

# **Submission to the Northern Territory Legislative Scrutiny Committee Inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026**

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I make this submission in a personal capacity. The views expressed are my own and should not be taken to represent the views of any current or former employer, organisation, board, council or institution with which I am associated.

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# 1. Executive Summary

This submission is made in response to the Legislative Scrutiny Committee's inquiry into the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

The objectives of the Bill are broadly supported. Every child deserves safety, stability, permanence, connection and the opportunity to thrive. The Bill includes reforms intended to strengthen early intervention, improve decision-making, increase parental accountability, support family functioning and improve long-term outcomes for children. These are legitimate and important public policy objectives.

In particular, the introduction of a proactive efforts framework, the emphasis on early intervention, the strengthened focus on child safety, the recognition of permanency and stability considerations, and enhanced access to legal representation for children are positive reform directions.

This submission does not oppose child protection intervention where children are unsafe. Nor does it suggest that cultural considerations should override child safety or the best interests of the child.

The central question raised by this submission is narrower and directly connected to the Committee's scrutiny role:

***Has the Government demonstrated that reducing the distinct statutory status or practical operation of Aboriginal placement and participation protections will improve child safety, permanency, stability or long-term outcomes for Aboriginal children?***

The Explanatory Statement identifies significant challenges confronting the Northern Territory child protection system, including ongoing statutory involvement, youth offending, poor child wellbeing outcomes, delayed decision-making and the need for earlier intervention and greater stability.

However, neither the Bill nor the Explanatory Statement establishes that the Aboriginal Child Placement Principle is a significant cause of those challenges.

The major pressures affecting the child protection system are already well understood. They include housing insecurity, overcrowding, family violence, workforce shortages, placement scarcity, limited therapeutic capacity, inadequate support for kinship carers, service gaps in regional and remote communities and longstanding underinvestment in Aboriginal community-controlled child and family services.

The Bill does not substantially address most of these drivers. It does not increase housing supply. It does not expand workforce capacity. It does not materially increase support for kinship care. It does not increase therapeutic service availability. It does not strengthen the capacity of Aboriginal community-controlled child and family services.

Instead, the Bill substantially restructures the statutory framework governing placement and participation decisions affecting Aboriginal children. The submission therefore raises concerns about whether the proposed legislative changes are supported by sufficient evidence and whether they are likely to achieve the outcomes the Government seeks.

The submission also argues that the proposed amendments should be assessed against the Government's own strategic commitments, including:

- Reducing Crime;
- Rebuilding the Economy;
- Restoring the Territory lifestyle;
- the Northern Territory Aboriginal Affairs Framework 2026–2028;
- the National Agreement on Closing the Gap; and
- Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031.

Each of these frameworks emphasises themes including family strengthening, prevention, community participation, Aboriginal leadership, cultural safety, shared decision-making, self-determination and reducing future demand on statutory systems.

The Aboriginal Child Placement Principle has historically functioned as one of the primary legislative mechanisms through which those objectives are expressed within the child protection system.

***The stronger reform pathway is not to weaken Aboriginal placement and participation protections. The stronger pathway is to improve implementation through greater investment in family preservation, kinship care, Aboriginal-led decision-making, therapeutic support, housing, workforce capability and Aboriginal community-controlled child and family services.***

For these reasons, the Committee should carefully examine whether the proposed amendments:

- have sufficient regard to Aboriginal tradition;
- preserve meaningful Aboriginal participation in decisions affecting Aboriginal children;
- provide adequate accountability and procedural safeguards;
- align with the Government's three priorities;
- align with the Aboriginal Affairs Framework;
- advance Closing the Gap commitments, including Target 12; and
- are consistent with Safe and Supported.

## 2. Legislative Scrutiny Analysis

### 2.1 The Committee's role

The Legislative Scrutiny Committee is required to consider whether a Bill should be passed, amended or otherwise modified and whether the Bill has sufficient regard to the rights and liberties of individuals, Aboriginal and Torres Strait Islander tradition, principles of natural justice, appropriate accountability mechanisms and the institution of Parliament.

The Committee's role is not limited to assessing whether legislation is well-intentioned. It must also examine whether proposed legislative mechanisms are appropriate, proportionate, supported by evidence and consistent with the scrutiny principles established by the Assembly.

This submission accepts that the objectives of the Bill are legitimate. Child safety, permanency, stability, early intervention and improved decision-making are appropriate objectives of child protection legislation.

