

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

Australian Centre for Child Protection Submission

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*Submitted on behalf of the Australian Centre for Child Protection,  
Adelaide University by:*

**Dr Jacynta Krakouer (PhD Melb)**

Enterprise Fellow & Aboriginal Strategy and Engagement Lead  
[Australian Centre for Child Protection, Adelaide University](#)

**Professor Leah Bromfield (PhD Deakin)**

Professor of Child Protection & Director  
[Australian Centre for Child Protection, Adelaide University](#)

**Ebony Tucker (BPsych(Hons) UniSA)**

PhD Candidate & Research Assistant  
[Australian Centre for Child Protection, Adelaide University](#)

*Disclaimer: This submission is developed to best standard possible  
given the limited time period provided for consultation.*

## Purpose

This submission outlines the response of the Australian Centre for Child Protection to key issues being considered by The Legislative Scrutiny Committee to its inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*, including:

- whether the Assembly should pass the Bill;
- whether the Assembly should amend the Bill; and
- whether the Bill has sufficient regard to the rights and liberties of individuals.

## Australian Centre for Child Protection

The Australian Centre for Child Protection (ACCP) is the national centre for child protection. Established by the Commonwealth in 2004, the Australian Centre for Child Protection is charged with generating new knowledge, supporting the translation of evidence into policy and practice, workforce capacity building and providing policy advice.

Our vision and work are led by the desire to develop a system founded on research and clinical excellence which responds to the needs of vulnerable children and families to enable them to be safe and thrive. We specialise in innovative approaches and solutions, including responding to families with multiple and complex needs, child protection system and service reform and redesign, and the development and implementation of best practice child protection programs and services.

The Centre is committed to promoting the needs, views, and experiences of children and young people, and leading the development of practices and policies that respond to them. ACCP recognises that decolonisation is a responsibility shared by everyone. Decolonising means taking action, as individuals and as a Centre, to challenge ongoing colonising structures, beliefs, and practices that obscure the true history of colonisation. These structures oppress, devalue, and stigmatise Aboriginal and Torres Strait Islander Peoples, fail to acknowledge the richness and benefits of Aboriginal and Torres Strait Islander cultures and knowledges, and perpetuate inequity. Decolonising practices centre Aboriginal and Torres Strait Islander knowledges, ways of knowing, working, and being.

This submission is made by us on behalf of the Australian Centre for Child Protection.

## Submission Authors

We – Dr Jacynta Krakouer, Professor Leah Bromfield and Ms Ebony Tucker – provide herewith a summary of the issues that we would be able to address were we required to give evidence to the Legislative Scrutiny Committee for the purposes of its inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. We declare that we are Aboriginal and non-Indigenous researchers collectively drawing on extensive expertise concerning child protection and out-of-home care services, practice, systems and legislation. Our expertise is drawn from research, data and experience across Australia—including the Northern Territory—and internationally. We bring together a perspective that draws on contemporary research and data, extensive expertise across child protection systems reform, Aboriginal child protection and out-of-home care scholarship, child and family welfare practitioner experience, and Aboriginal cultural knowledge.

We position ourselves here for the purpose of situating our expertise in providing this submission to Legislative Scrutiny Committee for the purposes of its inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

**Dr Jacynta Krakouer** (BSc, MSW, MSP, PhD *Melb*) is an Enterprise Fellow and Aboriginal Strategy and Engagement Lead at the Australian Centre for Child Protection at Adelaide University, working alongside Professor Leah Bromfield on national child protection reform and research initiatives. A Minang Noongar researcher, social worker and academic, Dr Krakouer is a recognised expert in Aboriginal and Torres Strait Islander child protection, family reunification, infant removals, and culturally safe child and family wellbeing reform. Her expertise spans Aboriginal child protection and out-of-home care, implementation of the Aboriginal and Torres Strait Islander Child Placement Principle, family preservation, reunification, and prevention-focused reform. Dr Krakouer has contributed to major national policy and inquiry processes, including membership of the Aboriginal Expert Group for the *Safe and Supported: The National Framework for Protecting Australia’s Children 2021–2031*, provision of expert evidence to the Yoorrook Justice Commission, membership of the Queensland Child and Family Commission’s Residential Care Systemic Review Expert Panel advising Aboriginal Children’s Commissioner Natalie Lewis, and the provision of expert evidence to the South Australian Commissioner for Aboriginal Children and Young People’s Inquiry into the Aboriginal and Torres Strait Islander Child Placement Principle, alongside invited expert evidence to a Victorian Coronial Inquiry into the death of an Aboriginal young person in out-of-home care. Her expert evidence has informed recommendations relating to cultural connection, infant removals, reunification, residential care reform, and integrated responses between perinatal health and child protection systems in Victoria, South Australia and Queensland. Dr Krakouer’s expertise is grounded not only in research, but also in extensive frontline social work experience across Aboriginal child and family welfare, foster care, alcohol and other drugs, mental health, disability and criminal justice sectors prior to entering academia.

**Professor Leah Bromfield** (PhD *Deakin*) is Director of the Australian Centre for Child Protection and Chair of Child Protection at Adelaide University. A non-Indigenous academic, Professor Bromfield is one of Australia's foremost experts in child protection systems, child abuse and neglect, and child wellbeing reform. Over more than 20 years, Professor Bromfield has worked nationally and internationally with governments, inquiries and community organisations to establish evidence-based child protection reforms. Her work has directly informed major legislative, policy and practice changes across Australia, including contributions to the *National Framework for Protecting Australia's Children*. Professor Bromfield was a Commissioner for the Commission of Inquiry into Tasmanian Government Responses to Institutional Child Sexual Abuse and now Chairs Tasmania's Uplifting Care Independent Expert Panel advising government; was Professorial Fellow for the national Royal Commission into child sexual abuse and now Chairs the Attorney Generals National Strategy Advisory group for Sexual Abuse. Professor Bromfield also serves as Chair of the South Australian Child Protection Expert Group and has provided previous expert advice to the past two relevant Northern Territory inquiries into child protection systems. In 2025, she was named *South Australian of the Year* in recognition of her ongoing contributions to child protection reform.

**Ms Ebony Tucker** (BPsych(Hons) *UniSA*) is a final year Doctor of Philosophy (PhD) candidate and Research Assistant at the Australian Centre for Child Protection at Adelaide University whose work specialises in child protection reunification, post-reunification outcomes, and family preservation reform. A non-Indigenous early career researcher, Ms Tucker's Doctoral research focuses on understanding the factors that support children to safely return home from out-of-home care, the examination of reunification trajectories for children and families involved with statutory child protection systems, and the systemic conditions required to reduce re-entry into the child protection system. Ms Tucker combines rigorous evidence synthesis, policy analysis and applied research to inform prevention-focused, family-led approaches to child protection research. She has co-authored emerging national research on reunification and post-reunification child protection involvement, including systematic review work published in *Child Abuse & Neglect*, contributing to the growing evidence base informing reunification policy and practice in Australia. With an emerging reunification and post-reunification profile, Ms Tucker contributes expertise in reunification research, child protection and out-of-home care systems, and evidence-informed approaches to strengthening family preservation and reunification outcomes for children and families.

