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The Secretary
Legislative Scrutiny Committee
GPO Box 3721
Darwin NT 0801

By email: LSC@nt.gov.au

22 May 2026

Re: Submission – Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

Dear Committee Secretary,

Please find attached Children's Ground's submission to the Legislative Scrutiny Committee regarding the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026.

Children's Ground acknowledges the Northern Territory Government's stated commitment to strengthening child safety and improving outcomes for children and families. We support reforms that strengthen the immediate safety, wellbeing, participation and protection of children. We also acknowledge a number of positive measures contained within the Bill, including strengthened child participation provisions, improved access to independent legal representation for children and the inclusion of proactive efforts and domestic and family violence risk framework provisions.

However, Children's Ground remains seriously concerned that the proposed amendments materially weaken the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP), diminish family participation rights and increase the risk of cultural disconnection for Aboriginal children. We are particularly concerned that the reforms subordinate Aboriginal placement protections despite longstanding evidence that kinship, culture, family and community connection are themselves protective factors for Aboriginal children.

Our submission addresses matters relevant to the Committee's scrutiny functions, including:

- impacts on rights and liberties;
- procedural fairness and natural justice;
- administrative decision-making powers;
- impacts on Aboriginal people, kinship systems and cultural rights;
- compatibility with principles of self-determination and child wellbeing; and
- the broader implications of the proposed reforms for the safety and long-term outcomes of Aboriginal children in the Northern Territory.

We welcome the opportunity to provide further information to the Committee or appear before the inquiry should this assist the Committee's consideration of the Bill.

Yours sincerely,



Jane Vadiveloo
Children's Ground CEO

Submission to the Legislative Scrutiny Committee

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

Prepared for Children's Ground | May 2026

Committee	Legislative Scrutiny Committee, Northern Territory Legislative Assembly
Inquiry	Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, Serial 67
Inquiry remit	Whether the Assembly should pass or amend the Bill; whether the Bill has sufficient regard to the rights and liberties of individuals; and whether it has sufficient regard to the institution of Parliament.
Submission position	The Bill should not proceed in its current form. If the Assembly proceeds, it must be amended to restore and strengthen the Aboriginal and Torres Strait Islander Child Placement Principle, family participation rights, Aboriginal- led decision-making, proportionate worker-screening safeguards and accountability measures for the department and government in relation to cultural safety and child protection.

Executive summary

Children's Ground acknowledges the Northern Territory Government's stated commitment to strengthening child safety and recognises the Minister's concern that the current child protection system is failing too many children and families. Children deserve immediate safety, long-term wellbeing, stable and loving relationships, and systems that listen to them and protect their rights.

Children's Ground supports the Bill's intention to improve children's participation, strengthen access to independent legal representation in long-term proceedings, and require proactive efforts before and after removal. These are important safeguards and should be retained and strengthened.

However, the Bill also restructures the Act in a way that materially weakens the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP/ICPP), reduces family participation rights, elevates permanency and stability in a manner that may override culturally connected kinship placements, and expands coercive family responsibility and worker-screening powers without sufficient Aboriginal-led safeguards.

The ICPP does not stop a protection worker, police officer, the CEO or the Court from taking urgent action to protect a child from harm. The existing Act already makes the best interests of the child paramount and permits removal where a child is unsafe. What the ICPP requires is that when the State intervenes, it must also protect the child's identity, culture, family relationships, language and Country, and must actively pursue safe kinship and culturally connected placements.

Children's Ground is not aware of any evidence that the ICPP itself places Aboriginal children at greater risk. By contrast, there is evidence and lived experience showing that connection to family, kinship, culture, language and Country is protective for Aboriginal children. The problem in the Northern Territory is not the ICPP. The problem is a system that has not adequately implemented the ICPP, has not sufficiently invested in prevention, housing, healing, early childhood, family support and Aboriginal community-controlled responses, and has too often treated removal as the primary intervention.

