

Human  
Rights  
Law  
Centre.

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

21 May 2026

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## Human Rights Law Centre

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia. We work in coalition with key partners, including community organisations, law firms and barristers, academics and experts, and international and domestic human rights organisations.

The Human Rights Law Centre recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the custodians and First Peoples of so-called Australia. Sovereignty in this country was never ceded, this always was and always will be Aboriginal land. We acknowledge the people of the Kulin and Eora Nations, the traditional owners of the unceded land on which our offices sit, and the ongoing work of Aboriginal and Torres Strait Islander peoples, communities and organisations to unravel the injustices imposed on First Nations people since colonisation. We support the self-determination of Aboriginal and Torres Strait Islander peoples and aim to work in solidarity towards justice.

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# 1. Introduction

## 1.1 Context: The ongoing legacy of the Stolen Generations within the family policing system

Opposed by more than 330 organisations, including the North Australian Aboriginal Justice Agency (**NAAJA**), Aboriginal Peak Organisations Northern Territory (**APONT**) and SNAICC – National Voice for our Children,<sup>1</sup> the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (**the Bill**) brazenly dismantles decades of advocacy led by Aboriginal and Torres Strait Islander communities and community-controlled organisations in response to the significant harms caused by previous child removal policies, including those that gave rise to prior Stolen Generations.

By defaulting to child removals, the Bill will replicate the harms of these removal policies and entrench intergenerational trauma. The Bill seeks to remove the Aboriginal and Torres Strait Islander Child Placement Principle (**the Aboriginal Child Placement Principle**) which recognises that culture, family, community and connection to Country are central to the safety, wellbeing and identity of Aboriginal and Torres Strait Islander children.<sup>2</sup> If passed, the Bill will make it easier for Aboriginal and Torres Strait Islander children to be removed from their families, communities and Country and make it more difficult for Aboriginal and Torres Strait Islander children to reunify with family and return to Country.

The interaction between child protection and criminal legal systems compounds the harmful impacts of the Bill. Aboriginal and Torres Strait Islander children are grossly overrepresented in the child protection system<sup>3</sup> and, once enmeshed within it, are at considerable risk of being unnecessarily criminalised.<sup>4</sup> In the Northern Territory, where the minimum age of criminal responsibility is 10 years old – well below international human rights standards<sup>5</sup> and at odds with consistent calls from Aboriginal and Torres Strait Islander communities and community-controlled organisations – the Bill will further entrench structural inequality and increase Aboriginal and Torres Strait Islander children’s exposure to early criminalisation and incarceration. In doing so, the Bill will endanger child safety and wellbeing – the very objectives the Bill allegedly seeks to address.

Underpinning the Bill is the paternalistic assumption that the government is better placed than Aboriginal and Torres Strait Islander families and communities to make decisions about the safety and wellbeing of Aboriginal and Torres Strait Islander children. This dangerous assumption reinforces the enduring legacy of, and the ongoing, Stolen Generations within what is often referred to as the child ‘protection’ system, but which in practice operates as a system of family policing.

Given the extraordinarily inadequate one-week timeframe to review the Bill, this submission does not seek address every legislative change proposed by the Bill. Instead, it draws attention to some of its most alarming features and responds to the following questions posed by the Legislative Scrutiny Committee (**the Committee**):

1. whether the Assembly should pass the Bill;
2. whether the Bill has sufficient regard to the rights and liberties of individuals; and
3. whether the Bill has sufficient regard to the institution of Parliament.

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<sup>1</sup> Cameron Gooley, ‘Indigenous organisations condemn plans for Northern Territory child protection overhaul’ (Web Page, 13 May 2026) SBS NITV <https://www.sbs.com.au/nitv/article/indigenous-organisations-condemn-plans-for-northern-territory-child-protection-overhaul/mnoqsdvhj>

<sup>2</sup> SNAICC – National Voice for our Children, ‘Child Placement Principle’ (Web Page) <https://www.snaicc.org.au/our-work/child-and-family-wellbeing/child-placement-principle/>.