## Position of the ACCP in relation to the child protection system

It is the position of the ACCP that statutory child protection systems across Australia are not fit for purpose, too often failing the children they were designed to serve, adversely impacting families, and causing harms to the professionals and carers who serve within these systems. ACCP acknowledges the importance of ensuring children are protected from serious harm and recognises that statutory intervention is necessary in some circumstances to ensure children’s immediate safety, we caution against expanding the scope of statutory intervention, strengthening pathways to removal, and weakening practical emphasis on family preservation and reunification within a system that is already highly interventionist — particularly in relation to Aboriginal and Torres Strait Islander children and families.

Across Australia, statutory child protection systems have expanded significantly beyond their original design. Contemporary child protection systems emerged in the 1960s in response to concerns regarding severe physical abuse and the “battered child syndrome”, with statutory intervention and removal intended primarily for the most serious cases of harm (Bromfield, 2005; Scott & Swain, 2013). Over time, definitions of abuse and neglect, mandatory reporting obligations and community expectations regarding reporting have broadened considerably (Mathews, 2014). This expansion has fundamentally altered the scope of child protection intervention without a corresponding reconsideration of the role, limits and functions of statutory systems.

For Aboriginal and Torres Strait Islander peoples, modern day child protection has its roots in the child and family welfare practices and policies of the Stolen Generations era (Krakouer, 2023b). Directly targeting Aboriginal and Torres Strait Islander children of so-called ‘half-caste’ status, the practices and policies accompanying Stolen Generations child removals were explicitly racist in action, and assimilationist in intent (Human Rights and Equal Opportunity Commission, 1997). Today, modern day child protection systems in Australia continue to be connected to this legacy of assimilationist child welfare practice. A history evidenced and acknowledged in Australia’s first truth-telling inquiry by the *Yoorrook Justice Commission* (Yoorrook Justice Commission, 2023), it is within this context that Aboriginal and Torres Strait Islander families grapple with the complexities surrounding systems contact, as well as nature and prevalence, as it pertains to child maltreatment.

The landmark *Australian Child Maltreatment Study* estimated that 62.2% of all Australians aged 16–24 years have experienced at least one form of child maltreatment, including physical abuse, sexual abuse, emotional abuse, neglect or exposure to domestic violence (Higgins et al., 2023; Mathews et al., 2023). In the contemporaneous representative sample of Young Australians (16-24 years), 61% had experienced at least one form of abuse or neglect, with 1 in 4 Young Australians experiencing 3 to 5 types of abuse or neglect. Definitions used in the study align with legislative definitions of abuse

and neglect as reflected in birth cohort studies of reporting to child protection. For example, linked data analysis shows that 1 in 3 of all South Australian children are reported to child protection by age 10 (BetterStart Group, Adelaide University). In New South Wales, a whole-population study of almost 100,000 Aboriginal children born between 2006-2018 found that one in 10 Aboriginal children had been reported to child protection before birth, increasing to one in two by age five and seven in 10 by age 13, raising serious concerns about the scale and normalisation of statutory intervention in Aboriginal family life (Newton, Bring Them Home, Keep Them Home, UNSW). These data demonstrate the widespread nature of child abuse and neglect across Australia and underscore the importance of broad public health and social policy responses to respond to this epidemic.

Statutory child protection systems are not designed, equipped nor appropriate to respond through statutory intervention to a problem impacting the majority of Australian children and families. For example, the 2024 report of the Audit Office of NSW found: “The NSW child protection system is inefficient, ineffective, and unsustainable.” (Audit Office of New South Wales, 2024, p. 2) These data and evidence reinforce the importance of proportionate statutory intervention alongside strong systems of prevention, early support and therapeutic family assistance.

There is increasing recognition nationally and internationally that child protection systems must move beyond narrow “child rescue” approaches and respond more effectively to the structural drivers of child protection involvement, including poverty, housing insecurity, family violence, racism, intergenerational trauma, mental ill-health, disability and substance dependence (Bywaters et al., 2016; Featherstone et al., 2018). The overrepresentation of Aboriginal children in child protection systems cannot be understood outside the context of colonisation, the Stolen Generations, systemic racism and longstanding social inequities (Krakouer, 2023b; Tilbury, 2009; Yoorrook Justice Commission, 2023). As highlighted by Professor Megan Davis in the *Family is Culture* inquiry into Aboriginal children and families in the New South Wales child protection and out-of-home care systems, “to be effective, any reform to law, practice and policy must respond to the extent and intergenerational nature of the trauma that has been caused and compounded by the state” (Davis, 2019, p. 8).

For Aboriginal and Torres Strait Islander peoples, child protection systems are deeply intertwined with the historical and ongoing removal of Aboriginal children from family, community and culture under policies of assimilation and “protection” (Human Rights and Equal Opportunity Commission, 1997). The ongoing over-representation of Aboriginal children in out-of-home care has repeatedly been described by Aboriginal organisations and inquiries as a continuation of these harms in contemporary forms.

These concerns are particularly acute in the Northern Territory. The Northern Territory’s 2021 *Story of our Children and Young People* report showed in 2020-21, 1 in 5 (22.3%) of

Northern Territory children were reported to child protection in a single year; 10 times greater than the national reporting rate (De Vincentiis et al., 2021). 1 in 10 children had domestic violence named as a contributing factor to the report (De Vincentiis et al., 2021). 581.1 per 1000 (more than half) of Northern Territorians were living in overcrowded housing; approximately 24 times the national rate of 24.4 people per 1000 (De Vincentiis et al., 2021). 8.2% of Northern Territory children were homeless (13.5 times the national rate), and 1 in 4 children (27.5%) were living in low-income households (De Vincentiis et al., 2021). Aboriginal children and families are disproportionately disadvantaged across all indicators, demonstrating the direct and continuing impacts of colonisation.

According to the Australian Institute of Health and Welfare (AIHW), Aboriginal and Torres Strait Islander children in the Northern Territory continue to experience some of the highest rates of child protection intervention and out-of-home care in Australia (AIHW, 2026). On June 30, 2024, 84% of the children receiving child protection services in the Northern Territory were Aboriginal and Torres Strait Islander children (AIHW, 2026). Aboriginal and Torres Strait Islander children in the Northern Territory are also 11 times more likely than non-Indigenous children to be in out-of-home care (AIHW, 2026). Furthermore, most (74%) Aboriginal and Torres Strait Islander children in out-of-home care in the Northern Territory are placed with non-Indigenous, non-relative carers (SNAICC, 2025). The Northern Territory currently have the lowest proportion of Aboriginal children in out-of-home care living with Aboriginal family at 16.7% (SNAICC, 2025).

The SNAICC *Family Matters Report 2025* identifies serious concerns regarding placement practices and cultural disconnection for Aboriginal and Torres Strait Islander children in out-of-home care in the Northern Territory (SNAICC, 2025). Aboriginal scholarship highlights that cultural connection for Aboriginal children is fundamentally relational, grounded in enduring connection to family, kin, community, culture and Country over time, with Aboriginal concepts of permanency understood not simply through legal stability, but through ongoing belonging, identity, relational continuity and connection across extended family and community networks (Krakouer et al., 2023; Krakouer, 2022; Hermeston, 2021). This is supported by SNAICC, who in citing Aboriginal scholarship by Dudgeon et al. (2014) and Rigney et al. (2022), further emphasise that Aboriginal and Torres Strait Islander concepts of safety are grounded in “identity, connection, relationship and mutuality”, and that “connection and cultural continuity, rather than control or ‘risk management’, is the pathway to safety for children, families and communities.” (SNAICC, 2025, p. 2). As the peak body for Aboriginal and Torres Strait Islander children and young people in Australia, SNAICC has repeatedly called for substantial investment in prevention, early intervention, Aboriginal community-controlled family support services, and structural responses to poverty, housing insecurity and exclusion from services long before families intersect with statutory systems.