The Committee should recommend substantial amendments to the Bill before it proceeds because the Bill, in its current form:

- subordinates the Aboriginal children provision in proposed section 12C leading to the universal placement principle in proposed section 12B the weakening of existing rights and placement protections for Aboriginal children under section 12 of the current Act;
- removes the current Aboriginal-specific placement hierarchy and replaces it with a narrower, general two-step placement framework;
- changes Aboriginal children and families from having a right to participate and be enabled to participate to merely being given an opportunity to participate;
- creates broad family responsibility agreements and orders that may impose obligations on families already experiencing poverty, overcrowding, disability, family violence, lack of services and historical trauma;
- expands administrative and court-ordered powers without sufficient Aboriginal-led decision-making, review and accountability safeguards;
- risks that permanency and stability considerations will override proper kinship identification and culturally connected care;
- risks increasing long-term non-kin and culturally unsafe placements for Aboriginal children, especially in remote communities.
- broad administrative discretion given to the CEO;
- the absence of strong Aboriginal-led decision-making safeguards.

Recommendations

1. **Do not pass the Bill in its current form.** The Bill should be amended before passage to restore and strengthen Aboriginal child protection safeguards.
2. **Reinstate the ICPP as a primary principle.** Proposed section 12C should not be subject to proposed section 12B. Aboriginal-specific rights and placement protections must retain clear statutory force.
3. **Retain the current statutory ICPP hierarchy.** The Act should continue to require Aboriginal children, where removal is necessary, to be placed first with family, then with Aboriginal people in the child's community, then with other Aboriginal people, and only then with a non-Aboriginal person capable of supporting connection to family, community, culture, traditions, language and Country.
4. **Restore family participation rights.** The Bill should not replace rights to participate and to be enabled to participate with a weaker opportunity to participate.
5. **Strengthen child participation rights.** The positive amendments to child participation should be retained and explicitly aligned with the Convention on the Rights of the Child, including Article 12.
6. **Retain and strengthen independent legal representation.** The Bill's strengthened legal representation provisions should be supported and expanded to ensure Aboriginal children have culturally safe advocacy.
7. **Strengthen proactive efforts.** Proactive efforts should include mandatory, documented and reviewable active efforts to prevent removal, support reunification, identify and support kinship carers, and engage Aboriginal community-controlled organisations and cultural authorities.
8. **Amend permanency provisions.** Permanency and stability must not be used to prematurely cut off reunification or kinship placement, particularly where barriers are created by poverty, housing shortages, remoteness, disability, trauma or service failure.
9. **Review family responsibility orders.** Family responsibility agreements and orders should not become punitive or coercive responses to poverty, homelessness, trauma, disability, family violence or lack of services.
10. **Alignment with established family violence risk frameworks** the inclusion of provisions requiring alignment with domestic and family violence risk assessment and management frameworks as an important safeguard for women and children. We recommend these provisions be strengthened through culturally informed, trauma-informed and Aboriginal-led approaches
11. **Amend Working with Children/Ochre Card reforms.** Screening must remain rigorous, but also proportionate, culturally informed, recognizing the over-representation of Aboriginal people historically in the criminal justice system and avoid unnecessarily excluding Aboriginal kinship carers and community-controlled workers with historic or low-level offending (non-child related/serious offences)
12. **Embed Aboriginal-led governance.** The Act should require meaningful Aboriginal decision-making authority, not merely consultation, in significant decisions involving Aboriginal children.
13. **Invest in prevention and Aboriginal community-controlled systems.** Legislative change must be accompanied by housing, healing, health, early childhood, youth, disability, family support and culturally grounded prevention services.

Inquiry remit and submission process

The Legislative Scrutiny Committee is required to consider whether the Assembly should pass or amend the Bill and whether the Bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament. The Bill also raises issues directly relevant to Aboriginal tradition, family rights, natural justice, administrative discretion, proportionality and procedural fairness. This submission directly addresses those matters.

1. Whether the Assembly should pass or amend the Bill

Children's Ground recommends that the Assembly should not pass the Bill in its current form. The Bill should be amended before passage because its current drafting raises significant risks to the protection of Aboriginal children.

The Explanatory Statement says the Bill aims to keep children safe and central to decision-making, hold parents accountable, promote early intervention, clarify guiding principles, introduce a broad Child Placement Principle with a focus on permanency and stability, create proactive efforts, and strengthen legal representation in long-term child protection matters. These aims include important matters. However, the mechanism chosen to achieve them creates serious risks for Aboriginal children and families.