The issue is whether the specific legislative changes proposed by the Bill are likely to achieve those objectives and whether they do so in a manner consistent with the Committee's scrutiny responsibilities.

Several aspects of the Bill warrant particular examination:

- the replacement or restructuring of existing Aboriginal-specific principles;
- the introduction of a broader Child Placement Principle;
- changes to Aboriginal participation provisions;
- increased reliance upon administrative discretion;
- the relationship between permanency objectives and cultural connection; and
- any provision stating that principles do not create enforceable rights or entitlements.

Individually, each amendment may appear modest. Collectively, however, they alter the legislative architecture governing how decisions affecting Aboriginal children are made, justified and reviewed.

The Committee should therefore assess not only the wording of individual provisions but also the cumulative effect of the reforms.

### 2.2 Has the Bill demonstrated a need for these particular changes?

A threshold scrutiny question is whether sufficient evidence has been presented to justify the proposed legislative changes.

The Explanatory Statement identifies significant challenges facing the Northern Territory child protection system, including ongoing statutory involvement, poor outcomes for vulnerable children, youth offending, placement instability, family dysfunction, long-term system dependence and increasing demand upon government services.

These concerns are legitimate. However, identifying a problem is not the same as demonstrating that a particular legislative reform will solve that problem.

The Committee should reasonably ask: what evidence demonstrates that the existing Aboriginal Child Placement Principle framework is contributing to these outcomes?

The explanatory material identifies outcomes Government wishes to improve but provides limited evidence that the existing Aboriginal-specific framework is itself responsible for the problems identified.

For example, the explanatory material does not demonstrate that:

- the Aboriginal Child Placement Principle is causing placement instability;
- Aboriginal participation provisions are preventing permanency;
- kinship placement requirements are creating poorer safety outcomes;
- cultural connection requirements are increasing offending;
- existing protections are creating systemic inefficiency; or
- Aboriginal-specific provisions are responsible for long-term statutory involvement.

This evidentiary gap is significant. The proposed amendments are more than administrative clarification. They alter the legislative status and practical operation of Aboriginal placement and participation protections.

Such changes should be supported by evidence demonstrating both that the existing framework is contributing to identified problems and that the proposed framework is likely to produce better outcomes.

## 2.3 Sufficient regard to Aboriginal tradition

The Committee is specifically required to consider whether a Bill has sufficient regard to Aboriginal and Torres Strait Islander tradition.

This requirement recognises that legislation operating in the Northern Territory must properly account for the cultural systems, obligations, relationships and decision-making structures that remain central to the lives of many Aboriginal Territorians.

It does not prevent reform. It does require careful consideration of whether proposed reforms strengthen, maintain or diminish legislative recognition of Aboriginal systems of family, kinship, authority and community participation.

The existing framework recognises that Aboriginal children occupy a unique position within the child protection system. It reflects the importance of kinship systems, family and community relationships, cultural continuity, Aboriginal participation and self-determination.

These are not merely symbolic considerations. Aboriginal kinship systems function as social, familial and governance structures through which responsibilities for children are understood and exercised. Many Aboriginal children have important relationships extending beyond parents and immediate family members, including grandparents, aunts, uncles, cousins, Elders and other kin.

The Bill retains recognition that Aboriginal communities and kinship groups have an important role in promoting the wellbeing of Aboriginal children. However, the structure of the legislation changes significantly.

The relevant scrutiny question is not whether Aboriginal children remain recognised by the legislation. They do. The question is whether the overall framework provides equivalent recognition, weight and protection in practice.

Legislative recognition can be weakened without being removed. A principle may remain present in legislation while carrying less practical influence over decision-making outcomes. The Committee should therefore consider practical effect, not simply legislative presence.

A related issue arises in relation to the Bill's increased emphasis on permanency and stability. These are important objectives and children benefit from safe, stable and consistent care arrangements. However, the Committee should consider whether the concept of permanency reflected within the Bill is sufficiently broad to account for Aboriginal understandings of family, belonging and connection.

Within many Aboriginal cultural contexts, permanency is not understood solely through the lens of a single residential placement or household. Rather, permanence may arise through enduring relationships with family, kinship networks, community, culture, language and Country.