Despite a whole-of-government commitment to reducing the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care under *Closing the Gap*, ACCP is concerned that aspects of the proposed Bill risk moving in the opposite direction. Provisions that strengthen mandatory intervention pathways, lower practical thresholds for removal, narrow consideration of children’s broader relational and cultural needs, and reinforce rigid permanency approaches may unintentionally contribute to increasing rates of removal and long-term disconnection for Aboriginal children and families. Evidence does not support increasingly interventionist child protection systems as the primary solution to child maltreatment and family adversity (e.g., Featherstone et al., 2018; Kelly, 2021; The Promise Scotland Ltd, 2024; Yoorrook Justice Commission, 2023). Rather, evidence supports investment in prevention, culturally safe early intervention, family preservation, therapeutic support, Aboriginal community-controlled organisations, and responses to the underlying social determinants that drive child protection involvement (e.g., Bywaters et al., 2016; Chamberlain et al., 2022; Davis, 2019; Lawrie, 2024; SNAICC, 2025; O’Donnell et al., 2008).

At this juncture, it is important that issues of abuse and neglect be viewed within the broader context of systemic disadvantage. A systemic lens on issues of abuse and neglect is particularly important, given the link between poverty and child neglect (Ainsworth, 2021; Bradt et al., 2015; Bywaters et al., 2020; Gupta, 2017; Hansen & Ainsworth, 2009; Krakouer, 2023b; Morris et al., 2018). This is not to say that all people who experience poverty harm their children, but rather that there is significant unmet need in supporting families with multiple and complex needs, largely due to low investment in necessary structural supports, including (but not limited to) housing, infrastructure and family support services. This is even more pronounced in the context of remote communities in the Northern Territory. Although precise numbers for families experiencing such systemic disadvantage are not always clearly reported, the Northern Territory has seen considerable gaps in support services and essential infrastructure to meet basic needs, particularly in remote areas where there are numerous concerns relating to underfunded, neglected and deprived housing conditions, resulting in overcrowding, homelessness and poorly maintained water, sanitation and hygiene systems (e.g., Creamer & Hall, 2019; Hall et al., 2022; Lowell et al., 2018). This lack of resources has left many families without the necessary assistance to address their challenges, contributing to a cycle of disadvantage, vulnerability, and increasing the risk of children entering the child protection system. Without adequate support, these families struggle to manage their circumstances, highlighting the urgent need for greater investment in family support services to ensure that all families receive the help they need to thrive.

This submission therefore urges the Committee to carefully consider the potential unintended consequences of reforms that may expand state intervention while insufficiently strengthening obligations toward prevention, family support, cultural

connection and reunification. In ACCP's view, sustainable improvements in child safety and wellbeing in the Northern Territory will not be achieved through broader removal powers, but through the appropriate provision of cross-sector family preservation, early intervention and reunification supports that enable holistic, culturally grounded and community-led responses to keep children safely connected to family, community, culture and Country.

It is the position of the ACCP that the child protection systems across Australia are not fit for purpose and require fundamental change to the scope and functions of child protection, a whole-of-government approach to protecting children, underpinned by a 'public health approach' and 'responsive regulation', and supports for families to overcome systemic social issues such as child poverty, food insecurity, and housing insecurity. The ACCP acknowledges that change of this nature will take time and be incremental. It is not realistic to expect the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* to address the need for fundamental long-term reform of the Northern Territory system for preventing and responding to abuse and neglect. However, all current reforms need to serve to progress child protection responses towards evidence-based effective systemic responses to the significant problem of child abuse and neglect. Intergenerational data shows that where we fail to disrupt disadvantage and support the prevention and healing from childhood trauma, we risk exponentially growing the problem of child abuse and neglect.

Gravely, the introduction of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* in its current form risks perpetuating increasing child removals that will not only worsen Aboriginal and Torres Strait Islander overrepresentation in child protection, but will place undue and potentially exorbitant demand on the existing child protection services and system that exceed infrastructure and resourcing capacity. This trajectory is evident in the impacts of the 2017 South Australian reforms that privileged immediate safety over safety within the broader context of children's best interests. Removals, particularly infant and Aboriginal child removals increased, with knock on effects resulting on one of the highest populations of children in residential care – a high-cost placement type, linked to the poorest outcomes for children and long-term adverse impacts on community safety and wellbeing (BetterStart Group, Adelaide University). Outcomes that run counter to the goals of child safety.

## **Feedback on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026**

The Australian Centre for Child Protection welcomes the opportunity to provide a submission on the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. It is the evidence-based position of the Australian Centre for Child Protection that the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* represents a significant regression on the *Care and Protection of Children Act 2007* currently enacted within the Northern Territory. It is our recommendation that the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* should not be passed by the Assembly in its current form. It is also the evidence-based position of the Australian Centre for Child Protection that the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* does not have sufficient regard to the rights and liberties of individuals.

We are deeply concerned by both the substance of the proposed *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* and the extremely limited timeframe provided for consultation on reforms of such significance. Legislative changes that have the potential to profoundly affect Aboriginal and Torres Strait Islander children, families and communities across the Northern Territory should be subject to genuine, transparent and culturally informed consultation — particularly with Aboriginal Community-Controlled Organisations, Aboriginal families and people with lived experience of child protection and out-of-home care systems.

Child protection systems are deeply reliant on broader systems, services and economic conditions. Changes to the child protection systems in isolation without adequate consideration of the intersection with these broader systems can result in unintended adverse consequences that adversely impact child safety and wellbeing, have long-term adverse impacts and contribute to ineffective and unsustainable child protection systems that are unable to fulfil their statutory obligations to protect those children in contexts that require statutory intervention to keep them safe. Rushed changes that do not engage with the complexity of intersecting challenges and issues increase the risk of legislative change resulting in negative rather than positive outcomes.

Within this submission, the Australian Centre for Child Protection provides feedback on:

1. Safety as a paramount best interests consideration
2. Weakening of the Aboriginal and Torres Strait Islander Child Placement Principle
3. Aboriginal and Torres Strait Islander children's needs in child protection and out-of-home care contexts
4. Risks of coercive Family Responsibility Agreements and Orders
5. Lowering the threshold for statutory intervention and child removal
6. Proactive efforts
7. Strict timelines imposed on reunification

## 1. Safety as a paramount best interests consideration

While we support the inclusion of part 1.3, section 8(1) specifying that “when a decision involving a child is made, the best interests of the child are the paramount concern.”, we are concerned about the inclusion of part 1.3, section 8(2) in the Bill which sets forth a hierarchy of prescriptive needs, impacts and circumstances that place safety as the primary and priority need to be considered. We acknowledge the importance of child safety and the need to ensure that all children are provided with care, protection and nurturance. However, we are of the position that if introduced in its current form, the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* will not provide an adequate, evidence-based best practice framework for responding to, supporting and considering children’s needs in the context of child abuse and neglect.

Problematically, the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* reduces the complexity of children’s needs to a hierarchical framing of safety as the primary best interests consideration. Such positioning is in direct contrast to a robust evidence base that highlights the complex nature of children’s best interests (Hansen & Ainsworth, 2009; Houston, 2015; Hermeston, 2021; Long & Sephton, 2011; Richard, 2004), how an uncritical and simplified application of the best interests principle can “violate parents’ human rights” (Ainsworth & Hansen, 2011, p. 9), and the importance of nuanced consideration regarding various factors that impact children’s safety, health and wellbeing in the immediate, short-term and long-term (Keddell, 2017; Munro, 2011).