The Bill replaces the current Part 1.3 with proposed sections 6 to 12F. Proposed section 7(2) makes sections 9 to 12D subject to the best interests principle in section 8. Proposed section 8 then creates a hierarchy of best interests considerations prioritising safety, protection from harm, stable and nurturing relationships and permanency before other considerations, while culture and family connection are placed in section 8(3) as matters that may also be relevant. Proposed section 12C(4) then states that the Aboriginal children principles are subject to the placement principles in proposed section 12B.

This structure matters. It changes Aboriginal cultural placement protections from a primary, Aboriginal-specific safeguard into a secondary principle operating under a general placement framework. This structure and the subjugation of the ATSICPP and the diminished rights of families fails to prioritise the very intent of the amendments: safety, protection from harm, stable and nurturing relationships and permanency.

2. Context: the NT child protection system is already failing Aboriginal children

The child protection crisis in the Northern Territory cannot be understood outside the history and present reality of Aboriginal child removal. Aboriginal children are dramatically overrepresented in the NT child protection system. Public reporting and sector statements indicate that Aboriginal children comprise around 90 per cent of children in out-of-home care in the Northern Territory, despite being a much smaller proportion of the child population. National reporting also demonstrates continuing gross overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care.

This overrepresentation is not evidence that Aboriginal families do not love or care for their children. It reflects interlocking structural conditions, including poverty, overcrowded housing, family violence, trauma, disability, limited access to services, workforce shortages, racism, and the continuing effects of past removal policies. These conditions have been created and sustained by public policy choices across generations. Children's Ground agrees that the current system is failing. The question is whether the Bill fixes the causes of failure. In its current form, it risks increasing state intervention and long-term disconnection without adequately strengthening the conditions that keep children safe at home and connected to family, kinship, culture and Country.

Risk to Aboriginal children

Aboriginal children are already dramatically overrepresented in child protection and out-of-home care. Official NT data provided to the Legislative Assembly states that at 31 January 2024 there were 891 children in out-of-home care, including 781 Aboriginal children, and year to date at 31 January 2025 there were 887 children in out-of-home care, including 790 Aboriginal children. That is approximately 88% in January 2024 and 89% in January 2025.

As reported by SNAICC in February 2025, "The AIHW's Child Protection Australia 2022–23: Aboriginal and Torres Strait Islander children update found:

- 70% of OOHC placements of Aboriginal children in the NT are with non-relative, non-Indigenous carers, or in a family group home, residential care or independent living. This is significantly above the national average of 28% of placements not being in accordance with the ATSCPP.
- Only 19% of placements were with Aboriginal relatives or kin. This is a decrease from previous years where placement with Aboriginal relatives or kin was around 25%."

The evidence indicates the ATSCPP is not a risk, it is insufficiently implemented despite substantial research demonstrating that kinship, cultural continuity and community connection are protective factors for Aboriginal children. These figures show that the problem is not excessive cultural protection. The problem is that the system is already failing to place many Aboriginal children with kin, community and culturally connected carers. Weakening the placement principle will not make children safer. It risks compounding the existing failure.

Culture and safety are not competing principles

Children's Ground strongly supports immediate intervention where children are unsafe. The ATSCPP does not require a child to remain in a harmful placement. It does not prevent urgent removal where there is a significant and likely risk of harm. It does not prevent a child protection worker from securing immediate safety.

What it requires is that the State does not ignore the long-term harms of cultural disconnection, identity disruption, loss of language, separation from siblings, removal from Country and the breakdown of kinship responsibilities. For Aboriginal children, safety must be immediate, relational, cultural and long-term.

Children's Ground's position is that the whole system requires transformation: away from crisis-driven removal and toward First Nations governance, early support, family strengthening, healing, housing, health, education and community authority.

3. Provisions that should be recognised as positive safeguards

Children's Ground supports reform that genuinely strengthens children's safety, rights and participation. Several elements of the Bill should be acknowledged and retained, subject to the amendments recommended in this submission.

3.1 Stronger child participation rights

Proposed section 11 strengthens child participation by requiring that a child must be given adequate information and explanation, must be given the opportunity to respond and express wishes and views freely, must be given assistance to express those wishes and views, and that those wishes and views must be taken into account according to the child's maturity and understanding.