A child may experience continuity of identity, belonging and care through a network of relationships extending beyond the household in which they reside. Grandparents, aunts, uncles, Elders and other kin may continue to exercise important caregiving, mentoring and cultural responsibilities even where they are not the child's primary residential carers.

The Committee should therefore consider whether the Bill risks elevating permanency of residence above permanency of connection.

This distinction is important. A child may achieve residential stability while simultaneously experiencing significant disruption to family relationships, kinship networks, cultural identity or community connection. Conversely, a child may maintain strong and enduring connections to family, culture and community even where residential arrangements change over time.

The Aboriginal Child Placement Principle reflects an understanding that these connections are not secondary considerations. They are integral components of a child's wellbeing, identity and long-term development.

If permanency is interpreted primarily as a question of residential placement, there is a risk that Aboriginal concepts of family, kinship and belonging receive diminished practical weight within decision-making processes. In that circumstance, the reforms may have the unintended effect of privileging one understanding of permanence while diminishing another that has long been recognised within Aboriginal cultural systems.

The Committee should therefore examine whether the proposed framework adequately recognises both dimensions of permanency:

- permanency of care and safety; and
- permanency of family, kinship, cultural and community connection.

A framework that prioritises one while diminishing the other may be difficult to reconcile with the requirement that legislation have sufficient regard to Aboriginal tradition.

## 2.4 Participation and Aboriginal decision-making

Participation is not merely symbolic. Aboriginal families, communities and organisations frequently possess knowledge about children, relationships, kinship structures and community circumstances that government decision-makers may not otherwise obtain.

Participation can therefore improve both legitimacy and decision quality.

This principle underpins the National Agreement on Closing the Gap, the Aboriginal Affairs Framework, Safe and Supported, community-controlled service delivery models and broader self-determination reforms.

The Committee should consider whether the proposed provisions strengthen, maintain or weaken meaningful participation by Aboriginal families, kinship networks, communities and Aboriginal organisations.

## 2.5 Administrative power, accountability and procedural safeguards

Child protection decisions represent some of the most significant powers exercised by government. They affect parental rights, family relationships, children's living arrangements, cultural connections, community relationships and long-term life outcomes.

Strong accountability mechanisms are therefore essential.

Where principles guide decision-making but do not create enforceable rights or entitlements, their practical influence depends heavily upon administrative culture. Compliance may become harder to assess. Families may have limited avenues to challenge departures from those principles. Accountability may rely primarily upon internal decision-making processes.

This is particularly important in relation to Aboriginal participation and cultural considerations.

The Committee should consider:

- how compliance will be monitored;
- how departures from preferred placement pathways will be documented;
- what review mechanisms exist;
- how decision-makers will demonstrate consideration of cultural factors; and
- what accountability measures apply where principles are not followed.

If Aboriginal placement and participation principles are intended to remain operational rather than aspirational, the Act should include stronger requirements for written reasons, reporting, review and participation.

## 2.6 Questions for the Committee

- 1. What evidence demonstrates that existing Aboriginal placement protections contribute to poorer outcomes?**
- 2. What evidence demonstrates that the proposed framework will improve outcomes?**
- 3. How will compliance with cultural and participation principles be monitored?**
- 4. How will departures from preferred placement pathways be recorded and reviewed?**
- 5. What accountability mechanisms apply where principles are non-enforceable?**
- 6. How will Parliament evaluate whether reforms are successful?**

## 3. Does the Bill Solve the Problem It Identifies?

### 3.1 The missing causal connection

The central scrutiny question is not whether reform is required. Reform is clearly required.

The Northern Territory child protection system continues to experience significant challenges, including high rates of statutory intervention, Aboriginal overrepresentation, placement shortages, workforce instability, increasing demand, poor long-term outcomes for many children and significant pressure across related government systems.

The Government is entitled to pursue legislative reform in response to these challenges.

However, legislative reform should be assessed not only according to its objectives but according to whether there is a reasonable evidentiary basis for believing the proposed reforms will achieve those objectives.

The Explanatory Statement identifies outcomes Government wishes to improve. What it does not establish is a causal connection between those outcomes and the Aboriginal Child Placement Principle.

This distinction matters. Effective policy reform requires identification of a problem, evidence regarding the causes of that problem and evidence that the proposed intervention is likely to address those causes.

The Bill identifies problems. The Bill proposes interventions. What remains unclear is whether the explanatory material demonstrates that the proposed interventions address the actual causes of the identified problems.