We acknowledge that a best interests rather than safety principle as paramount may sound counter-intuitive to the privileging of safety, so offer the following examples to demonstrate how a narrow lens of safety alone can be harmful.

*Example 1: A narrow focus solely on safety drives practice that prioritises removal of children (safety) over supporting parents to keep children safe in families so they can be safe, loved, and connected (best interests).*

*Example 2: A narrow focus solely on safety drives decision making about children in care that privileges immediate physical need over the broader set of needs that are a part of raising children. See for example, the quote from a young person in a national study on children’s experiences of safety in residential care, where the safety of one child was put above the best interests of another.*

One young man reflected that for the first time he felt at home in his most recent placement because he lived with a girl that he liked and trusted. He shared that he had developed strong ties to his local community. He went to church, had a part-time job, and for the first time had developed relationships with adults who

genuinely cared about him and supported him to develop his talents and hobbies. He also had a plan for the future.

He reported feeling overwhelmed, therefore, when he was told that he was going to be moved to another unit where there was much more violence. His workers justified the move by arguing that his room would be given to a younger and more vulnerable client who would not be able to protect himself if placed with other aggressive young people. Although he recognised that because he was older he might be able to better protect himself, he felt as though his need for links to the community and his desire for stability was being ignored. He felt as though the workers did not recognise his own vulnerability, nor did they have respect for his views or wishes.

‘Yeah. Like I’ve said “I don’t want to move from here” and they said, they’ll escort the – they’ll get the police to escort me out and I won’t have a place to live anymore.’ (Young man, aged 17–20) (Moore, McArthur, Roche, Death & Tilbury, 2016, p.33)

These are provided as an illustrative example only, noting there are broad ranging implications and risks of long-term harm as a result of narrow decision making that focuses on safety alone without considering the whole child.

Further to the above, under the proposed legislation, we are concerned that children’s needs and rights may not be responded to holistically or in line with Australia’s international obligations under the United Nations *Convention of the Rights of the Child 1989*. Children have a fundamental right to expression of their views in all matters affecting them under Article 12.1 of the United Nations *Convention on the Rights of the Child* (the Convention). As stipulated in the Convention under Article 12.1, “the views of the child being given due weight in accordance with the age and maturity of the child”. This right of the child to voice and expression on matters that impact their life is recognised within the Convention within a human developmental context, acknowledging that a child’s development is important to determining not only what the child wants, but also what the child needs.

A volume of evidence attests to the importance of the voice of the child in child protection decision-making contexts in Australia and abroad (e.g., Burns et al., 2026; Dillon et al., 2016; Grace et al., 2024; Johnson, 2017), acknowledging the significance of providing opportunities for due consideration of the child’s views and wishes. This existing knowledge provides a robust understanding of the need to ensure children’s voice is adequately accounted for in determining their best interests, with respect to evolving development and maturity that may result in children’s voice being elevated as a priority consideration in best interests determinations. However, under part 1.3, section 8(2)(f), the Bill lists children’s voice as the sixth best interests matter that must

be considered in a prescriptive and rigid hierarchy, thereby providing the scaffolding to defer children's wishes and views to other considerations when this may not be appropriate in diverse and varied circumstances.

Research in South Australia has shown the increase of child removals that occurred when safety alone was the paramount principle for consideration in South Australian child protection, rather than balanced contextualisation of safety with additional best interests considerations (BetterStart Group, Adelaide University). In turn, the rates of children in residential care also increased in response to the greater demand for placements and lack of home-based carers. Circumstances that create new safety concerns within systems, alongside unsustainable growth in the cost of out of home care. In comparison, evidence that supports the reversal of a sole focus on safety as paramount in South Australia (reversed in the Children and Young People (Safety and Support) Act 2025), was the finding that the states family support system was more effective than statutory child protection at supporting children to remain safely in families and delivered a \$1.90 return on state investment (BetterStart Group, Adelaide University). There are additional reasons to prioritise a holistic approach that privileges supporting children to remain safely with family for Aboriginal and Torres Strait Islander children

For Aboriginal and Torres Strait Islander children, research has evidenced the protective effect of culture (Bambllett & Lewis, 2007; Browne-Yung et al., 2013; Chandler & Lalonde, 1998; Krakouer, 2023a; Krakouer et al., 2018; Hermeston, 2021) and the importance of the Aboriginal and Torres Strait Islander Child Placement Principle in providing a robust, evidence-based, best practice framework for protecting the immediate, short and long-term safety, health, wellbeing and rights of Aboriginal and Torres Strait Islander children (Coroners Court of Victoria, 2024; Lawrie, 2024; Yoorrook Justice Commission, 2023). We believe that the introduction of section part 1.3, section 8(2) is contrary to national and international modern-day child protection systems best practice pertaining to children's best interests considerations. We caution that framing safety as the primary, hierarchal best interests consideration risks creating a false dichotomy between immediate physical safety and children's broader developmental, relational, emotional and cultural needs. Children require safety, but they also require love, belonging, stable relationships, identity, connection and hope for the future. Good child protection systems must protect the whole child — not simply respond to immediate crisis.

## **2. Weakening of the Aboriginal and Torres Strait Islander Child Placement Principle**

We are concerned that the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) has been weakened in the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. Following decades of Aboriginal

advocacy since at least the 1980s, the Aboriginal and Torres Strait Islander Child Placement Principle was introduced over time into every Australian state and territory child protection legislation as a framework to directly address, and redress, the practice and impacts of the Stolen Generations child welfare era (Krakouer, 2022; Krakouer et al., 2023). The Aboriginal and Torres Strait Islander Child Placement Principle “has a history in the counter-assimilationist activism of Aboriginal peoples” and was modelled from international, settler-colonial indigenous contexts in North America, whereby similar experiences of forcible indigenous child removal to the Stolen Generations occurred in Canada and the United States of America (Davis, 2011; Krakouer, 2022; Krakouer et al., 2023, p. 347). The ATSICPP was, and remains to be, a best practice framework for identifying and responding to Aboriginal children’s needs and human rights in a culturally-appropriate, self-determined and considered manner across the full spectrum of family preservation, child protection and out-of-home care practice (Kee & Tilbury, 1999; SNAICC, 2017; Tilbury, 2013). The ATSICPP is recognised as such within national policy under the *Safe and Supported: National Framework for Protecting Australia’s Children 2021-2031* as a core principle to address the overrepresentation of Aboriginal and Torres Strait Islander children in child protection systems (Commonwealth of Australia, 2021).

In Dr Krakouer’s doctoral thesis, the history and the significance of the Aboriginal and Torres Strait Islander Placement Principle (ATSICPP) is explained over time:

“Since the 1970s, there have been many changes to Australian child protection and OOH systems and practices. One of the most significant has been the ACPP. To varying degrees, the ACPP came into effect across all states and territories, within state and territory legislation or policy, since the 1980s in recognition of the harmful effects of removing Aboriginal children from their cultures, families and communities (Tilbury, 2013). Initially, the ACPP set forth a hierarchy of placement options for Aboriginal children entering state care because of child protection concerns (Libesman, 2014). Its inception was the result of concerted advocacy efforts by ACCOs and Aboriginal activists, such as the late Aunty Mollie Dyer (VACCA, 2018).

