

22<sup>nd</sup> May 2026

Secretary  
Legislative Scrutiny Committee  
GPO Box 3721,  
Darwin, NT 0801  
E-mail: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)

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

To the Committee,

As an agency that works with, and advocates for, survivors of child sexual abuse and exploitation, and with a focus on ensuring that systems and legislation are established to better protect children and young people, we are writing in response to the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. In principle Bravehearts conditionally support the Bill.

We strongly support the intent of the Bill and affirm that every child absolutely matters. Protecting children from harm must remain a core priority, and reforms must seek to strengthen safety, wellbeing and the conditions that enable all children to thrive. However, we hold significant reservations about whether aspects of the Bill sufficiently reflect the realities experienced by First Nations children and families. Child protection responses for First Nations children must be understood within the context of culture, kinship, community and the ongoing impacts of historical and systemic disadvantage. Without this foundation, there is a real risk that reforms intended to protect children may further entrench patterns of over-surveillance, over-representation and separation from family and culture. Reform efforts must instead prioritise self-determination and culturally safe approaches that strengthen the protective capacity of families, communities and culture itself.

The proposed amendments contained within the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* represent a significant reform of the Northern Territory's child protection framework. The Bill has been introduced in the context of profound public concern regarding the safety of vulnerable children, including the tragic recent case in the Northern Territory, which highlighted critical failings across systems responsible for protecting children and responding to risk. This submission is informed by research and practice evidence relating to child protection, childhood trauma, and child sexual abuse and exploitation, and acknowledges the urgent need for reforms that improve outcomes for children and young people at risk of harm.

While the intent of the proposed reforms is acknowledged, the Bill will not achieve its objectives without critical safeguards, resourcing and accountability mechanisms. While the intent of the proposed reforms is acknowledged, this submission focuses particularly on the critical questions surrounding implementation, cultural safety, self-determination, and the potential unintended consequences of legislative change; especially for First Nations children, families, and communities, who remain significantly overrepresented within the child protection system.

Effective reform must extend beyond legislative amendment alone and ensure that policy and practice responses are trauma-informed, culturally safe, evidence-based, and developed in meaningful and genuine partnership with First Nations communities and organisations. Without these safeguards, the reforms are likely to deepen existing inequities and further entrench system involvement for First Nations children and families, deepen existing inequities and further entrench distrust and system involvement for the very children and families the legislation seeks to protect.

### **Best Interests of the Child: paramount principle**

While the Bill elevates the best interests and safety of the child as the paramount consideration, cultural identity remains a critical component of a child’s wellbeing, particularly for First Nations children. Connection to family, kinship systems, language, culture and Country are not secondary “extras”; they are protective factors that contribute to a child’s long-term emotional, spiritual and developmental wellbeing (Henderson et.al., 2024).

The challenge for implementation will be ensuring that the principle of safety is not interpreted narrowly as only immediate physical protection, but holistically, in a way that recognises the lifelong harms that can arise from cultural disconnection and loss of identity (Cripps, 2012). Historically, First Nations communities have experienced the devastating impacts of child removal policies, including the Stolen Generations, and this history necessitates careful, culturally informed decision-making.

Existing principles within the Northern Territory framework recognise that a child’s cultural, ethnic and religious background, and for First Nations children their connection to family, community, language and Country, are relevant to determining their best interests. The proposed reforms appear to retain cultural considerations and placement preferences but position them beneath the overarching requirement of safety and protection from harm (within the hierarchy of considerations, Part 1.3, s8(2)(3)).

For this balance to work appropriately, the system must be required to demonstrate:

- culturally informed risk assessment rather than culturally neutral decision-making;
- meaningful partnership with First Nations families, Elders and community-controlled organisations;
- proactive efforts to support kinship placements safely before resorting to non-Indigenous placements;
- adequate investment in First Nations carers and therapeutic supports; and
- recognition that permanency and stability should include cultural permanency, not only physical placement stability.

In practice, the “best interests” principle should not be used as a justification for sidelining Child Placement Principles altogether (van Noppen et.al., 2023). Instead, cultural placement principles should continue to operate as an essential mechanism for achieving a child’s best interests wherever safe and practicable (Lima et.al., 2024). The real question is not whether safety or culture matters more, but how systems can ensure children experience both safety and enduring cultural connection.

### **First Nations**

The proposed amendments relating to Aboriginal children in the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 represent an important acknowledgement of the role of family, kinship networks, and community in promoting the wellbeing of First Nations

children. The inclusion of section 12C(1), recognising kinship groups and communities through self-determination, aligns with evidence that connection to family, culture, and community strengthens wellbeing outcomes for Aboriginal children (SNAICC, n.d). Recognition of self-determination is particularly important given the ongoing impacts of colonisation (O'Donnell et.al., 2019) and the continuing overrepresentation of First Nations children in statutory child protection systems (AIFS, 2020).