Children's Ground supports this change. It is consistent with the Convention on the Rights of the Child, particularly Article 12, which requires children capable of forming their own views to have the right to express those views freely in all matters affecting them and for those views to be given due weight. It is also consistent with Article 3, which requires the best interests of the child to be a primary consideration, and with Articles 20 and 30, which recognise the importance of cultural identity, community and language for children deprived of their family environment and for Indigenous children.

The strengthening of children's voice is particularly important. However, children's participation must be culturally safe, age appropriate, disability accessible, trauma informed and supported by independent advocacy where required.

3.2 Independent legal representation

Children's Ground supports the Bill's strengthening of access to independent legal representation in long-term protection proceedings. Decisions involving long-term parental responsibility or permanent care can affect a child's whole life. Aboriginal children should have access to strong, culturally competent independent advocacy in any proceeding that may result in long-term disconnection from parents, family, kinship systems, community, culture or Country.

3.3 Proactive efforts

Children's Ground supports the inclusion of proactive efforts as a concept. Proposed section 12D may improve accountability by requiring efforts to address risks before removal, reunify children after removal, or place children with family members where reunification is not in the child's best interests.

However, the provision requires strengthening. Proactive efforts must be more than a discretionary list of possible actions. They should require active, documented, culturally grounded and reviewable efforts to:

- prevent removal through practical support, family safety planning, housing, healing, family violence responses, disability support and early childhood services;
- identify, assess and support kinship carers, rather than excluding them because of poverty, housing conditions or remoteness without providing support;
- involve Aboriginal community-controlled organisations, Elders, cultural authorities and kinship networks at the earliest possible point;
- support reunification wherever safe and possible; and
- explain to the Court what active efforts were undertaken and why further efforts would not protect the child.

4. The current Aboriginal Child Placement Principle in the Act

It is important that the Committee clearly understand what the current Act protects. Section 12 of the current Care and Protection of Children Act 2007 recognises that kinship and family, Aboriginal community-controlled organisations and Aboriginal communities have a major role, through self-determination, in promoting the wellbeing of Aboriginal children. It provides rights of participation and cultural authority in significant decisions involving Aboriginal children.

In summary, the current Act provides that:

- family members have a right to participate, and to be enabled to participate, in administrative or judicial processes for significant decisions involving an Aboriginal child;
- the child and family have a right to identify a person with cultural authority, a member of a kinship group, a member of an Aboriginal community-controlled organisation, or a member of an Aboriginal community to participate in decision-making;
- the identified person has a right to participate in the making of the decision;
- decisions involving Aboriginal children should be healing focused and trauma informed;

- an Aboriginal child has the right to be brought up within the child's own family and community and on the child's own Country;
- an Aboriginal child has a right to be supported to develop and maintain connection with family, community, culture, traditions, language and Country, particularly if placed outside their community or kinship group;
- if an Aboriginal child is to be placed with a person, the child should, as far as practicable, be placed in the following order of priority: first, a member of the child's family; second, an Aboriginal person in the child's community in accordance with local community practice; third, any other Aboriginal person; and fourth, a non-Aboriginal person who, in the CEO's opinion, is sensitive to the child's needs and capable of supporting connection to family, community, culture, traditions, language and Country; and
- an Aboriginal child should, as far as practicable, be placed in close proximity to the child's family and community.

These protections are not symbolic. They recognise that child safety for Aboriginal children includes relational, cultural, spiritual and identity safety. They also recognise that kinship and community systems are not peripheral to care; they are care systems.

There is no identified evidence that the ICPP places children at risk; there is evidence it is protective

Children's Ground is not aware of evidence demonstrating that the ICPP itself places children at greater risk of harm. The Bill and Explanatory Statement do not identify evidence that the current ICPP prevents urgent intervention where children are unsafe. The existing Act already provides for the best interests of the child to be paramount and for intervention where children are at risk of harm.

The proposition that the ICPP obstructs child safety risks confusing three different issues:

- whether a child should be urgently removed from danger;
- whether the Department has properly implemented the ICPP after removal; and
- whether governments have invested in the supports needed to make kinship care, reunification and community-led safety work in practice.

