INQUIRY INTO THE CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

SNAICC – National Voice for Our Children

Madam CHAIR: On behalf of the committee, I welcome everyone to this public hearing into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

I welcome to the table to give evidence to the committee representatives from SNAICC – National Voice for Our Children, Catherine Liddle and John Burton. Thank you for coming before the committee. We appreciate you taking time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee also apply. This is a public hearing and is being webcast through the Assembly's website. A transcript will be made for the use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you will say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Could you please each state your name and the capacity in which you are appearing.

Ms LIDDLE: I am Catherine Liddle and I am the CEO of SNAICC – National Voice for Our Children.

Mr BURTON: John Burton. I am the Executive Director of Policy and Research with SNAICC – National Voice for Our Children.

Madam CHAIR: Ms Liddle, would you like to make an opening statement?

Ms LIDDLE: I would, thank you very much, and thank you for having me in the room to speak to you today.

I begin by acknowledging the Larrakia people, their Elders past and present, and I thank them for nurturing these lands and waters. Also, as a visitor to this country it is very important that I identify as belonging to the (inaudible) people, the people of Alice Springs, and acknowledging my nanna's country, the Luritja country. Many of you will know that country encompasses places like Uluru and Watarrka National Parks.

I acknowledge also the loss of Kumanjayi Little Baby, whose favourite colour was pink. I recognise the profound pain of her family, pain felt across the Northern Territory and beyond. I acknowledge all of you who made statements acknowledging that pain, thank you.

I start at the pointy end—that is, SNAICC opposes the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026. Reform of the Northern Territory child protection system is urgent. The Bill does not reflect what needs to change to ensure children are safe and well. Safety of children is SNAICC's priority. Our children and families have borne the brunt of horrific child welfare policies that purport to prioritise their safety for decades.

The Bill proposes to weaken the Aboriginal and Torres Strait Islander child placement principle, a principle that was designed to protect and safeguard children against these failings. Let us talk about what that is because there is a lot of confusion.

It is a child safety framework embedded in legislation across the country. It reflects the well-established principle that an Aboriginal child's safety and wellbeing is strengthened through connection to their families, cultures, communities and country. Our children are born to country; identity is critical to child wellbeing and development, and that is every child. Every child deserves to know who they are and to be proud of who they are.

The principle engages families in the decisions that are being made about their children and works to strengthen the conditions that create safety. The government has stated that the amendments are required to foreground safety and ensure children's participation. Safety and participation are integral components of the principle. What the principle categorically does not do is prioritise culture over safety. To suggest that it does is ridiculous, misguided and misinformed.

Attacks on the placement principle conflate practice failings and under-resourcing of child protection systems with policy failings. The placement principle is an evidence-based framework that protects human rights. The

recommendations of every substantive system inquiry over decades have called for full implementation of the child placement principle.

The current data in the NT reflects serious systemic and practice failings. Aboriginal children are over 13 times more likely to be in out-of-home care than non-Indigenous children, and kinship placement rates remain the lowest nationally. Only 16.7% of Aboriginal children in out-of-home care in the Northern Territory are placed with Aboriginal relatives or kin, while 74.3% are placed with non-Indigenous non-relative carers. The most recent data shows that in 2022–23 only 5.2% of Aboriginal children were reunified from out-of-home care in the NT, representing a continuing decrease from 7.7% in 2021. These numbers show the placement principle is not harming children; it is not being implemented.

The removal of children has lifelong consequences for the child and their family. This is why it is a national priority target under Closing the Gap to reduce the over-representation of our children in out-of-home care.

Understanding the principle is not that difficult. The principle does not say authorities cannot act to protect children from harm; it says the opposite, legally requiring that active efforts must be made to support families and prevent harm. If a child has to be removed for their safety—and sometimes that does need to be done—the principle says they should be placed first with their family or within their Aboriginal community if it is safe. I must repeat that: if it is safe.