Without a demonstrated causal connection, Parliament is effectively being asked to assume that reducing the practical influence of Aboriginal placement protections will improve outcomes without being provided with evidence demonstrating why that assumption should be accepted.

### 3.2 Significant Incidents and the Importance of Evidence-Based Reform

The recent death of a child in circumstances that have attracted significant public attention has understandably intensified concern regarding the effectiveness of the Northern Territory child protection system and the need for reform.

Any death of a child is a tragedy. Such events rightly prompt close examination of whether existing systems are functioning effectively and whether improvements are required to better protect vulnerable children.

However, the occurrence of a tragic outcome does not, in itself, establish that a particular legislative mechanism contributed to that outcome or that a particular legislative amendment will prevent similar outcomes in the future.

For the purposes of legislative scrutiny, the relevant question is not whether action should be taken. Action is clearly warranted wherever systemic failures are identified. The relevant question is whether the specific reforms proposed by the Bill are supported by evidence demonstrating that they are likely to reduce the risks they seek to address.

The explanatory materials do not demonstrate a causal connection between the Aboriginal Child Placement Principle and the circumstances giving rise to the concerns that have prompted reform. Nor do they demonstrate that reducing the distinct statutory status or practical operation of Aboriginal placement and participation protections will improve child safety outcomes.

The Committee should also recognise that Australia has a long and well-documented history of Aboriginal children experiencing neglect, abuse, trauma and death in circumstances occurring outside kinship care and outside Aboriginal family or community placements. Historical experience therefore provides no basis for assuming that reducing Aboriginal-specific placement protections will, of itself, improve safety outcomes.

If Parliament is asked to alter longstanding statutory protections affecting Aboriginal children, the justification for doing so should rest upon clear evidence regarding causation and likely effectiveness rather than upon the understandable urgency that follows a tragic event.

This is particularly important where the proposed reforms may affect family connection, kinship relationships, cultural continuity and Aboriginal participation in decisions affecting Aboriginal children.

### 3.3 Alternative Drivers of Poor Outcomes

Available evidence from inquiries, annual reports, reviews and sector experience points toward a range of structural and operational factors driving poor child protection outcomes. These include:

- housing insecurity and overcrowding;
- workforce shortages and workforce turnover;
- family violence;
- poverty;
- limited access to therapeutic supports;

- placement scarcity;
- inadequate support for kinship carers;
- limited early intervention capacity;
- remoteness and service access barriers; and
- underinvestment in Aboriginal community-controlled services.

These factors affect outcomes regardless of the legislative framework within which decisions are made.

A child cannot safely remain with family where severe overcrowding creates unacceptable risk. A kinship placement cannot proceed where a willing grandparent lacks adequate housing, transport, financial support or access to services. A family preservation plan cannot succeed where therapeutic services are unavailable. A child protection workforce cannot function effectively where vacancies remain unfilled and turnover remains high.

In these circumstances, the barrier is not the Aboriginal Child Placement Principle. The barrier is implementation capacity.

Weakening placement protections does not create additional housing. It does not recruit additional staff. It does not expand therapeutic services. It does not increase support for kinship carers. It does not increase early intervention capacity.

It may, however, make it easier for the system to proceed without addressing those barriers.

That is the core risk identified by this submission.

### 3.4 Solving a Problem or Bypassing a Problem

Many of the barriers encountered within child protection systems arise because support systems are insufficiently resourced.

A culturally connected placement may be unavailable because the carer receives inadequate support. Reunification may be delayed because therapeutic services are unavailable. Early intervention may fail because services cannot be accessed.

These are implementation problems.

Reducing the practical influence of Aboriginal placement protections does not solve these problems. It risks replacing a solution-focused response with an administrative response.

The underlying barriers remain unchanged. The legislative pathway around those barriers simply becomes broader.

The Committee should therefore consider whether the reforms resolve the causes of current system pressures or merely reduce the obligation to address them.

### 3.5 Risk of Policy Misdiagnosis

Public policy is most effective when interventions are directed toward actual causes. Where interventions target symptoms rather than causes, outcomes often fail to improve.

There is a risk that the proposed amendments reflect a policy misdiagnosis. The identified problems are real. The proposed solution may not correspond to the primary causes of those problems.

If this occurs, underlying problems remain unresolved, expectations of improvement are not realised, confidence in reform declines and additional legislative reform may become necessary.

