



Change the Record Submission
22 May 2026

Care and Protection of Children Legislation Amendment Bill 2026 (Child Removal Bill)

About Change the Record

Change the Record (CtR) is Australia's only First Nations-led coalition of legal, health & family violence prevention experts. We work to end the systemic violence and mass incarceration of Aboriginal and Torres Strait Islander peoples.

Change the Record's work is grounded in self-determination and driven by a vision for systemic change. The coalition seeks to dismantle the unjust systems that criminalise Aboriginal and Torres Strait Islander people and to address the root causes of violence in their communities. Through evidence-based, culturally safe advocacy, Change the Record is challenging punitive laws, chronic underfunding, and the over-policing of First Nations communities—fighting for a future where children are supported, families are safe, and communities are strong and free.

Acknowledgement

Change the Record recognises and acknowledges Aboriginal and Torres Strait Islander Peoples as the custodians and First Peoples of Australia. With pride and determination, we acknowledge the Traditional Owners of the lands on which we work and live. We respect and try to emulate the complex systems of governance, responsibility and care that have been engineered over millennia to ensure that every single Indigenous child is thriving. We know that the only place where Aboriginal children are safe is with their families, kin, country and language. Sovereignty was never ceded.

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Introduction

Change the Record strongly condemns the Care and Protection of Children Legislation Amendment Bill 2026 (Child Removal Bill). Change the Record urgently requests that the Northern Territory Government strike down this Bill, which proposes to further criminalise Aboriginal families and children. Amongst many preventable harms, the implementation of this Bill will force a group of children to live, often permanently and without possibility of reunification, with another group of people who are not their kin, family and community; such acts constitute genocide under international law.¹ It will also undermine and weaken the Aboriginal Child Placement Principle, which is already not being properly implemented and operationalised in the NT.

In our submission, we will focus on two primary concerns. Firstly, that the NT Government is using 'child safety' as a weapon to increase the forced removal and dispossession of our children from their families and communities, through the use of child protection systems, youth detention and now this Bill's proposed family responsibility agreements and orders. This violates the individual and collective rights of Aboriginal children and families in the NT, compounds intergenerational trauma and social disadvantage, and continues the same protectionist policies and tactics that culminated in the Stolen Generation.

Secondly, that the Bill, through Part 2.1A and section 65(e) in particular, expands police discretion to increase surveillance of Aboriginal children and families through referrals that will trigger family responsibility agreements. Change the Record is deeply concerned about the use of these agreements to capture children who are too young or cannot be engaged under the *Youth Justice Act 2005*. This is a clear case of net widening, effectively creating an alternate mechanism to force children and families into contact with the Department of Children and Families (DCF). For these reasons, we deplore the tabling of this Bill, request the Scrutiny Committee recommend it is struck down, and that the Aboriginal Child Placement Principle be restored, prioritised, resourced and properly implemented and operationalised, effective immediately.

Context

The NT's proposed Care and Protection of Children Legislation Amendment Bill 2026 – which is, in effect, a bill to fast track the removal of Aboriginal children – sits within the structural context of ongoing settler colonisation, which permeates the institutions and systems that target Aboriginal and Torres Strait Islander peoples and communities in the NT and across Australia. This structure, beginning with British invasion, established a network of sophisticated

¹ Article II(e) of the Convention on the Prevention and Punishment of the Crime of Genocide states that the act of 'Forcibly transferring children of the group to another group' legally constitutes genocide when committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

and racially discriminatory violent systems that attempted to dispossess Aboriginal and Torres Strait Islander people from our land, as well as attack our culture, language, governance and knowledge systems, and ways of life. We now understand this attempted erasure as a project of ongoing genocide,² not only in the NT and Australia, but in similar settler colonial states worldwide.

It is this structure, itself ongoing in the NT, that is the root cause of the cascading intersectional violence that continues to target Aboriginal people and our communities more broadly. The contemporary technologies of this structure include:

- gendered violence and the disappearance of women and mothers;
- forced removal of children from their families and communities through so-called 'protection' systems, criminalisation and incarceration;
- systemic and institutional racism;
- dominance of English and erasure of First Languages;
- over-policing and surveillance, and
- the criminalisation of social disadvantage, including homelessness or lack of stable housing, poverty, trauma, complex mental health conditions and disability.

The continued operation and normalisation of these systems in the NT and broader Australia amounts to state-sanctioned and racially discriminatory violence against Aboriginal peoples, which has been widely documented by communities, advocates, civil society and young people for generations, and continues to go largely unremedied and ignored by successive NT governments.

Despite landmark inquiries and royal commissions, repeated formal apologies, a formal truth-telling process, and whole-of-government commitments to structural transformation under the National Agreement on Closing the Gap, the lived reality for Aboriginal and Torres Strait Islander people forced to navigate violent state systems in our daily lives continues, and is in fact escalating.

² Australia's first formal truth-telling inquiry, the Yoorrook Justice Commission recently found in its final report "that the decimation of the First Peoples population in Victoria ... was the result of a coordinated plan of different actions aimed at the destruction of the essential foundations of the life of national groups", which amounted to genocide. For more, see [Yoorrook for Transformation Third Interim Report - Volume 1](#), Yoorrook Justice Commission (2025): 38. Further, the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families concluded that "when a child was forcibly removed that child's entire community lost, often permanently, its chance to perpetuate itself in that child. The Inquiry has concluded that this was a primary objective of forcible removals and is the reason they amount to genocide." For more, see [Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families](#), Commonwealth of Australia (1997): 190.