The ICPP does not prevent the first. It is directed to the second and third. The fact that implementation is difficult, under-resourced or inconsistent is not a reason to weaken the principle. It is a reason to strengthen implementation, accountability, funding and Aboriginal-led authority.

There is evidence and strong professional consensus that connection to family, community, culture, language and Country is protective for Aboriginal children. National child protection policy recognises the Aboriginal and Torres Strait Islander Child Placement Principle as more than a placement hierarchy; it includes prevention, partnership, placement, participation and connection. These elements are designed to protect Aboriginal children from both immediate system failure and the long-term harms of removal and disconnection.

Children's Ground submits that the Committee should reject any framing that presents the ICPP as the cause of child protection failure. The failure is more accurately understood as a failure to implement the ICPP fully and to invest in the social, cultural and material conditions that allow children to be safe at home and in community.

5. What the Bill changes and why this creates risk

The Bill repeals and replaces the existing Part 1.3 principles framework. In doing so, it removes the current Aboriginal-specific placement hierarchy from section 12 and creates a new general placement principle in proposed section 12B. Proposed section 12C retains some Aboriginal-specific provisions but expressly makes those provisions subject to proposed section 12B.

5.1 Subordination of Aboriginal children's principles to a general placement principle

Proposed section 12B applies to all children and gives strong emphasis to stable living arrangements, legal permanence, long-term stability and positive relationships. Those matters are important. However, proposed section 12C(4) states that the Aboriginal children principles are subject to section 12B. This drafting change is significant because it shifts Aboriginal cultural placement protections from primary rights and obligations into secondary considerations.

The effect is not merely technical. It may allow decision-makers to determine that a non-kin placement is preferable because it appears more stable or permanent, even where further culturally grounded work could identify and support safe kinship options. This is particularly dangerous in remote communities where kinship assessment may take time, housing conditions may require support, and carers may need practical resources rather than exclusion. It is particularly dangerous in the context and history of cultural bias and racism.

There is substantial evidence from national inquiries, Aboriginal-led research, human rights bodies and academic literature demonstrating that the overrepresentation of Aboriginal children in child protection systems is driven in part by structural and institutional racism embedded within policy, assessment frameworks and service systems.

The Bringing Them Home Report, Family Matters reports, Human Rights bodies and numerous academic studies have identified that Aboriginal families and children are disproportionately impacted by:

- institutional racism;
- risk assessments are culturally biased
- deficit-based assessments of Aboriginal parenting;
- over-surveillance
- unequal intervention thresholds

Leading to:

- Aboriginal families being more likely to be investigated;
- more likely to be reported;
- less likely to receive early support;
- poverty being interpreted as neglect.

Factors consistently identified include:

- overcrowded housing;
- poverty;
- lack of access to services;
- family violence;
- intergenerational trauma;
- substance misuse linked to colonisation and dispossession.

These structural conditions are often reframed as parental “neglect” rather than social policy, systems and service failures. This is compounded by insufficient investment in Aboriginal-led prevention and early support services.

The ATSI CPP provides one level of protection or mitigation against racism and cultural bias.

5.2 Removal of the current Aboriginal placement hierarchy

The Bill removes the current hierarchy that prioritises family, then Aboriginal people in the child's community, then other Aboriginal people, then non-Aboriginal carers as a last resort. Proposed section 12B instead creates a more general placement framework: parent, family member, then a person approved by the CEO. While family remains mentioned, the Aboriginal-specific hierarchy and community placement requirements are weakened.

Children's Ground submits that the current hierarchy should remain. It does not prevent removal from unsafe parents. It directs what must happen after removal: active pursuit of safe family, kinship, community and culturally connected placements. Safety should always be a primary concern.

5.3 Diminished family participation rights

Natural justice. The current Act gives family members a right to participate and to be enabled to participate in significant decisions. The Bill changes this to an opportunity to participate. This is a serious weakening of rights. For Aboriginal children, family and kinship participation is not simply consultation. It is an essential safeguard.

The same concern applies to the child and family's right to identify cultural authorities, kinship group members, Aboriginal community-controlled organisations and community members to participate. Reducing those provisions risks giving greater control to the Department while weakening the authority of the people who know the child, family, cultural obligations and community context.

