

22 May 2026

Committee Secretary
Legislative Scrutiny Committee
Northern Territory Parliament
GPO Box 3721
DARWIN NT 0801

By email: LSC@nt.gov.au

Dear Secretary

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

The Justice and Equity Centre ('JEC') has prepared this submission in consultation with the peak bodies for Aboriginal and Torres Strait Islander children, families and communities in NSW, AbSec – NSW Child, Family and Community Peak Aboriginal Corporation and the Aboriginal Legal Service (NSW/ACT), as well as the Child Protection Hub at University of Technology Sydney Jumbunna Institute for Indigenous Education and Research, and Mounty Aboriginal Youth & Community Services.

Our organisations strongly oppose the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (the 'Bill'). We urge the Committee to recommend that the Legislative Assembly **not** pass the Bill.

We are deeply troubled by the one-week period for stakeholders to provide feedback on such complex and consequential reforms. In an area of such complexity and significance, this is wholly inadequate. This timeframe has placed considerable and undue pressure on already over-stretched organisations and frontline services.

We also hold serious concerns about the process surrounding the introduction the Bill and the substantive provisions of the Bill. Our submission is limited to the Northern Territory Government's failure to consult on the Bill prior to its introduction, and the risks the Bill poses to the fulsome implementation of the Aboriginal and Torres Strait Islander Child Placement Principle. We otherwise support the concerns raised publicly by the North Australian Aboriginal Justice Agency ('NAAJA'), as to the potential implications of the proposed reforms.¹

¹ See North Australian Aboriginal Justice Agency, 'Briefing: Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026' (Briefing Note, 19 May 2026) <https://www.linkedin.com/posts/andrew-roberts-05b30a57_public-briefing-document-care-act-amendments-ugcPost-7462369622953119744-pQd6/?utm_source=social_share_send&utm_medium=ios_app&rcm=ACoAABRsibMBkBs1TXseYkZsBgQFDYNGuPARZm4&utm_campaign=share_via>.

The need for proper consultation and co-design with Aboriginal families, communities, experts and advocates

We are gravely concerned by the Northern Territory Government's failure to consult Aboriginal and Torres Strait Islander families, communities, experts and advocates on the Bill prior to its introduction. This is not, with respect, how good policy is made.

The proposed reforms will have significant, intergenerational consequences for Aboriginal and Torres Strait Islander families and the life trajectories of Aboriginal and Torres Strait Islander children, who make up almost 90 per cent of children in out-of-home care ('OOHC') in the Northern Territory.²

The Aboriginal and Torres Strait Islander child and family sector is united in the view that the Northern Territory's child protection system is failing children and families and requires systemic reform.³ However, sweeping legislative changes, rushed through Parliament without proper consultation and community-led co-design, cannot lead to meaningful and much-needed reform.⁴ As noted by SNAICC, the national peak body for Aboriginal and Torres Strait Islander children, families and communities, 'any attempt to reform the system without Aboriginal leadership, expertise and lived experience risks repeating the failures of the past'.⁵ These risks are foreseeable and preventable.

The Northern Territory Government's failure to engage in proper consultation and co-design with Aboriginal and Torres Strait Islander peoples is also in direct contravention of the Government's obligations under Priority Reform 1 of the *National Agreement on Closing the Gap*, which requires governments to share decision-making authority and work collaboratively with Aboriginal and Torres Strait Islander peoples as part of genuine, formal partnerships.⁶

Aboriginal Peak Organisations Northern Territory and SNAICC, representing more than 330 Aboriginal Community Controlled Organisations ('ACCOs'), have confirmed that they are 'united in condemning' the proposed changes.⁷ The Northern Territory Children's Commissioner and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, have issued urgent warnings to the Northern Territory

² Grace Atta, 'How will the NT amend child protection laws? Will the Aboriginal Child Placement Principle change?', *Australian Broadcasting Corporation* (online, 14 May 2026) <<https://www.abc.net.au/news/2026-05-14/nt-government-new-child-protection-legislation-laws-explained/106674132>>.