<sup>3</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2023–24* (Web Report, 27 March 2026) <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>

<sup>4</sup> Secretariat of National Aboriginal and Islander Child Care, *Submission to the UN Special Rapporteur on the Rights of Indigenous Peoples* (Submission, April 2026) <https://www.snaicc.org.au/wp-content/uploads/2026/04/Submission-to-UN-Special-Rapporteur-on-the-Rights-of-Indigenous-Peoples-2026-FINAL.pdf>

<sup>5</sup> Committee on the Rights of the Child, *General Comment No 24 (2019) on Children’s Rights in the Child Justice System*, UN Doc CRC/C/GC/24 (18 September 2019).

## 1.2 Key recommendations

We acknowledge the deep expertise of NAAJA, APONT and SNAICC, and stand in solidarity with their advocacy in relation to the harmful impacts of the Bill and their calls for systemic, self-determined reform.

We recommend that the Committee find as follows:

1. The Legislative Assembly should not pass the Bill;
2. The Northern Territory Government must implement an independent Aboriginal-led Board of Inquiry into child protection and interconnected systems.
3. The Bill fails to have sufficient regard to the rights of Aboriginal and Torres Strait Islander children, families and communities; and
4. The Bill fails to have sufficient regard to the institution of Parliament.

## 2. Whether the Assembly should pass the Bill

We strongly urge the Committee to recommend that the Assembly should not pass the Bill. As set out below, the Bill discards hard-won safeguards for Aboriginal and Torres Strait Islander children, erodes the rights of Aboriginal and Torres Strait Islander people and children, and has been hastily introduced in flagrant disregard of both democratic processes and Aboriginal and Torres Strait Islander peoples' right to self-determination.

In accordance with the calls of the NT Children's Commissioner and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People,<sup>6</sup> if the Northern Territory Government is genuinely committed to ensuring the safety and wellbeing of all children in the Territory, they should set up an independent Board of Inquiry led by Aboriginal leaders and experts that has the necessary legislative powers and resourcing to examine not only the child protection system but also interconnected systems including housing, family violence, policing and the criminal legal system, as they relate to child protection.

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**Recommendation 1:** That the Committee recommend that the Assembly not pass the Bill.

**Recommendation 2:** That the Committee recommend that the Northern Territory Government implement an independent Aboriginal-led Board of Inquiry into child protection and interconnected systems.

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## 3. Whether the Bill has sufficient regard to the rights and liberties of individuals

### 3.1 Relevant rights

The Bill clearly fails to give sufficient regard to the relevant rights engaged. As highlighted by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Katie Kiss, the proposed changes violate a number

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<sup>6</sup> National Commission for Aboriginal and Torres Strait Islander Children and Young People, 'Commissioners Call for Independent Inquiry into Systems Designed to Protect the Territory's Children' (Joint Statement, 12 May 2026) <https://www.ncatsicyp.gov.au/news/commissioners-call-independent-inquiry-systems-designed-protect-territorys-children>

of international obligations Australia is signatory to, including the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**).<sup>7</sup>

The Northern Territory Government is responsible for lawmaking that engages the rights of children, families and Aboriginal and Torres Strait Islander peoples and plays a critical role in upholding Australia's international human rights commitments. These include binding obligations under the International Covenant on Civil and Political Rights (**ICCPR**), ratified in 1980,<sup>8</sup> and the Convention on the Rights of the Child (**CRC**), ratified in 1990,<sup>9</sup> as well as commitments under UNDRIP, endorsed in 2009.<sup>10</sup>

Relevant obligations under the CRC, including Articles 3, 7, 8, 9, 12, 18, 20, 25 and 30, and UNDRIP, including Articles 3, 4, 18, 19, 21, 22, and 23, collectively guarantee children's rights to family, culture, community. In this connection, we note that the Committee on the Rights of the Child has expressed concerns about the continuing overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care in Australia and the impacts on children's rights.<sup>11</sup>

The Bill also engages relevant rights under the ICCPR, including the right to quality and non-discrimination (Articles 2(1) and 26); equal protection of the law (Article 26); liberty and security of person (Article 9); and freedom from arbitrary or unlawful interference with privacy, family, home and correspondence (Article 17).