The ACPP is now known as the ATSICPP. The placement hierarchy in the revised ATSICPP states that Aboriginal and Torres Strait Islander children and young people should be placed with kin as a first preference, with no differentiation made between Indigenous and non-Indigenous family or kin (SNAICC, 2017). When no family members are available to provide care, as a second preference, Aboriginal and Torres Strait Islander children and young people should be placed with another First Nations person from their own (or another) community. Finally, when all other placement options have been exhausted, Aboriginal and Torres Strait Islander children and young people should only be placed with unrelated non-Indigenous carers as a last resort (SNAICC, 2017).

The ATSICPP aims to protect Aboriginal and Torres Strait Islander children’s right to culture by prioritising placement with Aboriginal and Torres Strait Islander family or

community members when they enter care, and, in doing so, aims to prevent assimilation, as well as provide for children’s ‘best interests’. Although it has now changed to include a focus on five core elements—placement, prevention, partnership, participation and connection—the ATSI CPP placement hierarchy is a longstanding, and significant, feature of Australian child protection and OOHC practice with Aboriginal and Torres Strait Islander peoples (SNAICC, 2017; Tilbury, 2013). In fact, the various elements of the ATSI CPP are enshrined in legislation for each Australian jurisdiction, and the placement hierarchy is outlined in similar descending order across each state and territory (Libesman, 2014; Tilbury, 2013). Indeed, the ATSI CPP is a hallmark achievement for ACCOs who work with Aboriginal and Torres Strait Islander children and young people. ... In Australia, the ATSI CPP is used to guide best practice and decision-making for all Aboriginal and Torres Strait Islander children in child protection and OOHC systems (SNAICC, 2017).” (Krakouer, 2022, pp. 35-36, p. 67)

Informed by an expert, National Aboriginal and Torres Strait Islander Leadership Group together with the peak body for Aboriginal children, SNAICC – National Voice for our Children, the ATSI CPP is included in Australia’s only national child protection policy as an enabler for states and territories to meet their child protection-specific obligations under the *Closing the Gap* policy to halt and reduce the rate of Aboriginal and Torres Strait Islander child protection overrepresentation (Commonwealth of Australia, 2021).

For Aboriginal and Torres Strait Islander children and young people, ACCP is deeply concerned by the three-tiered subordination of the Aboriginal and Torres Strait Islander Child Placement Principle in section 12C, which is made subject to the general placement principles in section 12B, which are themselves subordinate to the best interests principle in section 8. ACCP strongly opposes the weakening of the ATSI CPP through legislative deferral to broader placement and best interests considerations, particularly in a context where Aboriginal and Torres Strait Islander children in the Northern Territory remain profoundly overrepresented in out-of-home care and continue to experience high rates of non-Indigenous, non-relative placements, and separation from family, community, culture and Country.

The weakening of the ATSI CPP in the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* risks diminishing the protective function of the ATSI CPP, increasing overrepresentation, and further marginalising the importance of cultural connection, kinship, identity and self-determination in decisions affecting Aboriginal and Torres Strait Islander children and families. Combined, the five core elements of the ATSI CPP – prevention, participation, partnership, placement and connection – enable a broad systemic lens to the needs of Aboriginal and Torres Strait Islander children in child protection and out-of-home care contexts, with the objective that they are supported and enabled to be safe and thriving.

### 3. Aboriginal and Torres Strait Islander children’s needs and rights in child protection and out-of-home care contexts

Under the proposed legislation, the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*, we are concerned that Aboriginal children’s needs and rights may not be responded to holistically or in line with Australia’s international obligations under the United Nations *Convention of the Rights of the Child 1989* and the *Declaration on the Rights of Indigenous Peoples 2007*. The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* risks reducing the complexity of Aboriginal children’s holistic needs to a consideration of children’s cultural rights (part 1.3, s.(3)(c): “the child’s right to enjoy the culture and tradition of the child’s family and community ...”). This is contrary to research evidence demonstrating that Aboriginal children’s needs are multifaceted and interwoven with culture (Krakouer et al., 2018; Baidawi et al., 2017). For example, research in Victoria has found that Aboriginal workers and agencies saw cultural connection as a fundamental need and, hence, a primary consideration in all ‘best interests’ decision-making processes (Baidawi et al., 2017; Mendes et al., 2016). This finding is significant because the Commission for Children and Young People found that cultural outcomes for Aboriginal children were better when delivered by an Aboriginal Community-Controlled Organisation compared to non-Indigenous (mainstream) out-of-home care agencies in their Taskforce 1000 *‘Always was, always will be Koori children’* systemic inquiry into the circumstances of Aboriginal children in out-of-home care in Victoria (Commission for Children and Young People, 2016). A more recent evaluation also found that ACCO-led and delivered child protection trials were successful in diverting Aboriginal children away from child protection investigations and pathways, achieving a “diversion rate of 78.3%” (Wise & Brewster, 2022, p. 38). This finding provides evidence to support the assertion that Aboriginal children can be diverted from future child protection systems involvement through the provision of culturally-appropriate early intervention supports from Aboriginal Community-Controlled Organisations, subsequently making child removal a redundant choice.

Culture is also beneficial for Indigenous children’s health, wellbeing and safety. For example, Chandler and Lalonde (1998) found that cultural continuity served as a protective against suicide among young people in British Columbia, Canada. While seminal and groundbreaking at the time, a body of research has documented the protective effects of culture for Aboriginal and Torres Strait Islander peoples in Australia as a determinant of health (Bourke & Wright et al., 2018; Lowitja Institute, 2020; Salmon et al., 2018). Specifically in relation to out-of-home care, the Coroners Court of Victoria (2024) recommended in an inquest into an Aboriginal young person’s passing that mandatory cultural awareness and antiracism cover “ii. the continuing systemic racism and paternalism inherent in child protection work today that must be identified, acknowledged and resisted; iii. the value of First Peoples family and child rearing practice; iv. upholding human rights including Aboriginal cultural rights; and v. the

strength of First Peoples families and culture and culturally appropriate practices ...” (p. 130). Drawing together closing remarks regarding this inquest into the passing of this Aboriginal young person who lived in out-of-home care, the Coroners Court of Victoria (2024) concluded that: “XY’s passing has shown us the importance of that voice being heard, pointing us towards the protective features of self-determination, cultural connection and loving homes as a wellspring, not just for vulnerable children, but for all of us.” (p. 207) This example from the Coroners Court of Victoria (2024) is important because such findings are not isolated, but resonant with existing evidence and lived experience voices that highlight the need for, and protective nature of, culture for Aboriginal children and young people in child protection and care contexts. Concerningly however, the Bill under consideration enables a narrow understanding and interpretation of Aboriginal children’s needs which are misaligned with best practice, research evidence and Aboriginal knowledges broadly.