³ See, eg, NAAJA (n 1); Dechlan Brennan, 'Commissioners urge NT Government to halt changes to Indigenous child placement laws', *National Indigenous Times* (online, 12 May 2026) <<https://nit.com.au/12-05-2026/24218/commissioners-urge-nt-government-to-halt-changes-to-indigenous-child-placement-laws>>; SNAICC – National Voice for our Children, 'Sector Peak Urges NT Government to Scrap Legislative Changes and Partner on Child Protection' (Media Release, 12 May 2026) <<https://www.snaicc.org.au/sector-peak-urges-nt-government-to-scrap-legislative-changes-and-partner-on-child-protection/>>.

⁴ As noted by the Northern Territory Children's Commissioner and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People. See Brennan (n 3).

⁵ SNAICC – National Voice for our Children (n 3).

⁶ *National Agreement on Closing the Gap* (Agreement, July 2020) Priority Reform 1 <<https://www.closingthegap.gov.au/national-agreement/priority-reforms>>.

⁷ Atta (n 2).

Government to halt the proposed reforms.⁸ The Aboriginal and Torres Strait Islander Social Justice Commissioner has labelled the reforms ‘a backward step that risks entrenching harm, deepening distrust and repeating the very injustices governments say they want to end’.⁹ NAAJA has pointed out that ‘[t]he Bill makes it easier to remove children from their families, harder for families to reunify, and weakens important safeguards for Aboriginal children.’¹⁰

The Northern Territory Government must listen to the experts and investigate the serious concerns raised about the Bill. The Government must commit to proper consultation and community-led co-design of comprehensive, evidence-based reforms which address the underlying causes of child protection intervention, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in OOHc, and improve outcomes for all children in the Northern Territory child protection system.

We urge the Committee to recommend that the Legislative Assembly **not** pass the Bill.

The Aboriginal and Torres Strait Islander Child Placement Principle must be upheld and implemented in full

We echo the concerns raised across the Aboriginal and Torres Strait Islander child and family sector that the proposed reforms will water down protections for Aboriginal and Torres Strait Islander children, set out in the Aboriginal and Torres Strait Islander Child Placement Principle (‘ATSICPP’).

The ATSICPP is a crucial legislative safeguard for Aboriginal and Torres Strait Islander children. It must be upheld and implemented in full.¹¹

The ATSICPP was designed by and for Aboriginal and Torres Strait Islander families and communities, to ensure that the harms of the Stolen Generations were never repeated.¹²

The ATSICPP is a comprehensive safety framework which protects Aboriginal and Torres Strait Islander children by recognising that connection to culture, family, community and Country are fundamental to their safety and wellbeing.¹³ The ATSICPP acknowledges that

⁸ Brennan (n 3).

⁹ Dechlan Brennan, ‘NT Government making ‘serious mistake’ with child protection changes, Indigenous Social Justice Commissioner warns’, *National Indigenous Times* (online, 19 May 2026) <<https://nit.com.au/19-05-2026/24355/nt-government-making-serious-mistake-with-child-protection-changes-first-nations-social-justice-commissioner>>.

¹⁰ North Australian Aboriginal Justice Agency (n 1) 1.

¹¹ See Natalie Lewis, Queensland Aboriginal and Torres Strait Islander Children’s Commissioner, Sue-Anne Hunter, National Aboriginal and Torres Strait Islander Children’s Commissioner, Catherine Liddle, Chief Executive, SNAICC – National Voice for our Children, Phillip Brooks, Chief Executive, Queensland Aboriginal and Torres Strait Islander Child Protection Peak, ‘Joint statement urging governments to protect and fully implement the Aboriginal and Torres Strait Islander Child Placement Principle’ (Joint Statement, 3 March 2026) <<https://www.qfcc.qld.gov.au/sites/default/files/statement-2026-urging-governments-to-protect-and-fully-implement-the-aboriginal-and-torres-strait-islander-child-placement-principle-oatsicc.pdf>>.