Where connections to families have been lost it calls for action and effort to safely reunite and reconnect children. Again, it does not say to place them in an unsafe condition; it says let them know who their family was and let them understand who their brothers and sisters are, their grandparents are, their aunties and uncles are. Let them know who they are.

Extensive evidence demonstrates that severing these connections has adverse impacts, loss of cultural identity and family connection are drivers of poor outcomes across health, education, incarceration and lifelong wellbeing, including increased rates of youth suicide. I have heard this described by the legal profession as laying a pathway to incarceration, and it is a really good image because it is government systems that are putting these cobblestones in place. A live example of this is that on any given day in the Territory it is highly likely that every single child in detention is known to child protection systems.

SNAICC's firm view is the child placement principle is in the best interests of Aboriginal children. It is also in the interests of the wider community to keep children safe and connected to their families and their country.

When governments remove children they have a profound responsibility to ensure that children are always protected and safe. One of the biggest misconceptions about child protection systems is that they inherently do that. The evidence tells a very, very different story. The reality is that many children in care experience harm, abuse and trauma. The out-of-home care system is particularly unsafe for Aboriginal children. This was a finding of the Royal Commission Into Institutional Responses to Child Sexual Abuse. Aboriginal children are more likely to be victims of substantiated abuse in care. Residential care in particular is a place of neglect, abuse and extreme vulnerability.

The recent report by the Commissioner for Children in the Northern Territory highlighted this. The number of children with substantiated harm in care increased from 20 to 57 between 2023 and 2024 and 2024 and 2025. That is a 185% increase. In more than a quarter of those substantiations the person inflicting the harm was the carer.

When the system that is supposed to be protecting our children fails, the outcome is truly horrendous. Failure to implement the Aboriginal child placement principle has been implicated in the deaths of a significant number of Aboriginal children in care and that has been reflected in coronial inquests across the country.

Children like Sammy—and this is one of our babies, who was nine years old who died by hanging in March 2020. She was removed as a baby with her older brother and placed in non-Indigenous purchased home care, 900 kilometres away from her home community. This happened despite the fact that her family members were wanting to care for the children and to keep them together. Sammy did not have a stable home and care. She was placed with a total of three non-Indigenous carers and she was separated from her brother, her only family anchor.

The Coroner noted the failure to implement the child placement principle was a factor in her death. Sammy was not supported or nurtured to deal with the trauma she experienced. The care and love a family would give when a child speaks of self-harm were also missing.

The Coroner recommended that the placement of Aboriginal children is done in conformity with the Act, including reflecting the child placement principle.

As stated, SNAICC supports comprehensive reform of the Northern Territory child protection system. Our concern is that the proposed amendments, together with the review process announced on 13 May 2026, do not provide an appropriate or effective pathway to improve outcomes for Aboriginal children and families. There is a way to do this to get better outcomes. The only way to get that right is to do it in genuine partnership with our families and our communities.

All available evidence and data points to the need for system reform to strengthen families and prevent harm, rather than legislative changes that aim to increase intervention and will do nothing to truly address the circumstances that create conditions of harm and make children unsafe.

The stated aim of the Bill is to prioritise children's safety. SNAICC believes the Bill will exacerbate existing weaknesses in the system and that more children will be unsafe as a result.

We make three recommendations to the inquiry. The first is that the Bill does not proceed. The second is that an independent Aboriginal-informed and Aboriginal-led board of inquiry into the Northern Territory child protection system is established, including it being led by the commissioner. The third is increased long-term investment in Aboriginal-led prevention, early intervention, reunification and family support services across the Northern Territory.

The truth of it is the numbers of children we are talking about are quite small, but the opportunity to invest in children who need our love, our care and our protection is huge. We cannot get this wrong.

Mr YOUNG: Thank you, Catherine, for your time today and your submission. I am conscious of time, so I will just ask one question.