The Committee should therefore approach causal claims cautiously. The question is not whether reform is required. The question is whether this reform addresses the factors most responsible for poor outcomes.

On the material currently before Parliament, that proposition has not been established.

## 4. Consistency with Government Priorities

### 4.1 Priority One: Reducing crime and strengthening community safety

The Government has identified reducing crime and strengthening community safety as a central priority.

This objective is broadly supported. However, child protection reform should be assessed against whether it strengthens or weakens the protective factors associated with reduced offending and improved long-term outcomes.

The same factors that increase the likelihood of child protection involvement frequently increase the likelihood of later justice system involvement. These include exposure to violence, trauma, family instability, educational disengagement, housing insecurity, substance misuse, mental ill-health, social exclusion, repeated system contact and disrupted relationships.

Conversely, many protective factors associated with reduced offending are also factors associated with positive child wellbeing outcomes. These include stable caregiving relationships, strong family support, positive adult role models, community participation, cultural

identity, belonging, access to support services and opportunities for meaningful participation in community life.

The Aboriginal Child Placement Principle seeks to preserve many of these protective factors where safe and practicable. It supports connection to family, kinship networks, culture, community and Country during periods of significant disruption.

The explanatory material does not demonstrate that reducing the practical operation of Aboriginal placement and participation protections will reduce offending or improve community safety. Nor do the proposed amendments directly address the principal drivers of offending identified across government policy and research.

If the objective is fewer victims, safer communities and reduced offending, reform should strengthen early intervention, family preservation, therapeutic supports, school engagement, kinship care and Aboriginal-led responses. These can be pursued without reducing existing Aboriginal placement protections.

## 4.2 Priority Two: Rebuilding the economy

The Government has identified economic growth, workforce participation, productivity and fiscal sustainability as central priorities.

Child protection policy is not only a social policy issue. It is also an economic issue. Children who experience stable care, educational continuity, positive relationships, strong support networks and good health are more likely to participate in education, training, employment and community life.

By contrast, children who experience repeated instability, unresolved trauma, educational disruption, social exclusion and repeated system contact often face greater barriers to long-term participation.

Placement instability also creates costs for government. Where placements break down, agencies may incur additional expenditure through emergency accommodation, placement recruitment, placement assessment, case management, behavioural support, court processes and therapeutic intervention. Costs may also emerge later through health, housing, youth justice, policing and corrective services.

The principal drivers of expenditure and poor long-term outcomes include housing shortages, workforce constraints, placement scarcity, therapeutic service gaps, inadequate support for carers and limited early intervention capacity.

These factors remain largely unaffected by the proposed amendments.

The Committee should therefore consider whether the reforms are likely to produce meaningful long-term social or economic benefits, or whether they alter the legislative framework without addressing the factors most responsible for ongoing expenditure pressures and poor outcomes.

### 4.3 Priority Three: Restoring the Territory lifestyle

The Government has identified restoring the Territory lifestyle as a central priority. In practical terms, this objective depends upon strong families, safe communities, local participation, social cohesion, community confidence and trusted public institutions.

Child protection agencies exercise some of the most significant powers available to government. The legitimacy of those powers depends partly upon confidence that decisions are fair, culturally informed, transparent and accountable.

The Aboriginal Child Placement Principle communicates that family, kinship, community, culture and Aboriginal participation matter in decisions affecting Aboriginal children.

The proposed amendments continue to acknowledge these concepts but alter their legislative positioning and practical operation.

The Committee should consider whether these changes are likely to strengthen or weaken community confidence in child protection systems. A process that is administratively efficient but perceived as unfair or culturally disconnected may undermine trust and reduce engagement.

Restoring confidence requires more than administrative efficiency. It requires meaningful participation, local knowledge, Aboriginal leadership, transparency and accountability.

The Government has not demonstrated that reducing the distinct statutory status of Aboriginal placement and participation protections will improve community confidence, strengthen families or support the Territory lifestyle objective.

## 5. Consistency with the Northern Territory Aboriginal Affairs Framework 2026–2028

The Northern Territory Aboriginal Affairs Framework 2026–2028 is highly relevant to the Committee's consideration of the Bill because it represents the Government's most recent statement of policy intent regarding Aboriginal affairs.

The Framework emphasises themes including self-determination, Aboriginal leadership, partnership, shared decision-making, local solutions, cultural recognition, place-based approaches and accountability to Aboriginal communities.