While this recognition is positive, the proposed changes to section 12C(2) may weaken participation rights for Aboriginal children and their families. The shift from a right to participate in decision-making processes to merely an opportunity to participate represents a clear weakening of existing protections and undermines the principle of self-determination. Genuine participation is fundamental to self-determination and extends beyond procedural consultation, requiring culturally safe approaches that actively enable children, families, and kinship networks to contribute meaningfully to decisions affecting children's lives (SNAICC, 2025; Woodman Roche & McArthur, 2022). Participation frameworks that transfer authority and support family-led and culturally grounded decision-making processes are associated with stronger outcomes for children's wellbeing, identity, and connection to family and culture (Venables et al., 2025).

The inclusion of section 12C(3), which promotes placement close to family and community and supports ongoing connections to family, culture, language, traditions, and Country, is a positive amendment. Maintaining these connections is particularly important for First Nations children, as cultural identity and connection are recognised protective factors that support long-term wellbeing (SNAICC, 2025; Venables et al., 2025). However, cultural connection extends beyond physical proximity alone and requires active support through culturally informed care planning, family involvement, and partnerships with Aboriginal community-controlled organisations to ensure children maintain enduring relationships and cultural continuity throughout their care experience (SNAICC, 2025; McVicar & White, 2024).

### **Placement**

The proposed amendments strengthen the focus on child-centred practice, permanency, and timely decision-making within the statutory child protection system.

The inclusion of section 11, which enhances children's participation in decision-making, is a positive reform that recognises children as active participants in matters affecting their lives. For First Nations children, meaningful participation should also include opportunities to express views about family, community, Country, culture, and identity in culturally safe and developmentally appropriate ways (SNAICC, n.d.; Venables et.al., 2025).

The proposed threshold in section 12A, which provides that a child should only be removed where there is a significant and likely risk of harm, recognises the serious impacts of family separation and reinforces that removal should occur only when necessary. This consideration is particularly important for First Nations children and families given the ongoing impacts of colonisation, intergenerational trauma, and the continuing overrepresentation of First Nations children in statutory child protection systems (AIFS, 2020; O'Donnell et.al., 2019).

Section 12B's emphasis on timely decision-making and stable long-term care arrangements appropriately acknowledges the harm caused by uncertainty and multiple placement changes. While promoting permanency and stability is important, for First Nations children these concepts should extend beyond legal permanence to encompass cultural permanence and relational continuity (Hermeston, 2023; SNAICC, 2025). Long-term wellbeing is strengthened through

enduring connections to family, kinship networks, community, language, culture, and Country, which contribute to identity, belonging, and cultural safety.

The strengthened placement hierarchy needs to prioritise family and relational continuity, with emphasis on maintaining ongoing relationships with significant people in a child’s life (SNAICC, n.d., Venables et.al., 2025). For First Nations children, implementation should recognise broader kinship systems and align with Aboriginal and Torres Strait Islander Child Placement Principles to ensure that decisions support not only safety and stability, but also cultural identity, connection, and self-determination.

### **Reunification**

Research consistently demonstrates that successful reunification is more likely where families receive intensive, trauma-informed and culturally safe supports that address the broader drivers of child protection involvement, including poverty, housing insecurity, intergenerational trauma, and systemic disadvantage. For First Nations children and families, Aboriginal community-controlled organisations play a critical role in providing culturally informed interventions and supporting decision-making processes grounded in community knowledge and kinship structures (SNAICC, 2025). Evidence also indicates that most First Nations children who are successfully reunified do not return to out-of-home care within a twelve-month period, suggesting that investment in safe and supported reunification processes can produce sustainable outcomes (AIHW, 2025)

The introduction of section 12D and the principle of “proactive efforts” is a positive step toward strengthening family restoration and reducing long-term separation from family. However, proactive efforts should extend beyond meeting statutory timeframes and include active measures to preserve children’s relationships with family, kin, and culture. For First Nations children, cultural identity and connection to family and community are recognised protective factors that contribute to wellbeing, resilience, and long-term outcomes (SNAICC, 2025). Reunification efforts should therefore support both physical and cultural continuity.

The requirement under section 12D(2) for proactive efforts to reunify children with parents or family members recognises the importance of family preservation. However, successful reunification depends on the availability of culturally safe, trauma-informed supports that address the broader factors contributing to child protection involvement (SNAICC, 2025).

The focus under section 12D(3) on the first six months following removal appropriately recognises the importance of early intervention. However, implementation should also require early identification and engagement of kinship networks. For First Nations children, kinship care is not simply a placement option but an important mechanism for maintaining identity, belonging, and cultural continuity. Early engagement with kin and Aboriginal community-controlled organisations would strengthen culturally safe pathways and better align with the principles of the Aboriginal and Torres Strait Islander Child Placement Principle (SNAICC, n.d.).

