

22 May 2026

Committee Secretary
Legislative Scrutiny Committee
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ABORIGINAL AND TORRES STRAIT
ISLANDER CHILDREN AND YOUNG
PEOPLE COMMISSIONER ACT

KEEPING OUR CHILDREN STRONG IN
FAMILY & CULTURE

**Submission to the Care and Protection of Children Legislation Amendment
(Every Child Matters) Bill 2026 - ACT Aboriginal and Torres Strait Islander
Children and Young People Commissioner (the Commissioner)**

Dear Committee Secretary

Firstly, I would like to acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT. I acknowledge and respect their continuing culture and recognise the significant impact of Child Protection policies on our children, families and community. I also pay my respects to the traditional owners of the lands across the Northern Territory.

I write to you as the Acting ACT Aboriginal and Torres Strait Islander Children and Young People Commissioner. I have also spent approximately 13 years working in the Northern Territory across remote, rural and urban Aboriginal communities.



The role of the ACT Aboriginal and Torres Strait Islander Children and Young People Commissioner (the Commissioner) is an independent statutory role dedicated to advocating for the rights and interests of Aboriginal and Torres Strait Islander children and young people in the ACT.

The Commissioner's powers, functions and responsibilities are set out in the *Aboriginal and Torres Strait Islander Children and Young People Act 2022 (the Act)*. The powers of the Commissioner are broad and include both individual and systemic advocacy for the right of Aboriginal and Torres Strait Islander children and young people in systems and services that affect them.

I welcome the opportunity to provide evidence to the Northern Territory Legislative Scrutiny Committee's Inquiry into the Care and Protection of Children Amendment Bill 2026 (the Bill) in the sincere hope that what appears to be a rushed response to a tragic incident, be reconsidered and further informed by local Aboriginal experts, including the Northern Territory Children's Commissioner and the National Aboriginal Children's Commissioner whose roles are dedicated to protecting and promoting the rights and best interests on local children and young people.

I believe the Bill, as introduced, raises serious concerns in a number of key areas:

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- There is no evidence to suggest that any Aboriginal input was sought or provided in drafting the Bill.
- The Bill does not include any provision to ensure that Aboriginal people have a voice in decisions that impact them, in complete contradiction to progress being made in all jurisdictions to support self-determination, co-design and delegated decision making to Aboriginal community control.
- The proposed capacity to override the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) undermines a framework underpinned by decades of evidence, co-design and consultation.
- Culture and family connection are protective factors for Aboriginal and Torres Strait Islander children; however, the proposed Bill appears to offer an opposing viewpoint.
- The Bill does not appear to be accompanied by increased measures and investment in the early support and intervention services that would be considered necessary to achieve genuine improvements in child safety outcomes; and
- Whether the Bill has sufficient regard to the rights and best interests of Aboriginal and Torres Strait Islander children and their families.

As an independent statutory office holder in a jurisdiction that has undertaken substantial community-led reform work on the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), early supports and prevention, I provide the following information in relation to work undertaken in the ACT.

In December 2019 the 'Our Booris Our Way' final report into Aboriginal and Torres Strait Islander Children in the child protection system was presented to the ACT government. The report followed a two-year Aboriginal led comprehensive review of every Aboriginal or Torres Strait Islander child in the child protection system and made 36 recommendations aimed at reducing the number of Aboriginal children entering the system, improving the experience of our children in the system, restoring children to their families wherever it was safe to do so and improving systems to better support Aboriginal children and their families. The ACT government accepted all recommendations including that an Aboriginal oversight body 'Our Booris Our Way Implementation Oversight Committee' be established to monitor the implementation of each of the recommendations. The oversight body is still in place and continues to work closely with the ACT child protection system to improve outcomes for Aboriginal children, young people and their families. This model is seen as best practice in partnering between community and government to ensure the child protection system acts in the best interests of Aboriginal and Torres Strait Islander children. Governments cannot improve outcomes for Aboriginal children, young people and their families in isolation from the Aboriginal community. History has proven this to be true, and significant progress has also been made in other jurisdictions to ensure that solutions are co-designed with the people most impacted by the issues needing to be addressed.

ACT Implementation Experience

The ACT Government has enacted significant legislative reforms through the *Children and Young People Amendment Act 2023* to embed the Child Placement Principle in the Act and prioritise prevention, partnerships, connection and kinship placements.

The Our Booris, Our Way Review found that the ACT Government had consistently neglected to embed the ATSICPP in both policy and practice. The review identified that Aboriginal community-controlled organisations were excluded from decision-making about Aboriginal children in the care system, and that demonstrated bias in foster carer selection undermined the placement hierarchy.

In response, the ACT Government committed to comprehensive reform. Key legislative changes embedded the ATSICPP more firmly in the *Children and Young People Act 2008 (ACT)*, with amendments designed to:

- Prioritise safety and wellbeing while preserving families and providing earlier support.
- Fully embed the ATSICPP in decision-making frameworks.
- Encourage Aboriginal community-controlled organisations to be registered care and protection organisations; and
- Invest in Aboriginal family support services as a first-response mechanism.