It is also important to note that cultural connection as applied to Australian child protection and out-of-home care contexts exist within international human rights frameworks, including the 1989 United Nations (UN) *Convention on the Rights of the Child* (UNCRC) and the 2007 UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP), to which Australia is a signatory. As highlighted in Krakouer’s (2022) Doctoral thesis:

“Cultural connection is a term used to refer to a child’s right to culture, as highlighted within human rights frameworks such as the 1989 UNCRC and the 2007 UNDRIP, to which Australia is a signatory (UN, 1989, 2007). In addition to other rights, these pieces of human rights treatises articulate Indigenous children’s rights to culture. They do so not on a basis of empirical evidence as to its benefits, but on a normative basis as a foundation for justice for Indigenous peoples. For example, Indigenous children have the right to preserve their identity and learn about their cultures, particularly when they grow up in care displaced from their families, as stipulated in the UNCRC (UN, 1989) and the UNDRIP (UN, 2007). Further, Article 30 of the UNCRC (UN, 1989) states that children who belong to a minority group have the right to ‘enjoy their culture’, while Articles 8, 9, 11 and 12 of the UNDRIP articulate Indigenous peoples’ rights to belong to community; practice, teach and revitalise their cultures; and be free from cultural destruction and forcible assimilation. Ultimately, human rights frameworks aim to protect Indigenous children’s right to be raised in accordance with the values, beliefs and traditions espoused in their culture of origin, without being subjected to cultural denigration. This includes safeguarding—and fostering—diverse enactments of spirituality, values and traditions in line with a person’s cultural background. Human rights frameworks make this argument irrespective of whether it has demonstrable benefits, but as a matter of normative value: adhering to these rights respects the humanity and dignity of Indigenous peoples and is a form of justice. In this way, cultural connection can be understood as a rights-based form of justice for Indigenous peoples, which also enables wellbeing through connection to a child’s Indigenous culture.” (Krakouer, 2022, p. 66)

We are particularly considered that Aboriginal and Torres Strait Islander children's cultural needs are considered secondary and without implied importance, stipulated simply under other "matters that *may* also be relevant" (part 1.3, s.(3), emphasis our own) in the proposed legislative amendment. This is contrary to human rights frameworks as well as evidence-based, best practice concerning Aboriginal and Torres Strait Islander children's cultural needs and their importance in child protection and out-of-home care decision-making in the immediate, short- and long-term (e.g., Davis, 2019; Krakouer et al., 2018; Lawrie, 2024; Yoorrook Justice Commission, 2023).

#### **4. Risks of coercive Family Responsibility Agreements and Orders**

We strongly oppose the introduction of part 2.1A Family responsibility agreements in the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. While factors shaping children's safety, health and wellbeing may include exposure to harm, family violence, parental health, poverty and housing stability (Austin et al., 2020; Higgins & Hunt, 2024), research highlights that such factors operate across individual, family, community and structural levels (Austin et al., 2020). These are often complex, interconnected factors influencing child protection systems contact that require appropriate, cross-sector, coordinated prevention, early intervention and family support responses (Commonwealth of Australia, 2021; Hunter & Flores, 2021; Sanders et al., 2014), thus supporting nuanced assessment rather than single-factor, child protection decision-making. Importantly, there is a body of international scholarship demonstrating that socioeconomic drivers of child protection involvement – such as poverty, housing and employment – exist within a structural context that can be beyond the control of parental influence (Bywaters et al., 2016; Bywaters et al., 2020; Featherstone et al., 2018; Gupta, 2017; Keddell, 2022).

When we begin from the assumptive position that addressing all concerns mounted by child protection are within the purview of the family to control, we ignore the reality that family support, family violence, mental health and disability services are currently not funded to meet service demand and the chronic housing shortage impacting the safety and wellbeing of children in the Northern Territory. Even when families are reaching out for supports, they may be turned away from services who are already stretched beyond service capacity, thus resulting in unmet need. For example, in South Australia data from the Department of Human Services shows that more than 50% of families identifying as requiring a family support response do not receive one as there are not enough services. This data is not available for the Northern Territory, but it is notable that South Australia has the highest proportion of Aboriginal and non-Indigenous children commencing intensive family support services in the country. Comparatively, the NT reports "extremely low rates of IFSS commencement" in a recent national comparison of proportionate family support investment (SNAICC, 2025, p. 34). It is morally unjust to punish families under such circumstances; we must ensure that service capacity can

meet demand, thus requiring governments to meet their obligations and responsibilities to provide timely, accessible, culturally-appropriate and coordinated support to families in the first instance.

Without well-resourced cross-sector, coordinated, wraparound prevention and early intervention services – coupled with vastly improved basic infrastructure in remote communities in the Northern Territory – the introduction of part 2.1A Family responsibility agreements risks strongly coercive or punitive action by the State against Northern Territory families. We suggest removing measures that may result in such action, particularly regarding parental rights and the importance of ensuring the least intrusive option for families given the enormity of the power the State holds in statutory child protection contexts.

## **5. Lowering the threshold for statutory intervention and child removal**

In some Australian jurisdictions, legislative changes have been made aimed at strengthening thresholds for mandatory reporting and statutory intervention in order to reduce unnecessary child protection involvement and better target statutory responses toward the most serious cases (e.g. Wood, 2008, *Special Commission of Inquiry into Child Protection Services in NSW*).

ACCP is deeply concerned that aspects of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* appear to lower the threshold for statutory intervention and strengthen pathways to child removal, while simultaneously weakening practical emphasis on reunification and family preservation. In ACCP’s view, this risks moving the Northern Territory further toward an increasingly interventionist child protection system at a time when there is already overwhelming evidence that Australian child protection systems intervene extensively in the lives of children and families — particularly Aboriginal children and families.

The proposed wording in section 12A(3), which states that “a child must be removed from the child’s family if there is a significant and likely risk of harm to the child”, represents a concerning shift in tone and emphasis within the legislation. ACCP is concerned that mandatory and directive language of this nature risks reinforcing a crisis-driven and removal-oriented approach to child protection decision-making, rather than a nuanced consideration of whether risks can be safely addressed through supportive intervention.

Child removal is one of the most serious powers the state can exercise over children and families. While removal is necessary in some circumstances to ensure children’s immediate safety, there is also a substantial evidence base demonstrating that removal itself can result in profound lifelong harms, including attachment disruption, identity disturbance, placement instability, trauma, loss of community and cultural connection, poor mental health outcomes, youth justice involvement and ongoing intergenerational

harm — particularly for Aboriginal children and families. The long-term impacts of removal must therefore be weighed carefully alongside immediate concerns regarding safety – particularly where risks of significant harm can be managed through supports to families. For example, a child may be safe with strong, loving connections to family, but be at risk of significant harm as their parent struggles to provide adequate food and shelter. It would be in the best interests of the child to support that parent to address the risk of harm, rather than remove the child into care. Supporting safety in place should always be prioritised over removing a child from a family in which they love and feel loved.

Importantly, Australian child protection systems were not originally designed to intervene in the lives of the proportion of children and families now coming into contact with statutory systems. Contemporary definitions of abuse and neglect have expanded significantly over time, while mandatory reporting obligations and community expectations regarding reporting have also broadened (e.g., Bromfield, 2015; Mathews, 2014). ACCP notes that the landmark Australian Child Maltreatment Study estimated that approximately 61% of young Australians aged 16–24 years have experienced at least one form of abuse or neglect (Higgins et al., 2023). This does not mean statutory child protection intervention is appropriate, necessary or beneficial for 61% of Australian children. Rather, it highlights the importance of ensuring child protection systems remain targeted, proportionate and focused on the most serious cases, while broader systems of prevention and family support respond to the wider social determinants of harm.