You are the leading body in Australia on the Aboriginal child placement principle and understanding how well the principle is implemented into legislation or policy and practice. In your submission you stated that the government's justification for the proposed amendments mischaracterises the operation of the principle, which you stated in your opening statement as well. Can you comment on how well the Department of Children and Families is applying active efforts across the five elements of the principle?

Ms LIDDLE: Active efforts in the Northern Territory actually are not legislated. It has a weakness comparative to a couple of the other jurisdictions where we are seeing significant success in the implementation of the principle and, more importantly, the implementation of successfully strengthening families and keeping children safe within their home environments. In particular, places that are moving around that would be Victoria, the ACT and New South Wales. They have found that it not only works well for Aboriginal and Torres Strait Islander children; it works well for all children. Carers and workers are now saying, 'How did we not know about this before?' It is because it is buried in the legislation.

It is misconstrued and misrepresented. The numbers of children in out-of-home care show that is getting mixed up. The numbers of children with kinship carers hit about 17.6% in the Northern Territory. Aboriginal carers in total is about 25%. The rest are non-Indigenous carers. Nearly half of those are purchased out-of-home care. It shows it is not being implemented.

I think I spoke to it in my presentation—often what happens in child protection is practice failing. I have heard it said not only in these rooms, but rooms across the country, where a worker might say, 'I did not place that child there because I am scared I will be labelled with the Stolen Generation label'. Anyone who works in child protection will tell you then that the person needs to be charged because safety is paramount in that principle. It is absolutely paramount in that principle and hiding behind bad practice is not an excuse for keeping children unsafe. It should never ever happen. At this point in time, the Northern Territory is pretty much the worst performer on implementing the child placement principle and improving the conditions of child safety.

Mr HOWE: I have some follow-on questions from that point to explore how we can improve. I have a line of questioning, especially on the 17.6% figure and how we can improve it. Before I get to that, there is the issue I guess I am having with SNAICC's position on this. You just stated that safety of the child is paramount. The mission statement you have speaks to that as well, as your first consideration for the rights of our children. We have NT legislation that is essentially trying to come into line with your mission statement with safety being the paramount concern, but you strongly oppose it. Can you speak to that?

Ms LIDDLE: I can, and again it is how you understand the language of it. If I could use a case example in listening to—was it Sally in front of me? She was talking about how when she reads that, she does not understand it and it is vague. What that actually points to is if that is the case, then people responsible for that legislation need some training. There are tools. As a government, you are able to develop that training to ensure that people working with legislation truly understand how strong it is and how it should be used.

'Best interests of the child' is broader. Often what we have found—and this is evidence not only in Australia but also internationally' probably the most acute evidence at this moment in time comes out of South Australia—when you narrow in on that one word, practice fails. In line with what Sally was saying when she was saying that people cannot read it, they do not understand it, if you are in practice and you just read the word 'safety' you misinterpret what safety and the conditions of safety are. That might mean that a child who is at school has not turned up to school. Under mandatory notifications you go, 'Oh my goodness, this child has not come to school for a few days. I do not think they are safe', and you make a report.

As I have articulated, practice failings happen all the time. What you need to do is build the tools and the supports and the conditions around the legislation and, my goodness, it will be strong. It really will be strong, but narrowing in on that one word actually narrows, believe it or not, how people interpret safety, whereas the 'best interests of the child' talk to all the conditions that keep a child and a community safe.

Mr HOWE: If I can just on that point, and it is a good point because it is an important one because the best interests of child is broad. However, this Bill seeks to make, if there is ever conflict with those interests—and most of the time, and I think we are all in agreeance regardless of culture or background, I would say most cultures on Earth put the wellbeing and safety of children first. When there is conflict, and there absolutely is conflict in cases of the best interests of the child, we are saying the safety is paramount. Yes, the interests are broad, but my question is: when there is conflict with the interests, what is the issue with making it really clear in the legislation that the safety of the child must come first?

