

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

To: Northern Territory Government
Secretary, Legislative Scrutiny Committee,
GPO Box 3721,
DARWIN NT 0801

Submitted by: Larrakia Nation Aboriginal Corporation

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INTRODUCTION

Larrakia Nation Aboriginal Corporation (“LNAC”) welcomes the opportunity to provide this submission to the Inquiry into the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

LNAC is the peak representative body and cultural authority for the Larrakia people, the Traditional Owners of the Greater Darwin region. Established in 1997, LNAC represents the descendants of the original inhabitants of the Darwin region and delivers a broad range of community, cultural, outreach, family and social support programs across Larrakia Country.

LNAC operates under a strategic framework focused on:

- Country;
- Culture;
- Community; and
- a Sustainable Future,

with a strong commitment to Aboriginal self-determination, cultural authority, governance excellence and culturally led service delivery.

Importantly, LNAC delivers both the Northern Territory Government funded *Kinship Program – Minbani Bebe* and the Commonwealth funded *Children and Family Intensive Support Program (CaFIS)* as part of its Family Services division.

The Kinship Program supports Aboriginal carers, kinship systems, family preservation and culturally appropriate care arrangements for Aboriginal children and families. The CaFIS Program provides intensive, culturally informed early intervention support to vulnerable Aboriginal children and families who are at risk of entering the statutory child protection system.

Through the delivery of both programs, LNAC operates across both the preventative and protective ends of the family support continuum. These programs effectively “bookend” one another by:

- supporting families to remain safely together wherever possible;

- strengthening parenting capacity and family functioning;
- providing culturally appropriate interventions before statutory escalation occurs;
- reducing avoidable entry into the child protection system; and
- supporting kinship carers and culturally safe care arrangements where children cannot remain at home.

LNAC's frontline operational experience demonstrates that Aboriginal-led early intervention and family support programs are critical to reducing the number of Aboriginal children entering the child protection system. In many circumstances, culturally appropriate supports delivered early and in partnership with families can prevent escalation into statutory intervention, family breakdown and long-term removal from kin, culture and Country.

LNAC's direct operational experience working with Aboriginal children, kinship carers, vulnerable families and culturally complex care arrangements provides the organisation with practical frontline insight into:

- the strengths and failings of the current child protection system;
- the importance of culturally safe placements;
- the critical role of kinship systems;
- barriers faced by Aboriginal families engaging with government systems; and
- the long-term impacts of cultural disconnection on Aboriginal children.

LNAC submits that Aboriginal community-controlled organisations are not merely service providers, but essential cultural authorities and prevention partners with practical expertise in preserving family connection, strengthening kinship systems and supporting culturally safe outcomes for Aboriginal children.

LNAC acknowledges the tragic circumstances and systemic failures that have prompted this reform process. LNAC agrees that the Northern Territory child protection system requires urgent reform to improve child safety outcomes and reduce the unacceptable levels of harm experienced by vulnerable children.

However, LNAC holds serious concerns regarding aspects of the Bill which risk undermining:

- the Aboriginal Child Placement Principle;
- Aboriginal self-determination;
- cultural authority and kinship systems;
- connection to Country, language and identity; and
- long-established protections developed in response to the historical trauma of the Stolen Generations.

LNAC submits that child safety and cultural safety are not competing principles. They are inseparable components of a child's long-term wellbeing, identity, stability and future outcomes.

LNAC further submits that reforms affecting Aboriginal children must be informed not only by statutory intervention frameworks, but by Aboriginal cultural authority, lived experience, evidence-based practice, and genuine partnership with Aboriginal community-controlled organisations delivering frontline family and kinship services.

The Northern Territory now has an opportunity to pursue reforms that are:

- child-centred;
- culturally informed;
- legally sound;
- trauma-informed; and
- grounded in Aboriginal self-determination and long-term community wellbeing.

1. LNAC's Position

LNAC supports:

- reforms that genuinely improve child safety outcomes;
- measures that reduce repeated harm and placement instability;
- stronger accountability across the child protection system;
- culturally appropriate early intervention and family support responses;
- permanency where genuinely necessary and appropriate.

However, LNAC does not support reforms that:

- weaken the Aboriginal Child Placement Principle;
- diminish obligations to maintain cultural connection;
- reduce reunification efforts without adequate family support interventions;
- centralise decision-making away from Aboriginal families and communities; or
- increase the long-term removal of Aboriginal children from kin, culture and Country.

LNAC strongly submits that the Northern Territory Government must not respond to systemic failures by expanding state intervention while weakening Aboriginal cultural protections.

2. Overrepresentation of Aboriginal Children

Aboriginal children remain significantly overrepresented within the Northern Territory out-of-home care system, with Aboriginal children accounting for the overwhelming majority of children in care. Current data indicates that approximately 90 per cent of children in out-of-home care in the Northern Territory are Aboriginal children, demonstrating the disproportionate and ongoing impact of the child protection system on Aboriginal families and communities.