There is significant evidence that increasingly interventionist statutory systems do not necessarily improve outcomes for children. ACCP notes the South Australian experience following reforms that expanded the scope of child protection intervention and elevated safety as the paramount principle within the *Children and Young People (Safety) Act 2017*. Since these reforms, South Australia has experienced dramatic growth in notifications, investigations and out-of-home care placements (e.g., Octoman, 2019), with one in three South Australian children reported to child protection by age 10. Aboriginal children have been particularly affected, with approximately one in ten Aboriginal children in South Australia entering out-of-home care within a single calendar year. Despite increasingly interventionist approaches, there has not been a corresponding reduction in the systemic drivers of child protection involvement, including poverty, housing insecurity, domestic and family violence, mental ill-health, substance dependence and unmet disability support needs. ACCP is concerned that expanding statutory intervention without substantial investment in prevention and early support risks reproducing these outcomes in the Northern Territory.

ACCP submits that the Northern Territory does not need a child protection system that removes more children, particularly Aboriginal and Torres Strait Islander children. It needs stronger investment in the conditions that keep children safely with family wherever possible. This includes (but is not limited to) sustained investment in prevention, housing, domestic and family violence services, alcohol and other drug

treatment, mental health support, disability services, intensive family preservation programs, and Aboriginal community-controlled family support services.

The inclusion of “proactive efforts” within the Bill is welcome in principle. However, proactive efforts cannot operate meaningfully in a legislative environment that simultaneously lowers the practical threshold for intervention and strengthens removal pathways. Without adequate investment in family support and culturally safe early intervention, there is a significant risk that proactive efforts become procedural rather than substantive.

ACCP cautions the Committee against reforms that risk normalising a more interventionist and removal-oriented child protection system. Such reforms may set a dangerous precedent not only for the Northern Territory, but nationally. The state should not be given broader powers to remove children without simultaneously strengthening obligations to prevent removal, preserve families, pursue reunification, and address the structural conditions driving child protection involvement in the first place.

## **6. Proactive efforts**

The inclusion of “proactive efforts” in the Bill is welcome in principle. However, ACCP is concerned that these provisions are situated within a broader legislative framework that also appears to lower the threshold for statutory intervention, strengthen pathways to removal, and impose tighter reunification timeframes. Proactive efforts cannot operate effectively if they are embedded in a system that is simultaneously making it easier to remove children and harder for families to reunify.

Proactive efforts should not be understood as a procedural step before removal. They should be a substantive, resourced and culturally grounded obligation to prevent removal wherever safely possible, and to support reunification where removal has occurred. As understood in the literature and practice guidance, pro/active efforts are affirmative, thorough and timely efforts intended to maintain or reunite Aboriginal and Torres Strait Islander children with family, with a focus on both prevention and reunification (Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP), 2023; Edwards, 2019; Indian Child Welfare Act, 1978). This requires more than referrals or written case plans. Proactive efforts require practical, persistent and culturally safe support, including comprehensive assessment, participation of family and kin in decision-making, family finding, culturally appropriate family preservation strategies, sibling connection, regular family contact, and use of Aboriginal helping and healing systems (Edwards, 2019; QATSICPP, 2023).

In the Bill, proposed section 12D requires the CEO to make proactive efforts to address risks with the aim of preventing removal, and to make reasonable proactive efforts toward reunification after removal. However, the same provision lists family responsibility agreements and family responsibility orders as examples of proactive

efforts. This risks conflating supportive, family-led early intervention with coercive statutory mechanisms. A family subject to surveillance, court orders, income management, housing consequences or alcohol-related restrictions may not experience this as support. They may experience it as punishment, threat or escalation.

ACCP submits that prevention requires investment, not simply intervention. Families need timely access to the supports that address the drivers of child protection involvement, including safe housing, domestic and family violence support, alcohol and other drug treatment, mental health care, disability support, parenting support, material assistance, transport, respite, and Aboriginal community-controlled family support. Without these services being available, accessible and culturally safe, “proactive efforts” risk becoming an empty statutory phrase.

The Bill also defines family support services to include alcohol and other drug rehabilitation, medical and health-related services, counselling, housing, parental support, and domestic and family violence services. ACCP supports this recognition, but submits that these services must be meaningfully funded and available before families are penalised for not engaging or not changing quickly enough. It is unfair and unsafe to hold parents accountable for service engagement where services are unavailable, delayed, geographically inaccessible, culturally unsafe, or not designed for Aboriginal families and communities. Proactive efforts must be backed by enforceable obligations, adequate resourcing and culturally safe services (see for example, the Indian Child Welfare Act, 1978). Otherwise, the Bill risks expanding state intervention while failing to address the conditions that bring families into contact with child protection in the first place.

While ACCP supports the principle that government should make proactive, early and practical efforts to keep children safely with family, this Bill does not yet go far enough. It is our position that proactive efforts should be strengthened so that they apply across the full continuum of prevention, early intervention, removal, placement and reunification. Furthermore, for Aboriginal and Torres Strait Islander children, such efforts require purposeful, thorough, timely, active, effective and affirmative practice across all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle: prevention, partnership, participation, placement and connection.

## **7. Reunification timelines and the risk of permanent separation and disconnection**

ACCP is deeply concerned by provisions within the Bill that may strengthen pathways toward permanent separation while weakening practical emphasis on reunification and family preservation. ACCP submits that rigid reunification timeframes risk permanently separating Aboriginal children from parents, family, community and culture before

families have had a realistic opportunity to stabilise, heal and access meaningful support.

There is now a substantial evidence base demonstrating the profound lifelong impacts of cultural disconnection for Aboriginal children removed from family and community (Cripps & Laurens, 2016; Hermeston, 2026; Krakouer, 2023a; Newton et al., 2024). Krakouer's (2022) research exploring cultural connection for Aboriginal children and young people in out-of-home care found that cultural connection is fundamentally relational and deeply tied to identity, belonging, kinship, ancestry and connection to mob and community over time. The research further found that out-of-home care systems are often poorly equipped to meaningfully support cultural connection once disconnection has occurred, and that cultural disconnection continues to be produced systemically through child removal itself (Krakouer, 2022). Evidence demonstrates the impact of such disconnection for Aboriginal children and young people remains significant over the lifespan, leading to conflicts with identity development and determination, detachment from community, a lack of belonging, and internal struggles of shame and loss (Krakouer et al., 2022; Newton et al., 2024). When discussing experiences of cultural connection in out-of-home care, Aboriginal young people in research have described confusion with their identity, uncertainty of their culture, an absence of belonging, feelings of being "out of place", and the challenges needing to rely on adults to facilitate cultural access (Krakouer, 2023a). Krakouer (2022) concluded from evidence that the most effective way to support cultural connection is through preventing Aboriginal children from entering out-of-home care in the very first instance. Where not prevented and removal does occur, the utmost priority must be given to considered, targeted, and culturally responsive efforts in reunifying Aboriginal children and young people with their families, to prevent the lifelong harm and instability of permanent separation from family.

The importance of prioritising culturally informed and Aboriginal-led approaches to reunification following the removal of Aboriginal children has been stressed through recent evidence nationally, with emphasis on the astonishing low rates of reunification for Aboriginal children across Australia (SNAICC, 2025; Newton et al., 2025). Research has continued to underscore the risk of upholding conventional practices rooted in provincial child protection origins, where increasing numbers of Aboriginal child removal will drive ongoing systemic institutionalisation of Aboriginal children. Evidence points that with such distinctions between non-Indigenous and Indigenous concepts and practices regarding family, it is impractical for non-Indigenous reunification policies to adequately meet the needs of Aboriginal children and young people (Toombs et al., 2018). Newton (2025) argues that Aboriginal reunification requires sustained, culturally grounded, Aboriginal community-controlled approaches that recognise the structural and historical conditions driving child protection involvement, including poverty, trauma, housing insecurity, family violence and intergenerational child removal. Newton (2025) further argues that reunification cannot be understood as a simple procedural outcome,

but rather as a process requiring long-term relational support, cultural healing and community-led practice.