Ms LIDDLE: Technically it already exists. Harm and exploitation are in there—again, much broader. The issue is their practice failings and interpretation failings, and even the tussle that you are having in understanding that. That is quite common unless you work in child protection or in human rights, because it is an incredibly complex field, but there is significant evidence to show that the word itself goes wrong.

For example, the legislation that moved to put the word in, in South Australia, is in the process of being repealed right now. One of the reasons it is repealed is because child removals when through the roof. An example of how big those child removals are is that we did a consultation there once and during the course of our consultation three people took phone calls to say that their children or grandchildren were being removed. In the course of the month that we were in South Australia, 80 Aboriginal and Torres Strait Islander children were removed and not reconnected. The number of children removed at birth went absolutely through the roof.

What was happening is people were leaning in on the word and scared of ramifications associated with that word and were going, 'Oh my goodness, there is a woman over here and there is domestic violence reported'. We know that is a problem and there are conditions that contribute to that problem which need to be dealt with, but what would happen is that would become a mandatory report on safety, and the child was removed. There were things where the system should have actually wrapped around families and wrapped around a child and ensured that they were safe, and they failed because of the interpretation of that legislation.

If I could give you a really practical one of how easy it is to misinterpret, there is a hospital in Victoria that brought in its own interpretation of that. As a result, what it said was that every single Aboriginal patient gets a notification to child protection services because their interpretation of that is that every single child was at risk. They only picked it up because of the sheer number and scale of children being removed. When they looked at it, they said, 'Oh my goodness'. The way, again, is understanding how the system works.

A notification could be that a woman has presented at our hospital. It substantiated if that was true, so now you have a substantiation. That particular patient did not turn up to their ultrasound. Is that true? That was substantiated. It can actually be as simple as that.

I do not have the stats specific to here, but I will give you the national stats. It can be …

Mr HOWE: Sorry, Ms Liddle; I am about to run out of my time.

Ms LIDDLE: That is all good; I do not want to steal it from you. I could go on forever.

Mr HOWE: My last question is going back to that 17.6% figure, something I am keen to find out through this inquiry is how we can improve that. What would you like to say?

Ms LIDDLE: Absolutely, how do you improve that? You strengthen the conditions around the child. We know that currently only about 9% of the dollars that go into child protection and strengthening families in the Northern Territory go into the Aboriginal community-controlled services. They get significantly better outcomes, believe it or not, although we know that sometimes the media tells you something different, but the evidence tells a different story. Investing in the conditions that children need to be safe will absolutely change that.

Active efforts: the proposed Bill at this moment talks about—I cannot remember what the prefix was, it has it in there, but it is not legislated. Those active efforts change the way practice happens. It gives people a tool, much like that example of if you are a judge and cannot interpret it, active efforts in legislation give you a tool and practice document to go, 'Okay, I had to ring grandma and she said she could not do it, so I have to ring the next person'.

An example of how quickly that can happen is there was a case in Brisbane where there was a child in residential care for more than two years. They changed who was doing the active efforts to an Aboriginal organisation. That organisation had said they could not find a single family member for this baby. Within two weeks they found 200 relatives, every single one of them were well-placed to take that child and every single one of them said, 'I will take them'—active efforts.

Madam CHAIR: I am mindful of time. We have two more questions.

J DAVIS: Thank you, Ms Liddle and Mr Burton, for appearing today and for that very useful opening statement.

I want to clarify the common understanding. The Member for Drysdale talked about is that this Act puts children's safety at the front and centre, and that is currently not the case. I think you have explained clearly why your view is that children's safety is front and centre of the current Act and it is about interpretation. I want to make sure, very briefly: do you believe that in the current Act children's safety is paramount?

Ms LIDDLE: Yes, I do believe it is paramount.

J DAVIS: My other question was: if this Act does pass in its current form, what do you think the practical impacts will be on Aboriginal children in five years' time? What will we be seeing?