Despite the recognised importance of kinship systems and culturally connected placements, only a relatively small proportion of Aboriginal children are currently placed in formal kinship care arrangements. LNAC submits this reflects systemic failures to adequately support Aboriginal-led prevention, kinship care and family preservation responses.

LNAC further submits that aspects of the proposed reforms risk undermining progress toward Closing the Gap Target 12, which commits governments to reducing the overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031.

Legislative reforms that weaken cultural protections or increase long-term removals without corresponding investment into Aboriginal-led prevention and family support responses are inconsistent with both the intent and practical achievement of this national commitment.

This overrepresentation cannot be viewed in isolation from:

- intergenerational trauma;
- dispossession;
- poverty;
- housing overcrowding;
- family violence;
- alcohol and substance misuse;
- systemic disadvantage; and
- the ongoing impacts of historical government removal policies.

The Northern Territory Government bears a legal, moral and policy obligation to ensure reforms do not replicate conditions that contributed to the Stolen Generations.

Any legislative reform that weakens safeguards protecting Aboriginal children from unnecessary cultural disconnection must be approached with extreme caution.

3. Concerns Regarding the Aboriginal Child Placement Principle

LNAC is deeply concerned by proposed amendments that may dilute or weaken the operation of the Aboriginal Child Placement Principle.

The ACPP exists because Aboriginal children experience unique cultural, familial and community obligations that are fundamental to identity formation, emotional wellbeing and long-term social outcomes.

The Principle reflects decades of evidence demonstrating that Aboriginal children disconnected from:

- family,
- kinship systems,
- language,
- Country,
- culture, and
- community

experience significantly higher risks of:

- lifelong trauma,

- mental health issues,
- identity loss,
- justice system involvement,
- homelessness,
- substance abuse, and
- social disconnection.

The ACPP is not merely a procedural preference. It is a safeguard against historical injustice and systemic harm.

LNAC submits that:

- the ACPP must remain strong, enforceable and mandatory;
- cultural connection obligations must not be discretionary;
- reunification efforts must remain active and genuine;
- placement decisions involving Aboriginal children should require meaningful consultation with relevant Aboriginal family groups and cultural authorities.

4. Child Safety and Cultural Safety Must Co-Exist

LNAC rejects any policy framing that positions child safety and cultural safety as mutually exclusive concepts. A child may be physically safe in a placement while simultaneously suffering profound long-term cultural, emotional and psychological harm through disconnection from:

- identity,
- kinship,
- community, and
- Country.

International and domestic evidence increasingly demonstrates that culturally connected Aboriginal children experience better long-term outcomes across:

- education,
- mental health,
- resilience,
- social participation, and
- reduced justice system contact.

The legislative framework should therefore:

- strengthen cultural protections;
- strengthen Aboriginal participation in decision-making;

- increase Aboriginal-led care pathways;
- invest in family preservation and early intervention.

LNAC acknowledges that there are circumstances where children cannot safely remain in the care of their parents or extended family members due to serious risks of harm, neglect, violence, substance abuse, or ongoing instability. In such circumstances, the safety and wellbeing of the child must remain paramount.

However, LNAC submits that where intervention is necessary, every effort should still be made to ensure children maintain safe cultural, family and community connections wherever possible, consistent with the Aboriginal Child Placement Principle and the long-term wellbeing of the child.

5. Failure to Adequately Address Root Causes

LNAC is concerned the Bill focuses heavily on intervention and permanency pathways without adequately addressing the underlying drivers of child protection involvement.

The majority of child protection concerns involving Aboriginal families arise within broader contexts of:

- housing insecurity and overcrowding;
- poverty;
- food insecurity;
- domestic violence;
- addiction;
- poor mental health;
- limited access to culturally appropriate services.

Legislative reform alone will not resolve these issues without significant investment into:

- Aboriginal community-controlled organisations;
- family support programs;
- culturally-led healing initiatives;
- housing;
- youth diversion;
- parenting support;
- trauma-informed interventions,

the Territory risks increasing removals without reducing underlying harm.

6. Importance of Early Intervention and Family Preservation

LNAC's operational experience through the Commonwealth funded *Children and Family Intensive Support Program (CaFIS)* and the Northern Territory funded *Kinship Program – Minbani Bebe* demonstrates that many Aboriginal families entering contact with the child protection system require intensive support rather than immediate statutory escalation.

The CaFIS Program is specifically designed to support vulnerable families and prevent children from entering the formal child protection system. Through culturally informed case management, family support, advocacy and practical intervention, the program seeks to:

- reduce family breakdown;
- strengthen parenting and family stability;
- improve child wellbeing and safety;
- address risk factors early; and
- prevent children from entering out-of-home care.