These principles are directly relevant to decisions affecting Aboriginal children, families and communities.

The Aboriginal Child Placement Principle has historically functioned as one of the main mechanisms through which these principles are expressed in the child protection system. It

recognises that family, kinship, culture, community connection and Aboriginal participation are central to decisions affecting Aboriginal children.

The Committee should consider whether the proposed amendments strengthen, maintain or weaken alignment with the Aboriginal Affairs Framework.

Self-determination requires that Aboriginal people have meaningful opportunities to influence decisions affecting their lives, families and futures. In the child protection context, this means meaningful participation in decisions affecting Aboriginal children and families.

Aboriginal leadership requires more than consultation. It requires that Aboriginal knowledge, organisations, families, Elders and community structures are able to contribute meaningfully to solutions.

Shared decision-making requires more than administrative discretion. It requires legislative settings that encourage decisions to be informed by Aboriginal voices, relationships and cultural knowledge.

Local solutions require recognition that communities differ across the Territory and that local knowledge may be essential to understanding kinship relationships, caregiving arrangements, cultural responsibilities and practical placement options.

Cultural recognition requires more than general acknowledgement. It requires that culture, identity, kinship, language, community and Country continue to receive practical weight in decisions affecting Aboriginal children.

The proposed amendments may create tension with these commitments if their practical effect is to reduce Aboriginal influence over decisions, reduce participation protections, increase reliance on administrative discretion or diminish the practical significance of cultural considerations.

This does not mean reform cannot occur. It does mean Government should clearly explain how the amendments advance the Aboriginal Affairs Framework. At present, that explanation has not been articulated.

## **6. Consistency with Closing the Gap and Safe and Supported**

### **6.1 National Agreement on Closing the Gap**

The Northern Territory is a party to the National Agreement on Closing the Gap. The Agreement places significant emphasis on partnership, shared decision-making, community control, transforming government organisations and improving access to data and accountability.

The proposed amendments are directly relevant to those commitments because they affect the role of Aboriginal participation, Aboriginal decision-making and cultural connection within child protection systems.

**Priority Reform One** seeks to strengthen formal partnerships and shared decision-making. The Committee should ask how the proposed amendments increase Aboriginal participation in decisions affecting Aboriginal children. If the reforms reduce practical opportunities for Aboriginal influence, a tension may arise between the Bill and the objectives of Priority Reform One.

**Priority Reform Two** seeks to build the Aboriginal community-controlled sector. The Bill restructures placement and participation provisions but does not substantially increase community-controlled service capacity, Aboriginal organisational authority or Aboriginal-led service delivery. It is therefore unclear how the reforms advance this priority.

**Priority Reform Three** requires governments to transform the way they operate, including improving accountability, strengthening partnerships and embedding Aboriginal perspectives in decision-making. Where principles become non-enforceable or increasingly dependent on administrative discretion, the Committee should consider whether accountability to Aboriginal families and communities is strengthened or weakened.

**Priority Reform Four** concerns shared access to data and information. The Bill does not appear to significantly strengthen transparency or public reporting requirements. If Government seeks to demonstrate improved outcomes, stronger reporting would assist Parliament and communities to assess whether reforms are succeeding.

**Target 12** commits governments to reducing the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031. Achieving this target requires action on the causes of child protection involvement and the factors affecting successful family preservation and reunification.

The Bill does not substantially alter key drivers including housing insecurity, overcrowding, poverty, family violence, workforce limitations, limited service access and inadequate early intervention. Instead, it primarily alters decision-making frameworks after statutory involvement has occurred.

The Committee should therefore ask how the proposed amendments reduce the number of Aboriginal children entering care, increase successful reunification or strengthen family preservation.

## 6.2 Safe and Supported

Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031 establishes the national policy direction for child and family wellbeing. It emphasises prevention,

early intervention, family strengthening, cultural safety, Aboriginal leadership, community partnership and reducing future demand for statutory intervention.

The Bill contains elements consistent with Safe and Supported, particularly early intervention objectives, proactive efforts provisions and family-focused approaches.

However, questions remain regarding the Aboriginal placement and participation reforms.

Safe and Supported emphasises cultural connection, Aboriginal leadership, family strengthening and community participation. The Committee should therefore consider whether reducing the distinct statutory status of Aboriginal protections is fully consistent with those commitments.

