

25 May 2026

Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory

Dear Secretary,

Submission to the *Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*

VACCA, Australia's lead child and family support agency, thanks the Committee for providing an extension until 9.30am (AEST) Monday, 25 May to make a submission to this Inquiry into the Northern Territory Government's *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill (Bill)*, a Bill which seeks to amend the *Care and Protection of Children Act 2007 (NT)*.

VACCA **strongly opposes** the Bill. Our advice to the Legislative Scrutiny Committee is that the proposed amendments to the *Care and Protection of Children Act 2007 do not proceed*.

VACCA's key concerns are that:

- The Bill represents a **significant regression in the protection of the rights of Aboriginal children and families**, according to analysis of the legislation by national peak, SNAICC. Community leaders, and other experts in the Northern Territory and across Australia, are equivocal – **measures in the Bill will not make Aboriginal children safer**. On this basis, VACCA cannot support the Bill.
- Any legislative instrument that has the effect of diminishing legal protections of individual or collective human rights to identity and Culture or connection to Community and Country is **a form of cultural genocide** and is **a breach of Australia's obligations under international law**.
- The Northern Territory government has **failed to uphold the fundamental international legal principle that Aboriginal people have the right to be consulted by governments on matters that may affect them**, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Further detail about our position is provided over the page.

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Why VACCA's voice matters in this Inquiry – About VACCA

Established in 1976, the Victorian Aboriginal Child and Community Agency (VACCA) is the lead Aboriginal child and family support organisation in Australia. While our service footprint is in Victoria, our policy, advocacy and research interests and impact extend to all parts of Australia and to international jurisdictions, such as Canada and New Zealand. At the national level, VACCA is an active member of the Coalition of Peaks and SNAICC – the National Voice for Children.

We work holistically with children, young people, women, men, and families to ensure they have the necessary supports to heal and thrive. We do this by advocating for the rights of children and providing everyone who walks through our doors with services premised on human rights, self-determination, cultural respect and safety.

We provide support services to over 4,500 children and young people, and their families and carers each year. VACCA provides support services for Stolen Generations through Link-Up Victoria, which has been in operation since 1990.

As an Aboriginal Community Controlled Organisation (ACCO), VACCA shows respect for observance of and compliance with Aboriginal cultural protocols, practice and ceremony. VACCA emerged from a long and determined Aboriginal Civil Rights movement in Victoria. Today, we continue to act, serve and lobby for the rights of Aboriginal Victorians, especially children, women and families.

VACCA has directly contributed to the drafting of multiple legislative amendments to child protection legislation in Victoria, the *Children, Youth and Families Act 2005* (Vic). Since 2017 we have been performing the functions and exercising the powers of the State in respect of Aboriginal children in Victoria.

VACCA is guided by *Cultural Therapeutic Ways*, our whole-of-agency approach to our practice of healing for Aboriginal children, young people, families, community members and carers who use our services, and to ensure that VACCA is a safe and supportive workplace for staff. The framework acts at the intersection of cultural practice with trauma-informed and self-determination theories. The aim of *Cultural Therapeutic Ways* is to integrate Aboriginal culture and healing practices across the organisation and guide our service delivery approach to be healing, protective and connective.

Key concern:

The Bill is a significant regression in the protection of the rights of Aboriginal children and families and will not make Aboriginal children safer.

VACCA notes that SNAICC's¹ detailed assessment of the Bill has found that it *"weaken[s] key cultural safeguards of Aboriginal children while expanding statutory intervention, compliance-based mechanisms and discretionary decision-making powers within a system already producing profoundly unequal outcomes for Aboriginal children and families"*.²

VACCA is particularly concerned that the Bill:

- Weakens and removes key safeguards and protections for children provided by the Aboriginal Child Placement Principle.
- Does not establish delegated authority, Aboriginal community-controlled decision-making or accountability mechanisms consistent with Closing the Gap Priority Reforms.

The Aboriginal Child Placement Principle is central to ensuring governments do not repeat the atrocities and ongoing impacts of the Stolen Generations.

Under the Aboriginal Child Placement Principle:

- The removal of any Aboriginal child must be a last resort – the principle emphasises the need for family preservation whenever possible.
- If removal is unavoidable, authorities must prioritise placing the child with extended family or within the Aboriginal community, ensuring proximity to their natural family.
- Maintenance of a child's cultural identity and connection to their community is recognised as essential for their development and sense of belonging.
- Aboriginal organisations must be consulted in decisions affecting Aboriginal children, ensuring that their cultural perspectives are respected and integrated into child welfare practices.