¹² See, eg, SNAICC – National Voice for Our Children, *Aboriginal and Torres Strait Islander Child Placement Principle* (Web Page) <<https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/>>.

¹³ *Ibid.*

Aboriginal and Torres Strait Islander families and communities are best placed to make decisions about their children. As noted by SNAICC, the ATSI CPP is 'foundational to building a culturally safe national child protection system that upholds the rights of Aboriginal and Torres Strait Islander children, families and communities.'¹⁴

The introduction of a new 'Universal Child Placement Principle' in s 12B of the Bill, which will be applied 'regardless of background',¹⁵ will disproportionately harm Aboriginal and Torres Strait Islander children by weakening the special protections enshrined in the ATSI CPP.

As noted by NAAJA:¹⁶

This removes the priority of placing Aboriginal children with Aboriginal people in community or otherwise. It also removes the requirement that a non-Aboriginal carer be sensitive to the child's needs and be able to support the child's connection to family, community, culture, traditions, language and Country.¹⁷

Decades of evidence, inquiry and lived experience indicate that Aboriginal and Torres Strait Islander children experience *better long-term outcomes* when they maintain connection to culture, family, community and Country as a result of the ATSI CPP.¹⁸

As the coalition of Northern Territory legal and family violence organisations have observed, the Northern Territory Government's suggestions that the ATSI CPP competes with the safety and wellbeing of Aboriginal and Torres Strait Islander children is legally incorrect.¹⁹ The *Care and Protection of Children Act 2007* (NT) in its current form already enshrines the 'best interests of the child' as the paramount consideration in every child protection decision, and states that its primary objective is to 'promote the wellbeing of children, including: to protect children from harm and exploitation...'. The ATSI CPP does not dilute or displace the 'best interests' principle but rather explains how 'best interests' must be understood and applied for Aboriginal and Torres Strait Islander children.²⁰

The Northern Territory Government's focus on the ATSI CPP in introducing the Bill is also misguided: current data shows that just 17.5 per cent of Aboriginal and Torres Strait Islander

¹⁴ Ibid.

¹⁵ Minister Cahill, Northern Territory Minister for Child Protection, 'Every Child Matters – Landmark Amendments to the Care and Protection of Children Act' (Media Release, 13 May 2026) <<https://territorystories.nt.gov.au/10070/1036684/0>>.

¹⁶ North Australian Aboriginal Justice Agency (n 1) 2.

¹⁷ *Care and Protection of Children Act 2007* (NT) s 12(2D)(d)(ii).

¹⁸ See, eg, Dechlan Brennan, 'NT's child protection overhaul ignores decades of evidence, advocates say', *National Indigenous Times* (online, 15 May 2026) <<https://nit.com.au/15-05-2026/24295/nts-child-protection-overhaul-ignores-decades-of-evidence-advocates-say>>; North Australian Aboriginal Justice Agency, 'Joint Release – Law reform built without evidence is fundamentally flawed' (Joint Release, 8 May 2026) <<https://www.naaja.org.au/law-reform-without-evidence-flawed/>>.

¹⁹ North Australian Aboriginal Justice Agency (n 18)

²⁰ Ibid.

children in OOHC in the Northern Territory are placed with Aboriginal or Torres Strait Islander relatives or kin – the lowest rate in any Australian jurisdiction.²¹

It is unclear how proposed reforms which would fundamentally alter the application of the ATSI CPP are appropriate or justified when the ATSI CPP is not currently being consistently implemented in practice. As experts and advocates note,²² it is the child protection system, not the ATSI CPP, that is failing Aboriginal and Torres Strait Islander children and families in the Northern Territory.

If you have any questions about this submission, please contact Policy Lawyer Lucy Kelley at

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Yours faithfully,

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²¹ Dechlan Brennan, 'Child protection falling short on kinship placements for First Nations kids', *National Indigenous Times* (online, 30 September 2025) <<https://nit.com.au/30-09-2025/20501/child-protection-falling-short-on-kinship-placements-for-first-nations-kids>>.

²² See, eg, North Australian Aboriginal Justice Agency (n 18).