As discussed below, the Bill fails to consider, and is fundamentally incompatible with, the above-mentioned rights in relation to the proposed:

- removal of the Aboriginal Child Placement Principle and lower threshold for removals;
- long-term and permanent child removals; and
- sweeping powers to intervene in family life.

### 3.2 Removal of the Aboriginal Child Placement Principle and lower threshold for child removals

Nationally, Aboriginal and Torres Strait Islander children are overrepresented in the child protection system at rates around ten times higher than non-Indigenous children.<sup>12</sup> The Bill risks exacerbating this disparity and rupturing children's connections to family, community and Country by removing critical safeguards for Aboriginal and Torres Strait Islander children.

The Bill removes the Aboriginal Child Placement Principle, as well as the right of an Aboriginal child to be brought up within their own family, community and Country.<sup>13</sup>

Incorporated into legislation in the 1980s as a result of sustained advocacy by Aboriginal and Torres Strait Islander communities and community-controlled organisations in response to harmful child removal

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<sup>7</sup> Australian Human Rights Commission, 'Australia's First Peoples' and Children's Commissioners Urge Northern Territory Government to Halt Weakening of Child Placement Principle' (Media Release, 17 October 2024) <https://humanrights.gov.au/about-us/media-centre/media-releases/aboriginal-and-torres-strait-islander-peoples/australias-first-peoples-and-childrens-commissioners-urge-northern-territory-government-to-halt-weakening-of-child-placement-principle>.

<sup>8</sup> International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976; ratified by Australia 13 August 1980).

<sup>9</sup> Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990; ratified by Australia 17 December 1990).

<sup>10</sup> United Nations Declaration on the Rights of Indigenous Peoples, GA Res 61/295, UN GAOR, 61st sess, 107th plen mtg, UN Doc A/RES/61/295 (13 September 2007; endorsed by Australia 3 April 2009).

<sup>11</sup> Committee on the Rights of the Child, *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Australia*, UN Doc CRC/C/AUS/CO/5-6 (1 November 2019).

<sup>12</sup> Australian Institute of Health and Welfare, 'Child Protection' (Web Page, Australian Government, June 2025) <https://www.aihw.gov.au>

<sup>13</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 6.

policies, the Aboriginal Child Placement Principle is an imperative foundation for upholding the rights of Aboriginal and Torres Strait Islander children, families and communities through self-determination and ending the drastic over-representation of Aboriginal and Torres Strait Islander children in out-of-home care and the child protection system.<sup>14</sup> The principle reflects the understanding that Aboriginal and Torres Strait Islander families, communities and community-controlled organisations are best placed to make decisions relating to the care and protection of their children, and should be meaningfully involved in these decision-making processes.

On top of this, the Bill lowers the threshold for child removals by changing the applicable test from an “unacceptable risk of harm” to “a significant and likely risk of harm”.<sup>15</sup>

In practice, there are significant issues surrounding the implementation of the Aboriginal Child Placement Principle.<sup>16</sup> Australian Institute of Health and Welfare data indicates that the Northern Territory has the lowest proportion of Aboriginal and Torres Strait Islander children in out-of-home care placed with Aboriginal relatives, kin or carers, at approximately one in six children.<sup>17</sup> This points to the need for stronger accountability and compliance measures to ensure the effective implementation of the Aboriginal Child Placement Principle, not its repeal nor any lowering of the threshold for child removals contrary to the realisation of rights under UNDRIP, with the Australian Human Rights Commission clearly stating that any weakening of the principle would only make it easier to separate First Nations children from their families.<sup>18</sup>

### 3.3 Pressure towards long-term and permanent child removals

The Bill deprioritises supporting families by unfairly tipping the scales towards long-term and permanent child removals by:

- Removing the principle that a child should be returned to family where that is in the child’s best interests.<sup>19</sup>
- Significantly limiting the Court’s ability to make repeated short-term parental responsibility orders.<sup>20</sup>
- Directing the Court to give priority consideration to the promotion of permanency in the child’s living arrangements in relation to children’s best interests.<sup>21</sup>
- Making carers – the majority of whom are non-Aboriginal and non-family members, an automatic party to court proceedings where the child has been living with the carer for more than eight months.<sup>22</sup>

These proposed changes demonstrate a failure to uphold the rights of Aboriginal and Torres Strait Islander children to practise culture, to access culturally appropriate care and to not be subjected to forced assimilation or destruction of their culture as mandated by the CRC and UNDRIP.