Ms LIDDLE: The numbers of children in out-of-home care will explode. There is significant evidence to demonstrate that is what will happen because the Northern Territory—even if we are saying we are going to strengthen conditions around children tomorrow, it will take time to do that. Evidence shows that there are a lot of blockages for successful investing in child and family support. An example of that would be housing. That is often a reason children are removed from care. The housing delays at this moment in time—sometimes we hear reports of people being told they will have to wait 16 years.

Also in the Act is that arbitrary two years. Again, if you are waiting more than two years for housing and that is why your child is being removed—and it is the case that many Aboriginal families will say, 'No worries. I know my baby is not safe here. If we have to do this and wait for a house, then that is what we will do'—they have missed that boat, so that child is removed forever into permanent care. This is really serious because those families often do get that house and they often do deal with these circumstances that brought them to the attention of authorities, and that child has permanently been disconnected from them and their siblings, grandparents and cousins and all those sorts of things. It will explode, and we know that more harm comes as a result of it, even though everyone in this room is here because they care about children.

Madam CHAIR: Thanks, Ms Liddle. I will give the last question to the Member for Fannie Bay.

Mrs ZIO: Thank you for attending and for your submission. We really appreciate it.

My question is about some of the things that you have talked about in your opening statement and responses to some of the questions. I have done a quick search and had a look. When you look at the current legislation, if you search for the word 'Aboriginal' it comes up 56 times throughout the whole legislation. If you look for the word 'safety' it comes up 53 times. When I do a quick overview of where the word 'safety' is in the current legislation, it is under data and data sharing, the sharing of information and a framework capacity.

There is no mention of the word ‘safety’ when you come into sections like section 12 in the current legislation, where it talks about Aboriginal children. There is no mention of the word ‘safety’. It talks about if an Aboriginal child should, as far as practicable, be placed with a person, the priority is with the child’s family; with an Aboriginal person in the child’s community in accordance with local community practice; with any other Aboriginal person. Then it talks about people who are not Aboriginal and it says:

> *In addition, an Aboriginal child should, as far as practicable, be placed in close proximity to the child’s family and community.*

That is it; that is section 12. It does not talk about safety at all.

In your statement you talked about that and you said, ‘As long as it is safe’. Now that potentially is included in policies and procedures on the ground, but we are talking about the legislation today.

In that section there is no mention of the word ‘safety’ whatsoever; the other priorities take place. Could you speak to that, please?

Ms LIDDLE: Harm and exploitation come up high. It says, ‘In the best interests of the child’. Again, it is the training. People are missing the training to understand the history of what those words are and how they are embedded into human rights and what the consequences and outcomes have been from not using words like that. There was significant evidence to demonstrate that harm.

It is a lot cheaper to come up with some training tools that help people in those decision-making forums to understand what those words mean—‘harm’ and ‘exploitation’ and ‘safety.’ ‘Harm’ is any type of harm. ‘Exploitation’ is any type of exploitation. That is inherently safety, and then it goes into the conditions that create safety. I live and breathe this, so it is easy for me to think that I am articulating in a way that makes sense because I inherently know what it is.

Even listening to Sally’s presentation, it was really clear that it is complex legislation, understanding the history of the legislation and how those words are meant to be applied is difficult, but it could be as simple as coming up with the tools that say this is what harm and exploitation mean; this is how you understand how to identify harm and exploitation; and this is what the ‘best interests of the child’ means. That might mean training for courts, for the department itself or for the practice officers. But practice fails, and we know that practice fails pretty much more often than not. Those examples of when people put their focus in the wrong area—this is what history will show, when you use the word ‘safety’, they focus on the wrong path.

Madam CHAIR: Ms Liddle, unfortunately we have run out of time.

Ms LIDDLE: No, all good.

Madam CHAIR: Thank you, Ms Liddle and Mr Burton, for coming before the committee.

Ms LIDDLE: Thank you.

The committee suspended.
