Native Title Act 1993* (Cth) (**Native Title Act**), with main functions relating to progressing native title claims, consulting with native title holders, negotiating Indigenous Land Use Agreements (**ILUAs**), and resolving disputes about native title.

Approximately 30% of the NT population is Aboriginal. Over 50% of the NT's land mass is owned by Traditional Owners under the Land Rights Act (**Aboriginal Land**) (including around 85% of its coastline), with much of the remainder being subject to native title interests. Hence, Traditional Owners have an enormous stake in the economic development of the NT and should be at the forefront of any policy development.

A significant function of the NLC is to express the wishes and protect the interests of Aboriginal people who are Traditional Owners under the Land Rights Act or native title holders under the Native Title Act (collectively referred to as **Traditional Owners**) throughout the region. The NLC represents approximately 51,000 Aboriginal people.

The NLC's vision is a Northern Territory in which the rights and responsibilities of Traditional Owners are recognised and in which Aboriginal people benefit economically, socially and culturally from the secure possession of their lands, seas, and intellectual property.

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Introduction

The Northern Land Council (**NLC**) is deeply concerned and opposed to the proposed changes to the Care and Protection of Children Legalisation Amendment (Every Child Matters) Bill 2026 (**the Bill**) and welcomes the opportunity to raise this with the Legislative Scrutiny Committee (**the Committee**).

NLC is concerned the Bill's proposed changes will not make Aboriginal children safer, and as such oppose the amendments. The proposed changes make it easier to remove children from their families, makes reunification harder, and weaken legal safeguards for Aboriginal children. The Bill can be viewed as the latest example of governments' long history of politicising and targeting Aboriginal communities, families and children for the failing of government policy and systems.

Connection to family, kin (extended family), identity, language, community, Country and culture are protective factors for Aboriginal people, the Bill wrongly and without basis disregards and discredits these principles. Across the NLC region, Aboriginal families are still living and dealing with the impacts of the Stolen Generations and the intergenerational impacts of child removal.

In this context, NLC views the introduction of legislative changes, without consultation with Aboriginal people, that make child removal easier as a flagrant attack on the rights of Aboriginal people, families and children. This is a deeply disrespectful and misguided approach, the Government should be consulting Aboriginal leaders, families and young people, including those with lived experience with the child protection system to develop culturally safe, effective and Aboriginal led solutions.

The NLC share the concern expressed by fellow Aboriginal Peak Organisations Northern Territory (**APO NT**) member organisations, Aboriginal legal services and many other Aboriginal organisations that the Bill:

- lowers the threshold for intervention, making it easier to remove children from their families
- distracts from and misses an opportunity to address government system failures that continue to place Aboriginal children and families at risk
- will break connections to family, kin (extended family), identity, language, community, Country culture and make it harder for families to be reunified, despite their best efforts
- increases the ability government to interfere and execute control over Aboriginal families.

NLC supports the points raised and recommendations provided by the North Australian Aboriginal Justice Agency (**NAAJA**) as the peak Aboriginal legal service and lead APO NT member organisation.

The NLC is strongly opposed to the Bill and recommends that the NT Legislative Assembly should **not pass** the Bill. The NLC makes the following brief points, highlighting the impacts proposed changes will have on Aboriginal families, communities and children across the NLC region.



The Bill reduces the threshold for removal

The Bill makes it easier for the Department of Children and Families (**the Department**) to remove children from their family. Currently the threshold for removal states that a child may be removed only if there is an “unacceptable risk of harm”¹. The Bill changes that legal test so that removal would be required if there is a “significant and likely risk of harm”².

In practice, this means children will likely be removed in more situations, even where support could reduce the risk and avoid the well-documented trauma and long-term harm of removal, particularly for Aboriginal children.

Aboriginal people across the NLC region lived the Stolen Generations. Council Members, Traditional Owners and constituents often raise the devastating intergenerational impacts of child removal for Aboriginal people, families and communities. In undertaking NLC’s broad advocacy function, NLC hears consistently from Council Members, Traditional Owners and constituents that they view the current child protection system and policies as a continuation of a child removal system that has disenfranchised and disempowered Aboriginal people

NLC views the Bill as a continuation of this misguided approach from the Northern Territory Government. Traditional Owners know that this approach will not address the longstanding entrenched socioeconomic disadvantage that places Aboriginal families and children at risk and instead will perpetrate further harm towards Aboriginal people and communities in the NLC region.

The Bill distracts from government system failures and misses an opportunity to address system issues

The Bill is about purportedly child safety. However, the problem is not that the current Act fails to value child safety, the problem that needs addressing is the government systems around Aboriginal children and families are failing³.