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<sup>14</sup> SNAICC – National Voice for our Children, *above n 2*.

<sup>15</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 6, inserting s 12A(3) into the *Care and Protection of Children Act 2007* (NT).

<sup>16</sup> North Australian Aboriginal Justice Agency, *State of Denial: Systemic Failures in Protecting Children in the Northern Territory* (Report, 2015).

<sup>17</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2023–24* (Web Report, 2026) <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>.

<sup>18</sup> Australian Human Rights Commission, *above n 7*.

<sup>19</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 6, inserting s. 12C(3) into the *Care and Protection of Children Act 2007* (NT).

<sup>20</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 21, inserting s. 128(1A).

<sup>21</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 6, inserting s.8 into the *Care and Protection of Children Act 2007* (NT).

<sup>22</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 23, inserting s. 137D(2)(ba) into the *Care and Protection of Children Act 2007* (NT).

### 3.4 Sweeping powers to intervene in family life

The Bill introduces “family responsibility agreements” (**FRAs**)<sup>23</sup> and “family responsibility orders” (**FROs**),<sup>24</sup> expanding the powers of the Department of Children and Families (**DCF**) to intervene earlier and more broadly in family life. Intervention may occur in response to minor concerns linked to systemic failures by the Northern Territory Government to support people and communities to thrive, including school attendance and anti-social behaviour.<sup>25</sup>

In practice, these measures would expand government interference in the lives of families subjected to systemic failings by the Northern Territory Government, with non-compliance potentially escalating into child removal rather than the provision of culturally appropriate supports.

FROs, in particular, may trigger a range of coercive responses, including income management, housing action, alcohol-related interventions, child protection investigations, and applications for protection orders.<sup>26</sup> It is likely that these coercive measures will be deployed even where there is an absence of adequate support or services to enable compliance: NAAJA has noted that the 2026–27 Northern Territory Government Budget does not provide sufficient funding for the services families would need to comply with these measures.<sup>27</sup> These measures are therefore likely to deepen disadvantage, rather than address it.

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**Recommendation 3:** That the Committee find that the Bill fails to have sufficient regard to the rights of Aboriginal and Torres Strait Islander children, families and communities.

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## 4. Whether the Bill has sufficient regard to the institution of Parliament

The Northern Territory Government has reportedly been canvassing child protection law reform for more than one year.<sup>28</sup> Following the tragic death of Kumanjayi Little Baby, the Northern Territory Government introduced the 50-page Bill amending the nearly 200-page *Care and Protection of Children Act 2007* (NT) on 13 May 2026. Stakeholders were given approximately one week to make submissions to the Committee. As reported by the ABC, more time was allowed for submissions on changes to the NT's container deposit scheme last year.<sup>29</sup>

These inappropriately short timeframes lie starkly in contrast with the intergenerational impacts of the Bill. Despite the vastly disproportionate rates at which Aboriginal and Torres Strait Islander children are removed from their families compared with non-Indigenous children,<sup>30</sup> it is clear that Aboriginal and Torres Strait Islander voices have been sidelined in the creation of this Bill. NAAJA, the North Australian

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<sup>23</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 11.

<sup>24</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 16.

<sup>25</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 11, inserting s 65D(6) into the *Care and Protection of Children Act 2007* (NT).

<sup>26</sup> *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (NT) pt 2 div 1 cl 16, inserting s 102E into the *Care and Protection of Children Act 2007* (NT).

<sup>27</sup> North Australian Aboriginal Justice Agency, *Briefing: Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* (Briefing Paper, 2026).