Undermining these considerations in reunification policy and practice carries significant risk to the long-term outcomes of reunification for families, including feasible opportunities for Aboriginal families to achieve reunification, and in their ability to safely heal together from removal (Newton et al., 2024). The harms associated with failing to recognise and address child protection issues, such as substance dependence and homelessness, among Indigenous families as systemic consequences of colonialism, has been highlighted across research (Michell, 2021; Newton et al., 2024). Michell (2021) upheld that neglecting broader structural harms in the approach to reunification with families affected by these conditions contributes to reunification processes that are punitive, culturally unsafe, and inherently difficult for families to successfully navigate.

There is an urgent need in Australia for investment in holistic, culturally-safe early support services long before families enter contact with statutory child protection systems (Department of Social Services, 2026). Services and supports across several sectors, including mental health management, alcohol and other drug treatment, housing assistance, and family and domestic violence services, continue to face significant resourcing and service capacity restraints, characterised by long waitlists, narrow referral pathways, limited service availability, increased costs for access, and high staff turnover (Productivity Commission, 2026; The National Tribune, 2025). The system's overall capacity to meet the growing service demand has been identified as a significant concern across Government and academic reporting, particularly affecting regional and remote areas (Department of Health, Disability and Ageing, 2022; Productivity Commission, 2026; Toombs et al., 2018).

ACCP is concerned that rigid reunification timeframes fail to adequately account for the realities families are navigating in accessing and engaging with the services and supports typically required through reunification processes. Families experiencing domestic and family violence, homelessness, poverty, substance dependence, mental ill-health or living with disability often require substantial time, support and stability before reunification can safely occur. Legislation imposing strict timelines on decision-making regarding reunification without appropriately addressing structural barriers to effectively engage in reunification requirements risks penalising families for circumstances and disadvantages they were never adequately supported to overcome. Where parents seeking reunification are subject to requirements that involve addressing trauma, developing and sustaining substantive changes in behaviours or psychological understanding, accessing services, or securing housing, priorities of timely decision-making undermine feasible opportunities for families to achieve this. Healing from trauma does not occur according to arbitrary legal deadlines.

Importantly, Victoria recently moved away from rigid reunification timelines following significant critique of earlier permanency reforms. The Yoorrook Justice Commission (2023) found that Victoria's child protection system was continuing patterns of harmful

Aboriginal child removal and recommended reforms that better recognised the importance of family, culture and self-determination in decision-making. In its *Report into Victoria's Child Protection and Criminal Justice Systems*, the Yoorrook Justice Commission (2023) emphasised the ongoing connection between contemporary child protection systems and the harms of the Stolen Generations. Such recognition highlights that not only is child removal is already experienced at significantly disproportionate rates for Aboriginal and Torres Strait Islander children, there is also continuity between the experience of past and present child welfare and protection for Aboriginal and Torres Strait Islander people (Krakouer, 2023b). There is consequently a need to be cautious about any proposed legislative changes that provide the scaffolding for increased child removals, fewer cultural protections and reduced focus on reunification and family preservation.

In March 2026, Victoria passed legislative reforms removing strict reunification time limits for Family Reunification Orders (Victoria Legal Aid, 2026). These reforms implemented Yoorrook Recommendation 25 and restored the capacity for the Children's Court to extend reunification timeframes where in the child's best interests. Victoria Legal Aid described the reforms as restoring "child-focused decision-making" after concerns that rigid statutory timelines were contributing to permanent family separation before parents had realistic opportunities to recover and stabilise (Victoria Legal Aid, 2026). The Northern Territory should carefully consider these developments. Jurisdictions across Australia are increasingly recognising that overly rigid permanency timelines can produce unintended harms, particularly for Aboriginal children and families (Victoria Legal Aid, 2026). Permanency should not be confused with rapid legal finalisation (Walsh, 2015). Stable, loving, culturally connected family relationships are themselves critical forms of permanency for children, and often the forms of permanence most crucial to young people within child protection systems (Hermeston, 2021; Parkinson, 2003; Walsh, 2015). The significance of these forms of permanency in child protection proceedings has been recognised internationally, with evidence to suggest the minimal positive impact legal permanency holds without meeting children's and young people's sense of belonging (Kardux, 2022; Walsh, 2015).

ACCP submits that the Bill should strengthen obligations toward active reunification efforts, require meaningful and culturally safe support to families prior to pursuing long-term separation, and ensure that courts retain discretion to consider the individual circumstances of children and families, including service availability, housing access, family violence, trauma recovery and cultural connection needs.

Without such safeguards, there is a substantial risk that children will experience unnecessary and irreversible separation from parents, siblings, extended family, community, culture and Country, with lifelong consequences for identity, wellbeing and belonging.

## Closing Remarks and Recommendations

Children deserve safety, stability, family, culture, community and Country, and importantly, these are not mutually exclusive. The *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* appears to respond to legitimate concerns about child safety by increasing state intervention, narrowing reunification pathways and weakening Aboriginal child-specific safeguards. Such changes risk repeating the harms of the Stolen Generations and setting Northern Territory child protection responses and systems backwards.

The Australian Centre for Child Protection recommends that the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* should not be passed by the Assembly in its current form.

Evidence does not support:

- Safety as paramount as an effective response to enabling children to be safe and thrive in the short, medium and long-term.
- Any changes to the Aboriginal and Torres Strait Islander Child Placement Principle that do not, at least, match provisions for the Principle in the *Care and Protection of Children Act 2007*.
- Lowering the threshold for statutory intervention and child removal.
- Family Responsibility Agreements and Orders that hold parents solely accountable for systemic issues that drive unmet need and lack of safety.
- Strict timelines imposed upon reunification.
- Weak stipulations concerning active/proactive efforts before child removal or stipulations that are contradicted, overridden, or minimised by other parts or objects within the legislation.

Should amendments be considered, ACCP strongly recommends a careful and considered approach that enables time for community, cultural and expert input to avoid unintended adverse consequences of legislative reform. Unintended consequences of legislative reform pose a risk to children, their family and community, and the wider population of the Northern Territory.

Providing advice to Legislative Scrutiny Committee for the purposes of its inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*, the Australian Centre for Child Protection further recommends that the Committee:

- Extend the submission period.
- Conduct genuine consultation with Aboriginal and Torres Strait Islander families, Aboriginal Community-Controlled Organisations (ACCO) and communities in the Northern Territory and nationally.

- Ensure cultural connection is recognised as part of safety for Aboriginal and Torres Strait Islander children and young people.
- Proactive efforts are made to address the structural drivers of harms to children – child poverty, lack of safe housing, food security, measures to reduce alcohol and other drug misuse and the incidence of violence, the availability of disability and mental health supports. These complex, structural drivers need to be met in multifaceted ways, not just through the provision of family and reunification support services.
- Ensure culturally-appropriate, ACCO-led prevention, early intervention and reunification supports are available and adequately funded prior to consideration of any future legislative amendments.

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**Contact:**

For further information or clarification regarding this submission, please contact Dr Jacynta Krakouer, Aboriginal Strategy & Engagement Lead, Australian Centre for Child Protection at [ChildProtection@adelaide.edu.au](mailto:ChildProtection@adelaide.edu.au)