5.4 Permanency and stability must not override cultural protection

Children need stability and nurturing relationships. However, permanency must not be defined narrowly as speed to long-term orders or non-kin placements. For Aboriginal children, enduring stability includes identity, belonging, kinship, culture, language and Country. A placement that appears administratively stable but disconnects a child from their people may create long-term harm.

Physical safety and cultural safety must coexist. There must be extensive efforts to achieve both because the harms of cultural disconnection are known, serious and long lasting. The legislation should make clear that cultural connection is not a lesser interest to be considered after safety; it is part of the child's safety and wellbeing, provided immediate protection from harm is secured.

5.5. Family responsibility agreements and orders

The Bill does not give Aboriginal cultural authority sufficient legal weight. It does not require Aboriginal-led decision-making, family-led care planning, cultural authority panels, or binding active efforts to support kinship placement. This is insufficient for a jurisdiction where almost nine in ten children in care are Aboriginal.

Children's Ground supports early intervention where it is genuinely supportive, voluntary, culturally safe and resourced. However, the proposed family responsibility agreement and family responsibility order framework risks shifting responsibility onto parents and families without addressing the structural conditions that place children at risk.

Many Aboriginal families are attempting to care for children in circumstances of overcrowded housing, poverty, family violence, disability, intergenerational trauma, lack of services, transport barriers and service systems that are not culturally safe. Directions requiring attendance, compliance, treatment, income

management, banned drinker orders or housing consequences may worsen family stress if not carefully limited and supported.

Natural justice. Family responsibility orders require strong safeguards, proportionality, service availability, merits review and protections against punishing poverty, homelessness, disability or family life. Families must have meaningful notice, legal advice, interpreters and culturally safe processes before obligations are imposed.

The Bill should be amended to ensure that family responsibility measures:

- cannot be used as a substitute for providing housing, services, family violence support, disability support and culturally safe healing services;
- are not imposed where non-compliance is caused by lack of service availability, remoteness, disability, language barriers, trauma or poverty;
- include cultural advocacy and support as identified by the family which may include Aboriginal community-controlled organisations and cultural authorities in design and implementation;
- include legal advice and interpreter support before orders are made;
- are subject to clear review and appeal rights; and
- do not escalate to removal or permanent orders without proof that reasonable, culturally grounded supports were actually available and provided.
- define CEO duties with greater precision and require evidence of: assessment scope, Aboriginal-led decision-making, family-led care planning, cultural authority, assessment of structural and service access and responsibilities, standards and practice of Child Protection authorities and staff involved in the child and families referral/order.

6. Long-term harms of cultural and family disconnection

The Bringing Them Home Report remains directly relevant to this Bill. It documented the harms caused by the separation of Aboriginal and Torres Strait Islander children from their families, including trauma, grief, identity loss, loss of language and culture, family fragmentation, institutionalisation, mental distress, and intergenerational harm. The report demonstrates that removal is not only an immediate placement decision; it can shape a child's whole life and the wellbeing of future generations.

The ICPP exists because past systems removed children in the name of protection while failing to understand the protective role of family, kinship, culture, language and Country. Any legislative reform that weakens cultural safeguards must be assessed against that history. The Committee should be cautious about reforms that may increase long-term non-kin placements or make reunification more difficult without first exhausting safe family, kinship and community options.

7. Concerns raised by Commissioners, Aboriginal legal bodies and peak organisations

Children's Ground's concerns are consistent with concerns publicly raised by Aboriginal and child rights leaders. Australia's First Peoples and Children's Commissioners have urged the NT Government to halt any weakening of the Child Placement Principle, warning that changes making it easier to separate First Peoples

children from family, community and culture risk undermining children's rights and repeating past harms. Aboriginal and Torres Strait Islander Social Justice Commissioner Katie Kiss has said the Government is making a serious mistake if it believes weakening the Child Placement Principle will keep children safe.

A coalition of eight NT legal services, including NAAJA, NAAFLS, CAALAS/CAAFLU services, NT Legal Aid and women's legal services, has stated that the Bill will not make children safer and risks further harm to a generation of Aboriginal children. SNAICC has also expressed concern that the changes would allow courts and the Department to override nationally recognised child placement guidelines and make it easier to place Aboriginal and Torres Strait Islander children in non-Indigenous care.