If cultural connection, Aboriginal leadership and family participation are recognised nationally as protective factors, Government should explain what evidence demonstrates that reducing their practical legislative influence will improve outcomes.

## 7. Recommendations

### **Recommendation 1 – Retain a distinct Aboriginal Child Placement Principle framework**

Retain a distinct Aboriginal Child Placement Principle within the Act that recognises family connection, kinship relationships, cultural continuity, community connection, connection to Country and Aboriginal participation in decisions affecting Aboriginal children. A distinct framework better reflects the unique circumstances of Aboriginal children and the Government's broader commitments concerning self-determination and cultural recognition.

### **Recommendation 2 – Strengthen participation requirements**

Require meaningful participation by Aboriginal children, where age and circumstances permit, parents, family members, kinship networks and relevant Aboriginal organisations in significant decisions affecting Aboriginal children. Participation should occur as early as reasonably practicable and before major placement or permanency decisions are finalised.

### **Recommendation 3 – Require written reasons for departure from preferred placement pathways**

Require decision-makers to document and retain written reasons whenever a placement decision departs from preferred kinship, community or culturally connected placement pathways. This would improve transparency; strengthen accountability; support review processes; and encourage consistent decision-making.

#### **Recommendation 4 – Introduce a cultural impact assessment requirement**

Require decision-makers to consider and record the likely impacts of significant placement decisions on a child's identity, family relationships, kinship connections, cultural continuity, community connection and connection to Country.

#### **Recommendation 5 – Strengthen Aboriginal community-controlled participation**

Require decision-makers, wherever reasonably practicable, to seek and consider advice from relevant Aboriginal community-controlled organisations with knowledge of the child, family or community.

#### **Recommendation 6 – Introduce independent review mechanisms for significant placement decisions**

Provide access to independent review mechanisms where significant placement decisions involve departure from preferred Aboriginal placement pathways or raise substantial concerns regarding participation, cultural continuity or family connection.

#### **Recommendation 7 – Strengthen public reporting and accountability requirements**

Require annual public reporting on outcomes including Aboriginal children in out-of-home care, kinship placement rates, placement stability, placement moves, cultural support planning, reunification outcomes and implementation of placement and participation principles.

#### **Recommendation 8 – Strengthen family preservation obligations**

Require documented and reasonable efforts to support family preservation before long-term separation decisions are made, including consideration of family support services, parenting supports, therapeutic services, housing assistance referrals, alcohol and other drug supports and culturally informed family strengthening services.

#### **Recommendation 9 – Strengthen kinship care support provisions**

Require active assessment of support needs for prospective kinship carers and facilitate access to practical assistance where required, including housing, financial assistance, transport, respite care, therapeutic supports and case management assistance.

#### **Recommendation 10 – Require an independent statutory review**

Require an independent review of the amendments within three years of commencement, with findings tabled in the Legislative Assembly.

## 8. Conclusion

This submission does not oppose child protection intervention where children are unsafe. It does not argue that cultural considerations override child safety. It does not suggest that the existing system is working well enough.

Rather, it raises a specific scrutiny concern: Government has not demonstrated that reducing the distinct statutory status or practical operation of Aboriginal placement and participation protections will improve child safety, permanency, stability or long-term outcomes.

The available material identifies genuine problems. It does not establish that the Aboriginal Child Placement Principle is a substantial cause of those problems.

The major drivers of poor outcomes appear to be structural and operational, including housing insecurity, workforce shortages, placement scarcity, inadequate support for kinship carers, limited therapeutic services, constrained early intervention capacity and insufficient Aboriginal community-controlled service capacity.

The proposed amendments do not substantially address those drivers.

The Committee should therefore give careful consideration to whether the Bill:

- has sufficient regard to Aboriginal tradition;
- maintains meaningful Aboriginal participation;
- provides adequate procedural safeguards;
- strengthens accountability;
- advances the Government's three priorities;
- aligns with the Aboriginal Affairs Framework;
- advances Closing the Gap commitments; and
- remains consistent with Safe and Supported.