NT legislation and institutions targeting children on the basis of 'race'

The clearest example of this escalation is the crisis-level mass criminalisation, incarceration and forced removal of Aboriginal and Torres Strait Islander children into criminal legal and 'child protection' systems in the NT, which is both underpinned by and rapidly worsening due to systemic racism. This has been recently documented in an urgent complaint to the Committee on the Elimination of Racial Discrimination via its Early Warning and Urgent Action procedure.³

On an average day in 2024–25, 94% of children aged 10–17 in detention in the NT were First Nations, despite making up only 41% of those aged 10–17 in the general NT population.⁴ As of 30 June 2024, 88.5% of children currently living in out-of-home care in the NT were Aboriginal.⁵ Furthermore, the NT already has the lowest kinship placement rate in Australia, with just 16.7% of Aboriginal children placed with Aboriginal relatives or kin as of June 2024.⁶ Taken together, these are an undeniable illustration of the targeting of Aboriginal and Torres Strait Islander children based on racial discrimination.

Expansion of police surveillance and the criminalisation of families

One of the most coercive features of this Bill is Section 65E that expands police powers, and increases surveillance of Aboriginal children and families by allowing police referrals likely to culminate in family responsibility agreements and orders. This is very clearly an attempt at net-widening, and expands police discretion to increase surveillance of a child and family in cases where a child is either too young or cannot otherwise be found criminally responsible under the *Youth Justice Act 2005*.

Family responsibility agreements effectively create another pathway through which Aboriginal children can be racially profiled, surveilled and contained/controlled, and gives police discretion to initiate referrals that will pave the way toward child removal. We echo NAAFLS' practical concern that, where the criminal legal system cannot lawfully punish a child, the Bill creates an alternative pathway for Territory intervention through 'care' and 'protection' mechanisms. In effect, where the law says a child is too young or not criminally responsible, the response may shift from criminalisation of the child to statutory intervention into the family. Under the proposed family responsibility agreements, something as simple as a child not

³ [International Convention on the Elimination of All Forms of Racial Discrimination – Early Warning and Urgent Action submission](#) (2025)

⁴ [Youth justice in Australia 2024-25 Northern Territory](#), Australian Institute of Health & Welfare, 12 May 2026.

⁵ Reviewing Implementation of the Aboriginal and Torres Strait Islander Child Placement Principle – NT 2025, SNAICC (2026): 9.

⁶ [Proposed child protection changes risk weakening protections for Aboriginal children in the Northern Territory](#) [media statement], The Aboriginal Medical Services Alliance Northern Territory (AMSANT), 13 May 2026.

attending school can be sufficient to trigger family surveillance. Furthermore, Change the Record notes that the terms and conditions of a family responsibility agreement can be set up in order to structurally ensure a family will 'fail' and a removal will be triggered. This is an abject demonstration of criminalising families and fast tracking the removal of their children, which we wholly reject.

If the object of family responsibility agreements, as stated in the Bill's explanatory memorandum, is to increase parental involvement, address the needs of parents and improve parenting capacity and capability, increasing family surveillance with a threat of child removal will fundamentally undermine all of these aims. Parents and families need culturally responsive support, both early and ongoing, and genuinely accessible pathways toward services that meet their underlying needs (housing, income support, healing and wellbeing etc).

Recommendations

Change the Record understands that the Scrutiny Committee plays an important role in enabling the success of the Child Removal Bill. We note that under the Legislative Scrutiny Committee Terms of Reference, one of the functions of the Committee is to inquire into and report on whether a Bill has sufficient regard to the rights and liberties of individuals.⁷

We encourage the Committee members to closely consider our recommendations as they are intended to prevent the unnecessary criminalisation and surveillance of families and removal of children, all of which violate the individual and collective rights of Aboriginal and Torres Strait Islander people.

With that in mind, we submit the following recommendations directed at the Members of the Legislative Assembly of the NT, for the Scrutiny Committee's consideration:

1. Strike down the Child Removal Bill, on the basis that it will forcibly remove children from their families with no consideration for their access to culture and kinship, and thus is fundamentally incompatible with the human rights of Aboriginal and Torres Strait Islander children;
2. Urgently re-instate and appropriately fund the operations and programs needed to effect the Aboriginal Child Placement Principle. This must include:
 - Prevention - the right of Aboriginal children to be brought up within their own family and community and on their own country.⁸

⁷ Legislative Assembly of the Northern Territory, 15th Assembly, Legislative Scrutiny Committee Terms of Reference, 3(b)(iii).

⁸ *Care and Protection of Children Act 2007* (NT) s.12(2B).

- Partnership - the right of Aboriginal persons to participate in significant decisions about Aboriginal children.⁹
 - Connection - the right of Aboriginal children to be supported to develop and maintain connection to family, community, culture, traditions, language and Country.¹⁰
 - Participation - the right of the children, their parents, and family members to participate in an administrative or judicial process for making a significant decision about a child.¹¹
 - Placement - that is a child is to be placed in care, the child has a right to be placed with a member of the child's family group.¹²
3. Immediately commence a process for the NT's full implementation of recommendations from:
- the Bringing Them Home report;
 - the Royal Commission into Aboriginal Deaths in Custody; and
 - the 'Help way earlier!' report.

Conclusion

Change the Record maintains that the root cause of the crisis-level rates of criminalisation, incarceration and violence being faced by Aboriginal and Torres Strait Islander children and their families in the NT is widespread and escalating systemic and structural racism within mainstream Australian governments, institutions and agencies. It is thus critical that the Scrutiny Committee seek to acknowledge, meaningfully address and remedy this structural dispossession, violence and racism without delay.

Strike down the Child Removal Bill.

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⁹ *Care and Protection of Children Act 2007* (NT) s.12(1) and (2).

¹⁰ *Care and Protection of Children Act 2007* (NT) s.12(2c).

¹¹ *Care and Protection of Children Act 2007* (NT) s.12(2).

¹² *Care and Protection of Children Act 2007* (NT) s.12(3).