The formal signing of the Partnership Agreement in March 2025 between the Our Booris, Our Way Implementation Oversight Committee (OBOWIOC) and the former Community Services Directorate (CSD), now Health and Community Services Directorate (HCSD) is a foundational covenant for ongoing collaboration and shared decision-making. It enshrines our collective responsibility to ensure that the full implementation of recommendations leads to outcomes defined by us and implemented in partnership with the state.

Other Initiatives underway in the ACT to assist in keeping Aboriginal children safe and connected to their families

- Next Steps follows Step Up for Our Kids as the ACT's Out of Home Care Strategy. The ACT Government has partnered with Our Booris Our Way; in genuine partnership to deliver services for children and young people who cannot live safely at home. The first domain of the Next Steps strategy focuses on the implementation of the Our Booris Our Way recommendations, leading the way to place implementation of the recommendations at the forefront of reform.
- The ACT has led the way in implementing several legislated accountability mechanisms. Including the *Aboriginal and Torres Strait Islander Elected Body Act 2008* and the *Public Sector (Closing the Gap) Legislation Amendment Bill 2025*. These mechanisms help ensure that the ACT Government continues to improve outcomes for the ACT Aboriginal and Torres Strait Islander Community.
- The Aboriginal and Torres Strait Islander Elected body (ATSIEB), is an elected group of Aboriginal and Torres Strait Islander people within the ACT. ATSIEB

meet regularly with ACT Government officials and undertake regular hearings, seeking information and advice on outcomes in relation to ACT policies. ATSIEB hold ACT Government to account for progress against targets in the Aboriginal and Torres Strait Islander Agreement 2019-2028 and the ACT implementation of the National Agreement on Closing the Gap.

- The introduction of the ACT Aboriginal Children’s Forum (AACF), to influence systems, policies and practices for Aboriginal and Torres Strait Islander children and young people
- The *Public Sector (Closing the Gap) Legislation Amendment Bill, 2025*, establishes a ‘Closing the Gap principle’ for all ACT public servants, to demonstrate cultural capability, promote cultural The *Human Rights ACT 2004* was enacted to promote and protect human rights in the ACT. Section 27 of the *Human Rights Act 2004 (ACT)* protects the rights of Aboriginal and Torres Strait Islander peoples in the ACT, including cultural rights; and
- Section 7 of the *Aboriginal and Torres Strait Islander Children and Young People Act 2022 (the Act)*, defines the *Aboriginal and Torres Strait Islander cultural principles* that underpin all functions performed by the Office.

The progress noted above in the ACT would not have been possible without the explicit inclusion of Aboriginal families, community and organisations at all points of decision making.

SNAICC Aboriginal and Torres Strait Islander Child Placement Principle

The ATSICPP is a national framework ensuring the safety, well-being and identity of our children by keeping them connected to family, community and culture. All decision made regarding our children must be made in genuine partnership with Aboriginal communities and Aboriginal Community Controlled Organisations. Any attempt to erode this important Principle will have a detrimental impact on Aboriginal children and their families and it is particularly concerning that this is being considered in the Northern Territory without any consultation or input from Aboriginal children, young people, families, communities and organisations who are best placed to determine what will improve outcomes.

Recommendations

The Commissioner respectfully makes the following recommendations to the Committee:

- **Recommendation 1:** The Committee should not allow this bill to be passed in its current form for a number of reasons, including its non-compliance with Australia's international human rights obligations and the National Agreement on Closing the Gap.
- **Recommendation 2:** Any future legislative changes should be developed in genuine partnership with Aboriginal Community Controlled Organisations, the NT Children's Commissioner, the National Commissioner for Aboriginal and Torres Strait Islander children and young people and legal services with expertise in Aboriginal child protection. It is of great concern that the Bill was introduced without this occurring.
- **Recommendation 3:** For genuine improvement in child safety outcomes, the Committee should seek detailed evidence on investment in early support and family preservation services, ACCO capacity, kinship carer support, housing, and social services.
- **Recommendation 4:** The Committee should consider recommending that the NT Government develop a comprehensive early support and intervention investment framework as a complement to any legislative changes
- **Recommendation 5:** The voice of Aboriginal children, young people, and families with lived experience of the child protection system must also inform any future legislation.

Concluding statement

Evidence suggests that a framework such as the ATSICPP and investment in early support, family preservation, and ACCOs is more likely to achieve better outcomes for Aboriginal and Torres Strait Islander children, rather than the proposed legislative changes.

I am available to provide further evidence to the Committee, including briefings on specific aspects of the ACT's legislative and practice reform experience, if that would assist the Committee's inquiry.

Yours sincerely,



Barbara Causon
Acting ACT Aboriginal and Torres Strait Islander Children & Young People
Commissioner

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