These concerns should be given significant weight by the Committee, particularly because the Committee's terms require scrutiny of individual rights, natural justice, administrative power and sufficient regard to Aboriginal and Torres Strait Islander tradition.

8. Children's Ground evidence: Apmerengentyele - Our Systems, Our Children, Our Safety, Our Wellbeing

Children's Ground refers the Committee to the peer-reviewed paper Apmerengentyele - Our Systems, Our Children, Our Safety, Our Wellbeing, published in Genealogy in 2025. The paper argues that Western child protection systems in Australia were historically shaped by assimilationist policies and continue to impose systemic harm on First Nations children and families when they fail to recognise First Nations systems of care, governance, kinship, law and responsibility.

The paper's key concerns and recommendations are directly relevant to this Bill:

- current child protection systems often define safety through Western institutional frameworks that do not adequately recognise First Nations systems of collective care and responsibility;
- overrepresentation of First Nations children in child protection reflects systemic failure and structural disadvantage rather than inherent risk within First Nations families;
- culture, kinship, language, Country and community authority are protective and foundational to child wellbeing;
- the ICPP is necessary but not sufficient if it remains embedded within a system that continues to make decisions through departmental rather than First Nations authority; and
- reform must move toward self-determination, Aboriginal-led governance, prevention, healing, community authority and long-term investment in the conditions that keep children safe.

The Bill moves in the wrong direction if it weakens Aboriginal-specific rights while expanding departmental discretion. The correct response to child protection failure is not to dilute cultural safeguards but to strengthen Aboriginal-led systems of prevention, care and accountability.

9. Working with Children/Ochre Card reforms

Children's Ground supports rigorous child safety screening. Children must be protected from adults who pose a real risk. However, the worker-screening amendments require careful consideration because they may disproportionately affect Aboriginal people with criminal histories who are seeking to make a positive contribution to children, families and communities.

Aboriginal people in the Northern Territory are heavily overrepresented in the criminal justice system. Some potential kinship carers, cultural mentors, youth workers, family support workers and community leaders may have old or low-level offending histories connected to systemic disadvantage, homelessness, substance use, poverty, over-policing or prior institutionalisation. A rigid exclusion framework may unintentionally

shrink the pool of Aboriginal carers and community-controlled workers, making it harder to place Aboriginal children with family, kin and culturally safe supports.

This submission does not suggest that serious offending relevant to child safety should be disregarded. Rather, the legislation should distinguish clearly between offences that indicate unacceptable child safety risk and historic or low-level offending that does not. It should preserve pathways for review, rehabilitation and exceptional circumstances, and it should allow culturally informed assessment where appropriate.

The Committee should recommend amendments requiring screening decisions to be proportionate, evidence-based, procedurally fair, culturally informed and rehabilitation-aware. This is necessary to protect children while also protecting their right to kinship, culture and Aboriginal community-controlled care.

10. Rights, liberties, natural justice

The Bill engages fundamental rights and liberties, including the rights of children to safety, participation, family life, culture, identity and legal representation; the rights of parents and families to procedural fairness and participation; and the collective rights of Aboriginal families, kinship groups and communities to maintain cultural authority and responsibility for children.

The proposed Bill confers substantial discretion on the CEO and authorised officers to determine what is practicable, what is in the child's best interests, when proactive efforts are sufficient, and when placement with family is appropriate. These extended powers are of serious concern.

In relation to Aboriginal rights, culture and authority, the current Act recognises family, kinship groups, Aboriginal community-controlled organisations and Aboriginal communities as having a major role through self-determination. The Bill diminishes this by reducing rights to opportunities and subordinating Aboriginal-specific principles to general placement considerations. The Committee should treat this as a serious rights issue, not a drafting simplification.

Natural justice concerns also arise where family responsibility orders may be heard in the absence of parents, where broad CEO discretion may trigger significant consequences.