### **Family Responsibility Arrangements**

The expansion of Part 2.1A to introduce an “event of concern” as a trigger for Family Responsibility Agreements reflects a stronger emphasis on earlier intervention and preventing escalation into statutory child protection or youth justice systems. Early support for children and families is important and may provide opportunities to address emerging concerns before they reach crisis point. However, this approach risks shifting responsibility onto families without

addressing systemic drivers or demonstrating sufficient recognition of the broader factors that influence children’s behaviour and wellbeing.

Children demonstrating behavioural concerns, anti-social behaviours, or early offending behaviours often experience intersecting challenges including trauma, family violence, disability, poverty, housing instability, and unmet mental health needs (Malvaso et.al., 2022). Interventions that focus primarily on parental accountability without addressing these underlying issues may risk increasing family stress and disengagement from support services. Evidence indicates that effective early intervention approaches are family-centred, trauma-informed, and strengths-based, with a focus on building family capacity rather than imposing responsibility alone (MacDonald et.al., 2026).

For First Nations children and families in particular, implementation should include culturally safe approaches that recognise the importance of kinship networks, community relationships, and self-determination. Aboriginal community-controlled organisations are well placed to provide culturally informed support and should be engaged early to ensure responses build on family strengths and maintain cultural connections (SNAICC, 2025). Early intervention mechanisms are likely to be most effective where families are supported as partners in decision-making rather than positioned solely as subjects of accountability measures (SNAICC, 2025).

### **Preventing Harm**

The requirement under section 12D(1) for proactive efforts to address risks before a child requires removal is a positive measure that recognises the importance of early intervention and family preservation. However, effective prevention efforts must explicitly recognise the protective role of family, kinship networks, and culture in supporting children’s safety and wellbeing (Henderson et.al., 2024; SNAICC, 2025). For First Nations children in particular, connections to family, community, culture, and Country are central determinants of identity and long-term wellbeing and should be considered core elements of prevention responses rather than secondary considerations following removal.

Proactive efforts should therefore extend beyond service provision to include early engagement with extended family and kinship networks, culturally informed care planning, and partnerships with Aboriginal community-controlled organisations. Kin and community members can provide practical support, cultural guidance, and relational stability that may reduce the need for statutory intervention while preserving children’s sense of belonging, identity, and continuity (Venables et al., 2025). Strengthening family and cultural supports at the earliest stage may help address risks within the child’s existing support system rather than relying on removal as the primary response, particularly where interventions build on family strengths and community-led approaches (SNAICC, 2025; Lima, 2024).

Embedding culturally safe and family-led approaches within proactive efforts would also strengthen alignment with the principles of self-determination and the Aboriginal and Torres Strait Islander Child Placement Principle. Evidence indicates that children experience stronger long-term outcomes when interventions build on family and community strengths and actively maintain cultural continuity (SNAICC, 2025; Venables et al., 2025). Approaches grounded in prevention, partnership, and connection recognise culture, family, and community as central to children’s safety, wellbeing, and identity (AIHW, 2025).

### **Oversight, Accountability & Data Gathering**

We also have concerns regarding oversight, accountability and the mechanisms used to assess whether the Bill achieves its intended outcomes in practice. While strengthening protections for children is essential, there must be clear and transparent accountability for systemic failures and a robust framework to monitor whether reforms are delivering meaningful improvements in children’s safety, wellbeing and long-term outcomes (QATSICPP, 2024). This includes clarity around who is responsible for measuring outcomes, evaluating implementation, and identifying and responding to unintended consequences.

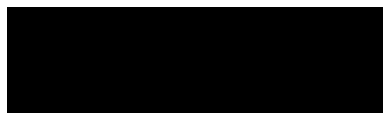
Strong accountability requires more than the collection of broad system-level data. Effective accountability requires culturally informed evidence and data systems that recognise the unique experiences, strengths and priorities of First Nations children, families and communities. Data collection, interpretation and reporting should be grounded in the principles of Indigenous Data Sovereignty, recognising the rights of First Nations peoples to govern the creation, ownership, access and use of data relating to their communities. First Nations communities and organisations should be meaningfully involved in determining what outcomes are measured, how success is defined, and how evidence informs policy and practice (Prehn & Walter, 2023; QATSICPP, 2024). Without culturally responsive and community-led approaches to accountability and measurement, there is a risk that inequities remain obscured, systemic harms remain unaddressed, and reforms unintentionally reinforce existing patterns of over-representation and disconnection from family, culture and community (Prehn & Walter, 2023).

Bravehearts urges the Committee to ensure that these reforms are strengthened to guarantee that child safety, cultural integrity, and long-term wellbeing are not only intended outcomes but legislated requirements. We thank you for the opportunity to provide feedback to the Committee. Please contact [research@bravehearts.org.au](mailto:research@bravehearts.org.au) should further information be required.