The Bill fails to address the longstanding risk factors that push Aboriginal families and children into the systems, including poverty, unsafe and overcrowded housing, domestic, family and sexual violence criminalisation, incarceration, racism, and service gaps. In fact, it distracts from these failings and misses the opportunity to address other system failings such as the difficulty Aboriginal people face in becoming a kinship carer or achieving reunification with their children.

¹ Act s.8(3). References to the Act are a reference to the Act as it currently stands. References to the Bill are references to what the Act will say if the Bill passes in its current form.

² Bill s. 12A(3).

³ William Tilmouth et al, ‘Apmeregentyele — Our Systems, Our Children, Our Safety, Our Wellbeing’ (2025) 9(3) Genealogy 95, 1–2.

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NLC often hears about the rates of abuse in care with children who are already in the care of the Territory who have either been abused whilst in the system or are in youth detention from Council Members. This effectively means that corporate parents with all their resources have failed these children. The Bill does nothing to address this issue.

For too long governments, have politicised the vulnerability of Aboriginal children while ignoring and distracting from the system failures. Rather than working with Aboriginal people to develop and implement effective long-term solutions to the injustices Aboriginal people face, they have instead chosen to focus on short-term fixes to complex socio-economic issues.

These issues are a result of past Government policies that have disempowered and disenfranchised Aboriginal people, families and communities. NLC is concerned that this Bill is the latest example of this misguided approach and wishes to raise the missed opportunity to address system failures with the Committee.

The Bill will make reunification harder and within a defined period, within 2 years after the removal. This effectively means that Aboriginal families presenting with generational complexities, such as social disadvantage, poverty, poor housing, overcrowding or homelessness, domestic, family and sexual violence who struggle to navigate the system currently will face increased difficulty achieving reunification due to systemic factors. It is likely the many of these families' prospects at reunification will be low or not achievable at all under the changes in the Bill.

The Bill reduces connection to family, community and Country

All children deserve to grow up safe, loved and free from harm. Aboriginal people, families and communities have always cared for their children through strong systems of family, kinship, culture, community and Country for thousands of years.

Despite these systems being repeatedly interrupted and disrupted by colonisation, forced child removal and government control, Aboriginal families have withstood these factors and fought to keep kids safe. It is highly offensive that the Northern Territory Government uses the language of child safety while ignoring these facts and the importance of the Aboriginal systems of care.

The changes to the Aboriginal and Torres Strait Islander Child Placement Principle (**ACPP**) are a clear example of this approach. The ACPP is of crucial importance because it recognises that family, culture, community and Country are protective factors which promote children's wellbeing⁴. This is not simply a values-based statement, it is an evidence-based proven reality.

The Bill also repeals or weakens several important rights and principles in the current law, including:

⁴ Chay Brown et al, 'Sharing the Care: One Aboriginal Community-Controlled Organisation's Approach to Out-of-Home Care of Aboriginal and Torres Strait Islander Children' (2024) 77(4) Australian Social Work 513, 516-17.



- It removes the requirement that decisions about Aboriginal children be healing-focused and trauma-informed⁵.
- It removes the right of an Aboriginal child to be brought up within their own family, community and Country⁶.
- It weakens the duty to support an Aboriginal child to maintain connection with family, community, culture, traditions, language and Country, especially when the child is placed with someone outside their community or kinship group⁷.
- It weakens provisions for family participation.
- It limits family participation to Aboriginal people who are “of significance” to the child, which may shut out family and kin where the child has already been disconnected from culture⁸.

The Bill increases government interference and control over Aboriginal families

NLC has similar concerns raised by NAAJA and other Aboriginal organisations in their submissions regarding the Family Responsibility Agreements (**FRA**) and Family Responsibility Orders (**FRO**). These provisions are particularly concerning because they expand state surveillance and control into the everyday lives of Aboriginal families and communities.

This is the wrong approach, as raised above the structural factors that place Aboriginal families and children at risk are not evidence of Aboriginal family or cultural failure, rather they are evidence of broader government policy and system failure. The approach outlined in the Bill will not address those factors and instead will give the state greater power to scrutinise Aboriginal family life, while failing to recognise and resource the strengths that already exist within Aboriginal families, kinship systems, communities.

NLC opposes this approach, where families do need support, the Bill does not provide the practical, culturally safe services required to address concerns before they escalate.

Recommendations

1. The Legislative Assembly should **not pass** the Bill.
2. The Northern Territory Government should undertake **genuine and extensive consultation with Aboriginal people** before any legislation is passed.

⁵ Act s. 12(2A).

⁶ Act s.12(2B)

⁷ Act s. 12(2A); Bill s.12C(3)(b).

⁸ Act ss.12(1)-(2D) references the “right(s)” of the child; Bill s. 12C(2) changes this to what “should” be done.

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