***The stronger reform pathway is not to weaken Aboriginal placement and participation protections. It is to strengthen implementation, support kinship carers, invest in family preservation and reunification, build Aboriginal community-controlled capacity, expand therapeutic supports and improve accountability for outcomes.***

***For these reasons, the Committee should give serious consideration to recommending amendments that preserve stronger Aboriginal placement and participation protections within the Act.***

## Appendix A – Legislative Comparison Tables

### Aboriginal Child Placement Principle and Participation Provisions

Existing Act	Bill Amendment	Practical Effect	Scrutiny Consideration
Aboriginal Child Placement Principle operates as a distinct statutory framework	Replaced by broader Child Placement Principle applying to all children	Reduced distinct statutory recognition of Aboriginal-specific protections	<b><i>Does this maintain sufficient regard to Aboriginal tradition?</i></b>
Aboriginal placement considerations given specific legislative prominence	Aboriginal considerations incorporated within broader principles framework	Potential reduction in practical weight of Aboriginal-specific considerations	<b><i>How will competing principles be balanced?</i></b>
Existing participation provisions recognise involvement of Aboriginal children, families and communities	Participation framework restructured	Potential increase in administrative discretion regarding participation	<b><i>Does participation remain meaningful in practice?</i></b>
Cultural connection recognised through Aboriginal-specific provisions	Cultural considerations incorporated into broader framework	Cultural considerations may become more discretionary	<b><i>Is cultural continuity sufficiently protected?</i></b>
Aboriginal placement hierarchy embedded within distinct provisions	New placement framework emphasises broader permanency and stability objectives	Greater scope for departure from kinship and cultural placement preferences	<b><i>What safeguards apply when departures occur?</i></b>
Existing framework developed specifically in recognition of Aboriginal family and kinship structures	Universal framework applies equally to all children	Different circumstances may be treated similarly despite different cultural contexts	<b><i>Will equal treatment produce equitable outcomes?</i></b>

## Principles and Accountability

Existing Position	Bill Amendment	Potential Impact
Principles inform decision-making	Principles retained but expressly do not create enforceable rights	<b><i>Reduced external accountability</i></b>
Cultural considerations embedded within legislative framework	Principles operate primarily as guidance	<b><i>Increased reliance on administrative practice</i></b>
Compliance assessed through statutory obligations	Compliance may rely more heavily on internal decision-making processes	<b><i>Greater discretion, less reviewability</i></b>
Participation obligations supported by legislative structure	Participation increasingly dependent on implementation	<b><i>Variable practice risk</i></b>

## Appendix B – Sources

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

<https://legislation.nt.gov.au/en/LegislationPortal/Bills>

### Care and Protection of Children Act 2007 (NT)

<https://legislation.nt.gov.au/en/Legislation/Care-and-Protection-of-Children-Act-2007>

### Legislative Scrutiny Committee (NT)

<https://parliament.nt.gov.au/committees/legislative-scrutiny-committee>

### Northern Territory Aboriginal Affairs Framework 2026–2028

<https://aboriginalaffairs.nt.gov.au/our-priorities/nt-aboriginal-affairs-framework>

### National Agreement on Closing the Gap

<https://www.closingthegap.gov.au/national-agreement>

### Closing the Gap Target 12 (Out-of-Home Care)

<https://www.closingthegap.gov.au/national-agreement/7-difference/b-targets/b12>

**Safe and Supported: National Framework for Protecting Australia's Children 2021–2031**

<https://www.dss.gov.au/children/programmes-services-for-children/safe-and-supported-the-national-framework-for-protecting-australias-children-2021-2031>

**NT Department of Children and Families Annual Reports**

<https://dcf.nt.gov.au/about-us/publications>

**Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory**

<https://childdetentioninquiry.nt.gov.au>

**SNAICC – Aboriginal and Torres Strait Islander Child Placement Principle**

<https://www.snaicc.org.au/our-work/policy/child-placement-principle>

**Family Matters Campaign Reports**

<https://www.familymatters.org.au>

**Coalition of Peaks**

<https://www.coalitionofpeaks.org.au>

**Australian Institute of Health and Welfare – Child Protection Australia**

<https://www.aihw.gov.au/reports/child-protection/child-protection-australia>

**Australian Institute of Family Studies**

<https://aifs.gov.au>

**Menzies School of Health Research**

<https://www.menzies.edu.au>

**Telethon Kids Institute**

<https://www.telethonkids.org.au>

**Australian Housing and Urban Research Institute (AHURI)**

<https://www.ahuri.edu.au>

**Productivity Commission Closing the Gap Dashboard**

<https://www.pc.gov.au/closing-the-gap-data>