VACCA observes that in Victoria, application of the Aboriginal Child Placement Principle has been a key driver of reforms that enable the delegation of statutory powers to Aboriginal Community Controlled Organisations (ACCOs).

¹ As VACCA was only provided with several days' notice to make a submission to this Inquiry, our legal team was not afforded the opportunity to undertake a thorough independent assessment of the Bill. Our submission necessarily relies on SNAICC's detailed analysis of the legislation. Aunty Muriel Bamblett, VACCA's Chief Executive Officer, is the Chairperson of SNAICC.

² SNAICC, *Submission to Legislative Assembly of the NT Legislative Scrutiny Committee* (May 2026)

Since 2017, under section 18 of Victoria's *Children, Youth and Families Act 2005*, ACCOs have been authorised with legal responsibility for Aboriginal children and young people who have been placed on a Children's Court protection order, and since 2023, to also investigate allegations of abuse and intervene where necessary in respect of children before they are placed on protection orders.

VACCA has been at the forefront of this reform. We are now the largest guardian of Aboriginal children outside of government. Through our Nugel program, which manages the case planning and case management of children, we have established a new model of child protection that embeds traditional Aboriginal cultural practice in our service response, including close work with family and community to build capacity and restore circles of care.

The impact of this historic transfer of state power for the care and protection of Aboriginal children to ACCOs cannot be over-stated.

Delegation of statutory authority to ACCOs in Victoria has been shown to reduce child removals by half and to double the rate of safe returns of Aboriginal children to their parents' care.

This underscores the importance of the Aboriginal Child Placement Principle and establishing delegating authority and Aboriginal community-controlled decision-making.

We also note that, as an ACCO, VACCA has demonstrated that we can do better than the Victorian Department of Families, Fairness and Housing with 800 children in our care and over 400 on Guardianship.

The scale of what we've achieved in Victoria, underscores what is possible in the Northern Territory with government working in partnership with Aboriginal leadership to transfer decision-making and resources to communities and ACCOs.

To this end, VACCA urges the Northern Territory Government to:

- Abandon the Bill; and
- Engage in meaningful dialogue with Aboriginal and Torres Strait Islander communities, ACCOs and the Northern Territory Children's Commissioner to advance reforms that fully uphold the Aboriginal Child Placement Principle without compromise and realise its potential to support Aboriginal children to be safe and Aboriginal families to thrive.

VACCA notes that Australia's First Peoples and Children's Commissioners have called on the Northern Territory Government to halt the Bill and commit to evidence-based reform.³ A coalition of Aboriginal Legal Services in the Northern Territory have also criticised the lack of consultation with Aboriginal organisations and experts and have called for the Bill to be scrapped.⁴

³ Australian Human Rights Commission, *Australia's First Peoples and Children's Commissioners urge Northern Territory government to halt weakening of child placement principle* (Media Release, 18 May 2026) <[Australia's First Peoples and Children's Commissioners urge Northern Territory government to halt weakening of child placement principle](#)>.

⁴ North Australian Aboriginal Justice Agency (NAAJA), the North Australian Aboriginal Family Legal Services (NAAFLS), Central Australian Aboriginal Family Legal Service (CAAFLU), Legal Aid NT (LANT), Top End Women's Legal Service (TEWLS), Katherine Women's Information and Legal Service (KWILS), Central Australian Women's Legal Service (CAWLS) and the Darwin Community Legal Centre (DCLS), *Serious concerns raised about proposed NT child removal reforms* (Media Release, 15 May 2026) <[Serious concerns raised about proposed NT child removal reforms - NAAFLS](#)>.

Key concern:

Any legislative instrument that has the effect of diminishing legal protections to individual or collective human rights to identity and Culture or connection to Community and Country is a form of cultural genocide and is a breach of Australia's obligations under international law.

In 1997, the Australian Human Rights Commission's landmark *Bringing Them Home* report was tabled in Parliament, laying bare the genocide committed against Aboriginal people through forced removal, cultural denial and assimilationist policies.

It made recommendations focused on healing for Stolen Generations and responding to the over-representation of First Nations children in contemporary child protection systems.

Those recommendations sought the well-planned and properly resourced development of an Aboriginal community-based service system – a **self-determined** system comprised of local Aboriginal agencies funded to support First Nations families to heal from intergenerational trauma and support all families with their children's development, parenting and family wellbeing.