The Kinship Program then supports Aboriginal kinship carers and culturally connected care arrangements where children are unable to remain at home.

Together, these programs demonstrate the importance of a holistic Aboriginal-led continuum of care that prioritises:

- prevention;
- early intervention;
- family preservation;
- kinship support; and
- cultural continuity.

LNAC submits that the Bill places insufficient emphasis on investment into these preventative and family preservation measures. Legislative reform focused primarily on intervention and permanency pathways, without corresponding investment into Aboriginal-led early intervention services, risks increasing the number of Aboriginal children entering long-term care arrangements.

LNAC strongly submits that the Northern Territory Government should prioritise increased investment into Aboriginal community-controlled family support programs that work to keep families safely together and reduce avoidable entry into the child protection system in the first instance.

LNAC further submits that strengthening Aboriginal-led prevention and family preservation responses will deliver significantly better long-term outcomes for Aboriginal children than approaches primarily focused on removal and permanency after family breakdown has already occurred.

7. Aboriginal Self-Determination and Community-Controlled Responses

LNAC strongly supports increased Aboriginal-led involvement across the child protection system. The Northern Territory Government should prioritise:

- Aboriginal community-controlled family support services;
- Aboriginal-led family preservation programs;
- culturally led case management;
- local decision-making panels;

- Traditional Owner and Elder engagement frameworks;
- kinship-led placement models.

Aboriginal participation in decisions affecting Aboriginal children should not be discretionary or limited to informal consultation processes. Aboriginal involvement must be embedded as a legislated decision-making requirement supported by genuine authority, accountability and culturally appropriate governance structures.

Aboriginal communities must be genuine partners in:

- assessment,
- placement,
- reunification,
- permanency planning, and
- long-term care arrangements.

This approach is consistent with:

- Closing the Gap Priority Reforms;
- principles of Aboriginal self-determination;
- the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”);
- the recommendations of numerous Royal Commissions and child protection inquiries.

8. Legal and Human Rights Considerations

LNAC submits that the Bill must be assessed consistently with:

- the *Convention on the Rights of the Child*;
- UNDRIP;
- the nationally recognised Aboriginal Child Placement Principle framework;
- Closing the Gap commitments; and
- obligations to protect Aboriginal cultural identity and family integrity.

Particular regard should be given to:

- Article 8 of the CRC (preservation of identity);
- Article 20 of the CRC (special regard to cultural background in alternative care);
- Articles 7, 8 and 14 of UNDRIP concerning protection against forced assimilation and protection of Indigenous family and cultural rights.

LNAC submits that weakening cultural protections may expose the Northern Territory to significant criticism regarding compliance with national and international human rights obligations.

9. Recommendations

LNAC recommends that the Committee:

1. Retain and strengthen the Aboriginal Child Placement Principle within the Act.
2. Ensure cultural connection obligations remain mandatory rather than discretionary.
3. Require documented evidence of genuine reunification efforts before long-term permanency decisions are made.
4. Establish mandatory Aboriginal consultation mechanisms in placement and permanency decisions.
5. Expand investment into Aboriginal community-controlled family support and early intervention services.
6. Develop culturally led intensive family preservation programs.
7. Establish stronger accountability and reporting requirements regarding compliance with the Aboriginal Child Placement Principle.
8. Ensure Traditional Owners and Aboriginal community-controlled organisations are formally involved in ongoing implementation and oversight of reforms.
9. Undertake broader consultation with Aboriginal communities before progressing substantive changes affecting Aboriginal children.
10. Increase long-term funding certainty for Aboriginal community-controlled organisations delivering family preservation, kinship support and culturally led early intervention services.
11. Develop a Territory-wide Aboriginal-led prevention strategy focused on reducing Aboriginal child removals through culturally grounded early intervention and wraparound family support responses.

CONCLUSION

LNAC acknowledges the urgent need to improve child safety outcomes across the Northern Territory.

However, reform must not come at the expense of Aboriginal identity, culture and self-determination.

The lessons of the Stolen Generations demonstrate the devastating long-term consequences of policies that separate Aboriginal children from family, culture and Country.

The Northern Territory now has an opportunity to pursue reforms that are:

- child-centred;
- culturally informed;
- evidence-based;
- legally sound; and
- grounded in genuine partnership with Aboriginal people.

LNAC urges the Committee to ensure the final legislative framework protects both the immediate safety and the long-term cultural wellbeing of Aboriginal children.

The Northern Territory must not repeat the mistakes of past policies that removed Aboriginal children from family, culture and Country under the guise of protection. Genuine reform must be grounded in Aboriginal

self-determination, cultural authority, prevention, and genuine partnership with Aboriginal community-controlled organisations and Traditional Owners.

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