Kind Regards,



Carol Ronken  
Director of Research



Alison Geale  
CEO

## References

- Australian Institute of Family Studies (AIFS). (2020). *Child protection and Aboriginal and Torres Strait Islander children*.
- Australian Institute of Health and Welfare (AIHW). (2025). *Closing the Gap targets: Key findings and implications*. *Child protection*. Accessed: <https://www.aihw.gov.au/reports/indigenous-australians/closing-the-gap-targets-key-findings-implications>
- Cripps, K. (2012). Indigenous Children's 'Best Interests' at the Crossroads. *International Journal of Critical Indigenous Studies*, 5. doi.org/10.5204/ijcis.v5i2.88
- Henderson (Wiradjuri), L., Hawkins, E., Corporal (Eastern Arrernte), S., Graham (Kombumerri, Minjungbal, Wakka Wakka), J., Kruger (Kombumerri, Ngugi), C., Marshall (Eastern Aranda, Waluwarra), A, Marshall (Kalkadoon, Alyawarre), J., West (Kalkadoon), K., & Shanley, D. C. (2024). A theoretical conceptualisation of connection to culture in Australian First Peoples children. *AlterNative: An International Journal of Indigenous Peoples*, 20(1), 178-188. doi.org/10.1177/11771801241235391
- Hermeston, W. (2023). First Nations Children and Families and Permanency Planning Reform: The Evidence Counts. *Australian Social Work*, 76(3), 358–370. doi.org/10.1080/0312407X.2023.2207559
- Lima, F., O'Donnell, M., Gibberd, A. J., Falster, K., Banks, E., Jones, J., Williams, R., Eades, F., Harrap, B., Chenhall, R., Octoman, O. & Eades, S. (2024). Aboriginal Children Placed in Out-of-Home Care: Pathways Through the Child Protection System. *Australian Social Work*, 77(4), 471–485. doi.org/10.1080/0312407X.2024.2326505
- MacDonald, J. B., Helprin, H., Tamiakis, T., Muir, S., & Butler, K. (2026). *Early intervention for young people's mental health: Guidance for community-based services*. Melbourne: Australian Institute of Family Studies.
- Malvaso, C., Day, A., Delfabbro, P., Cale, J., Hackett, L. & Ross, S. (2022). Adverse childhood experiences and trauma among young people in youth justice. Australian Institute of Criminology
- McVicar, K., & White, S. (2024). Improving cultural safety: Recommendations for child protection practitioners. Child Family Community Australia, Australian Institute of Family Studies. Australian Institute of Family Studies
- O'Donnell, M., Taplin, S., Marriott, R., Lima, F. & Stanley, F.J. (2019). Infant removals: The need to address the over-representation of Aboriginal infants and community concerns of another 'stolen generation'. *Child Abuse & Neglect*, 90, 88-98. doi.org.10.1016/j.chiabu.2019.01.017
- Prehn, J., & Walter, M. (2023). Indigenous Data Sovereignty and Social Work in Australia. *Australian Social Work*, 76(3), 371–378. doi.org/10.1080/0312407X.2023.2186256
- QATSICPP. (2024). *Evaluation framework*. Accessed: <https://coe.qatsicpp.com.au/wp-content/uploads/2024/11/QATSICPP-Evaluation-Framework.pdf>
- SNAICC (Secretariat of National Aboriginal and Islander Child Care) (n.d.). *Aboriginal and Torres Strait Islander Child Placement Principle: A guide to support implementation*. Accessed: <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle>
- SNAICC (Secretariat of National Aboriginal and Islander Child Care) (2025). *Family Matters Report 2025: Strong communities. Strong culture. Stronger children*. Accessed: <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/family-matters>
- van Noppen, C., Yassine, L., & Olcoñ, K. (2024). Whiteness in our understanding of culture: A critical discourse analysis of the cultural responsiveness practice frameworks in child protection. *Qualitative Social Work*, 23(6), 1008-1024. doi.org/10.1177/14733250231200501
- Venables, J., Povey, J., Kolesnikova, I., Thompson, K., Boman, M., Richmond, J., Healy, K., Baxter, J., Thwaite, I. & Hussain, A. (2025) Children in out-of-home care's right to family and cultural connection: Aboriginal and/or Torres Strait Islander and non-Indigenous Australian children's perspectives. *Child Abuse & Neglect*, 162(1). doi.org.10.1016/j.chiabu.2024.107009

Woodman, E., Roche, S., & McArthur, M. (2023). Children's participation in child protection—How do practitioners understand children's participation in practice? *Child and Family Social Work*, 28(1), 125-135. doi.org/10.1111/cfs.12947