<sup>28</sup> Australian Broadcasting Corporation, ‘Planned Changes to NT Child Protection Law Branded “Discriminatory”’ (ABC News, 18 January 2025) <https://www.abc.net.au/news/2025-01-18/nt-child-protection-law-proposed-changes-branded-discriminatory/104831226>

<sup>29</sup> *Ibid.*

<sup>30</sup> Australian Institute of Health and Welfare, *Child Protection Australia 2023–24* (Web Report, 27 March 2026) <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2023-24>

Aboriginal Family Legal Services, Central Australian Aboriginal Family Legal Service, Legal Aid NT, Top End Women's Legal Service, Katherine Women's Information and Legal Service, Central Australian Women's Legal Service and the Darwin Community Legal Centre had no input into its development.<sup>31</sup>

The introduction of the Bill in the wake of Kumanjaya Little Baby's death raises significant concerns that the tragedy is being used to justify harmful changes, despite calls from the family not to politicise her death,<sup>32</sup> with inadequate time afforded to Parliament and relevant stakeholders to scrutinise and properly respond to the Bill.

This forms part of a broader pattern in Northern Territory politics in which tragedy is exploited by governments to justify knee-jerk, highly visible and paternalistic interventions in the lives of Aboriginal and Torres Strait Islander peoples without regard to self-determined, evidence-based solutions. The Northern Territory Emergency Response (**the Intervention**), introduced in 2007, and subsequent policies pursued under the 'Stronger Futures' framework are prime examples of top-down measures imposed on Aboriginal and Torres Strait Islander communities that wrested control away from those communities and failed to implement the core recommendations of the *Little Children are Sacred* report, despite that report being the stated catalyst for the Intervention.<sup>33</sup>

Relatedly, the Bill has insufficient regard to the institutional processes Parliament relies upon to inform law reform by failing to heed the recommendations of previous statutory inquiries, including the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse and the Royal Commission into the Protection and Detention of Children in the Northern Territory, which emphasised self-determined, community-led services to address structural disadvantage in order to keep First Nations children safe.<sup>34</sup>

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**Recommendation 4:** That the Committee find that the Bill has insufficient regard to the institution of Parliament.

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## 5. Conclusion

The Bill introduces some of the most extensive coercive child protection powers the Northern Territory has seen in decades. Alarming, it discards hard-won safeguards such as the Aboriginal Child Placement Principle, and flies in the face of longstanding evidence demonstrating that child safety outcomes are strongest where families are supported through stable housing, therapeutic services, and culturally safe, on-Country supports that enable children and families to thrive in community.

This approach reflects a profound disregard for the extensive evidence of systemic failures within the Northern Territory child protection system laid bare by successive inquiries – including the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse and the Royal Commission into the

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<sup>31</sup> North Australian Aboriginal Justice Agency and others, 'Joint Media Release: Scrap the Bill' (Media Release, 2026) <https://www.naaja.org.au/joint-mr-scrap-the-bill/>

<sup>32</sup> ABC News, 'Statement from Mother of Kumanjaya Little Baby Read at Alice Springs Vigil, as Nation Mourns Five-Year-Old Girl' (ABC News, 8 May 2026) <https://www.abc.net.au/news/2026-05-08/kumanjaya-little-baby-mother-statement-alice-springs-vigil/106656940>

<sup>33</sup> Australian Human Rights Commission, *Social Justice Report 2007* (Report, 2007); Australian Human Rights Commission, *Submission to the Senate Community Affairs Legislation Committee in the Inquiry into the Stronger Futures in the Northern Territory Bill 2011 and Two Related Bills* (Submission, 6 February 2012).

<sup>34</sup> Rex Wild and Patricia Anderson, *Ampe Akelyernemane Meke Mekarle: Little Children are Sacred* (Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, Northern Territory Government, 2007); Royal Commission into the Protection and Detention of Children in the Northern Territory, *Final Report* (2017).

Protection and Detention of Children in the Northern Territory – and for the multitude of recommendations arising from those inquiries.

The rushed introduction of the Bill, without any meaningful engagement with Aboriginal and Torres Strait Islander communities and community-controlled organisations, demonstrates an abject failure to consider and respect the human rights of Aboriginal and Torres Strait Islander peoples, including the rights to self-determination, family, culture, and connection to Country. The Bill instead favours a system designed to increase rates of child removal, which will inevitably compound trauma and entrench harm for generations of Aboriginal and Torres Strait Islander peoples.

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