Subsequent systemic inquiries and research and evaluation projects continue to demonstrate that investing in self-determination – Aboriginal-led design, Aboriginal-led implementation, Aboriginal-led governance that focuses on voice and Aboriginal ways of knowing, being and doing, and building an Aboriginal evidence base – leads to better outcomes for Aboriginal children and families.

Thirty years on, the Northern Territory Government has failed to meet the moment with this Bill, putting forward legislative reforms that are not self-determined and do not recognise that, for Aboriginal people, the best interests of the child cannot be separated from the best interests of the community. Connection to family, community, culture and Country is integral – knowing who they are, who their mob is, learning their cultural practices, songs and stories.

Any attempt at erasure is nothing short of cultural genocide and – if enacted – will constitute a breach of Australia's obligations under international law.

Key concern:
Lack of genuine consultation

VACCA is deeply concerned by the lack of genuine consultation on the Bill.

The Bill was introduced to Parliament by the Northern Territory Government and referred to the Legislative Scrutiny Committee on 13 May 2026. VACCA was contacted by the Committee on 18 May 2026 with a call for submissions to its inquiry into the Bill. Submissions were due on 22 May 2026, less than ten days after the introduction of the Bill and just five days after VACCA was contacted.

VACCA understands that the Bill makes significant changes to the *Care and Protection of Children Act 2007* (NT) including amending the threshold for child removal and weakening the Aboriginal Child Placement Principle. The proposed changes have been described by the Northern Territory Government as ‘landmark amendments’ and ‘sweeping reform’.⁵ They are major reforms that will impact Aboriginal children and families across the Northern Territory.

Despite the Bill’s significance, the Northern Territory Government has provided just days for community and expert feedback.

The severely limited timeframe for submissions has made it impossible for VACCA to engage meaningfully with the Bill, notwithstanding our special expertise in the subject-matter and this restriction is likely to prevent other stakeholders and community members from participating in the inquiry. As a consequence, as stated earlier in this submission, elements of our submission rely on analysis of the legislation by our national peak body, SNAICC.

We note that under international law, Aboriginal people have the right to be consulted by governments on matters that may affect them as articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Article 19 of UNDRIP requires governments to consult and cooperate in good faith with Aboriginal people through their representative institutions to obtain free, prior and informed consent before adopting legislative or administrative measures that may affect them.

⁵ Minister Robyn Cahill, Minister for Child Protection, *Every Child Matters — Landmark Amendments to the Care and Protection of Children Act* (Media Release, 13 May 2026) <[Territory Stories - Every Child Matters - Landmark Amendments to the Care and Protection of Children Act](#)>.

To satisfy the requirement of consultation and cooperation in good faith, there are core minimum components that must be present. Research undertaken into the inadequacies of consultation in relation to the Northern Territory Emergency Response found that the deficiencies in the process included:

- Lack of independence from government on the part of the people undertaking the consultancy;
- Lack of Aboriginal input into design and implementation;
- Lack of notice;
- An absence of interpreters;
- The consultations took place on plans and decisions already made by the government;
- Inadequate explanations of the NTER measures;
- Failure to explain complex legal concepts; and
- Concerns about the government's motives in implementing consultation.⁶

By rushing through these current reforms and providing stakeholders with just one week to comment on the Bill, the Northern Territory has clearly failed to uphold this fundamental international legal principle.

The UNDRIP was endorsed by Australia in 2009 and is increasingly recognised as a source of customary international law. Therefore, while as a declaration the UNDRIP is non-binding, customary international law is a primary source of international law alongside treaties and general principles of law that States must uphold.

⁶ 'Will they be heard? - A response to the NTER Consultations June to August 2009', *Alastair Nicholson, Larissa Behrendt, Alison Vivian, Nicole Watson and Michele Harris, Research Unit, Jumbunna Indigenous House of Learning*, November 2009.

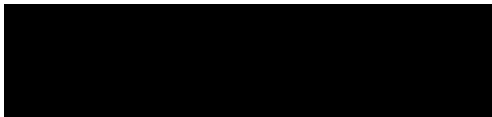


Recommendations:

VACCA recommends that:

- 1. The Assembly should not pass the Bill.**
- 2. The Assembly should engage in meaningful consultation with Aboriginal Community Controlled Organisations, experts, service providers and other relevant stakeholders over a reasonable timeframe and with access to an appropriate level of information before introducing further reforms.**

Yours Sincerely,



Muriel Bamblett, AO
Chief Executive Officer