



Yinjiya Guyula  
**MEMBER FOR MULKA**



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Secretary  
Legislative Scrutiny Committee  
Via email: [LSC@nt.gov.au](mailto:LSC@nt.gov.au)

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

Dear Committee Members,

I write this submission to the committee on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, which I will refer to as the Bill.

I write as a Senior Leader of the Ljya-DhÄlinymirr people of the Djambarrpuyŋu clan from Yolŋu country, and as an elected Member of Parliament, for the people of my Electorate and for the Aboriginal people of the NT who have called on me to be their voice as an Independent Member within the parliament.

I am speaking on behalf of many people whose voices are often not heard, who do not have a pathway to read a large bill written in english legal academic language and respond to this committee by email within one week.

Many of our families are surviving day-to-day in impoverished and complex situations. I write this submission to ensure their voices are not lost, forgotten, or ignored.

The safety of a child is the highest priority. For Yolŋu children and other Aboriginal Nations, protecting a child includes the protection of their right to know who they are, their right to their cultural knowledge, their language, their country and the enormous kinship system that surrounds them.

In the case where a child is at risk of harm and the family are struggling to provide for a child, Yolŋu people already have within our culture a system of child placement. In my family, I have a young man who has grown up in our household because he needed the care and support that we could provide.

We know and understand these systems. So, when the government decide that they want to intervene with a child, I expect that they will work in partnership with the family,





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the grandparents, the clan leaders - to look for the best ways to provide safety for that child.

This Bill goes against the practices of working together to create the safest environment for a child.

When a child is removed from an Aboriginal family into out-of-home care, only 17% or less of these children are currently placed in kinship care. 83% of children or higher are being placed in non-Aboriginal families away from their culture and community<sup>1</sup>.

Given these are the current statistics while the Aboriginal Child Placement Principle is currently embedded in the legislation, it is fair to assume that the number of children placed with non-Aboriginal families or in non-Aboriginal purchased-home-based-care will only increase if the current Bill is implemented.

It is also understood from recent media reporting that 70% of the children currently in out-of-home care will no longer be reunified with family due to an arbitrary time limit introduced by this Bill<sup>2</sup>.

This does not create safety for Aboriginal children. It creates displacement. It creates a high risk of becoming involved in the youth justice system, a high risk of mental health concerns and a high risk of abuse while in care. These factors must be considered and understood when looking at Aboriginal child placement.

This Bill will have a significantly negative impact on Aboriginal people because it removes the specific rights and protections for Aboriginal children and families that are retained under the current legislation.

### Terms of Reference

1. whether the Assembly should pass the bill: **No**
2. whether the Assembly should amend the bill: **No**
3. whether the bill has sufficient regard to the rights and liberties of individuals: **No**

<sup>1</sup> [How will the NT amend child protection laws? Will the Aboriginal Child Placement Principle change? - ABC News](#)

<sup>2</sup> [NT child removal laws to scrap reunification plans for 70% of kids | NT News](#)





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### The Bill is inconsistent with:

#### Yolŋu Rom and the Law of Aboriginal Nations

We are sovereign people. We have law, and we have rights and responsibilities within our law to provide care and protection for our children. Where this Bill overrides our ability to be part of the decision-making process and keep our children safe and connected to their land and culture – it is in direct conflict with Yolŋu law.

#### The Closing the Gap Agreement

##### Priority Reform 1 – Partnerships and Shared Decision-making

‘In order to effect real change, governments must work collaboratively and in genuine, formal partnership with Aboriginal and Torres Strait Islander peoples because they are the essential agents of change.’

##### Priority Reform 3 – Transforming Government Organisations

‘To be effective, mainstream organisations need to spend time understanding what is happening in our communities and need to recognise and understand the skills that Aboriginal and Torres Strait Islander people hold.’

##### Target 12:

By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45%.

#### The Aboriginal Justice Agreement (AJA)

##### Priority Area 1 – Rebuilding trust

##### Priority Area 2 – Reducing offending and improving community safety

##### Priority Area 3 – Strengthening Aboriginal leadership and cultural authority

Key Commitments of the AJA support self-determination, cultural authority, and reducing the over-representation of Aboriginal children in the child protection and justice systems.





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### The NT Discrimination Act 1992

The Bill removes current existing 'special measures' designed as culturally specific protections and thereby creates indirect discrimination.

The Bill conflicts with the purpose of the NT Discrimination Act to protect cultural rights.

### Commonwealth Racial Discrimination Act 1975

The Bill removes current existing 'special measures' designed as culturally specific protections and thereby creates indirect discrimination.

The RDA prohibits any act or law that has the effect of disadvantaging a racial group. A universal placement principle may create indirect discrimination, by:

- disproportionately harming Aboriginal children,
- increasing placements with non-Aboriginal carers,
- reducing cultural continuity,
- increasing long-term justice-system involvement.

### The United Nations Convention on the Rights of the Child

#### Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

#### Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.





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3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary, placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

## **United Nations Declaration on the Rights of Indigenous People**

### Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

### Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

### Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

**Treat your neighbour as you would like to be treated**





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The government could introduce strong measures to support families and work hard to keep children safe in their homes and in their communities, or the government can introduce this Bill and increase the number of children who are removed from their families, their country and their people.

I ask the Committee, which approach would you want the government to take if this were your kin?

4. whether the bill has sufficient regard to the institution of Parliament:

The lack of consultation in developing the Bill and the very short time for submissions in the scrutiny process, does not allow for genuine community feedback and participation in the Parliament process.

**I recommend that the Bill be withdrawn.**

Thank you for the opportunity to make this submission. I urge the Committee to undertake extensive public hearings.

Yours sincerely,



Yinjiya Guyula MLA