12. Proposed legislative amendments

Children's Ground recommends that the Bill be amended to include the following safeguards:

- Remove proposed section 12C(4), or amend it so that section 12C operates as a primary principle for Aboriginal children and is not subordinate to section 12B.
- Restore the current Aboriginal placement hierarchy in section 12, including the priority of family, Aboriginal carers from the child's community, other Aboriginal carers, and non-Aboriginal carers only as a last resort where capable of maintaining the child's connection to family, community, culture, traditions, language and Country.
- Restore the language of rights in relation to family participation and the identification of cultural authorities, which in the first instance should prioritises family and kinship members, then community members and Aboriginal community-controlled organisations.
- Insert an express provision that the ICPP does not prevent urgent action to protect a child from harm, and that physical safety and cultural safety are both essential to the best interests of Aboriginal children.

- Strengthen section 12D so proactive efforts include active efforts to identify and support kinship carers, engage Aboriginal community-controlled organisations, provide practical family support, and prevent cultural disconnection.
- Require evidence in decision making across all activities of Aboriginal-led decision-making, family-led care planning, cultural authority, assessment of structural and service access and responsibilities, standards and practice of Child Protection authorities and staff
- Require written evidence of active efforts before long-term parental responsibility or permanent care orders are made.
- Amend family responsibility order provisions to require proof that supports were available, culturally safe and accessible before non-compliance can be relied upon to escalate intervention.
- Include measures of cultural competency for all child protection staff, decision-makers, carers and contracted service providers (see below)
- Amend worker-screening provisions to ensure proportionality, rehabilitation, review rights and culturally informed assessment, particularly where the applicant may be a kinship carer, cultural support worker, mentor or Aboriginal community-controlled organisation employee.
- Require independent review of the impact of the amendments on Aboriginal children within 12 months of commencement, including data on removals, kinship placements, reunification, cultural support plans, permanent care orders and participation by Aboriginal community-controlled organisations.

Proposed Legislative Amendment – Cultural Safety and Accountability

Children's Ground recommends that all child protection staff, decision-makers, carers and contracted service providers be required to undertake ongoing, independently assessed cultural competency and cultural safety training developed and led by Aboriginal Elders, organisations, communities and knowledge holders.

Children's Ground further recommends the establishment of mandatory cultural responsiveness standards across the child protection system, including regular independent review of:

- child protection policies, practices and assessment frameworks;
- workforce performance and decision-making;
- compliance with the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP);
- the cultural safety of interventions and placements; and
- the long-term impact of child protection interventions on children, families, kinship systems and communities.

These reviews should specifically assess whether interventions are reducing harm or inadvertently contributing to further trauma, cultural disconnection, family fragmentation and institutionalisation of Aboriginal children.

Children's Ground recommends that these accountability mechanisms be Aboriginal-led, transparent and embedded within ongoing workforce accreditation, supervision and system oversight processes to ensure child protection responses are culturally safe, evidence-based and consistent with principles of self-determination and healing.

Children's Ground recommends a new section after section:

12G Cultural safety, accountability and system standards and review

(1) In exercising powers or performing functions under this Act, the CEO, authorised officers, Agencies and contracted service providers must act in a manner that is culturally safe and responsive to the cultural rights, identity, kinship systems and community connections of Aboriginal children and families.

(2) The CEO must ensure that all persons exercising powers or performing functions under this Act, including carers and contracted service providers:

- (a) undertake ongoing cultural competency and cultural safety training approved by Aboriginal organisations or Aboriginal community-controlled entities; and
- (b) demonstrate culturally responsive practice in decision-making, service delivery and engagement with children, families and communities.

(3) The CEO must establish and maintain standards for assessing:

- (a) cultural safety and cultural responsiveness within the child protection system;
- (b) compliance with the Aboriginal and Torres Strait Islander Child Placement Principle;
- (c) the impact of child protection interventions on:

- (i) the wellbeing and safety of children; and
- (ii) family, kinship, cultural and community connections; and

(d) whether interventions under this Act reduce harm or contribute to further trauma, cultural disconnection, institutionalisation or family fragmentation.

(4) The standards referred to in subsection (3) must:

- (a) be developed in partnership with Aboriginal organisations, communities and knowledge holders; and
- (b) include independent review and public reporting mechanisms.

(5) The Minister must ensure periodic independent review of:

- (a) workforce practices and decision-making under this Act;
- (b) cultural safety outcomes for Aboriginal children and families; and
- (c) systemic factors contributing to the overrepresentation of Aboriginal children in out-of-home care.

(6) A review conducted under subsection (5) must be informed by Aboriginal children, families, communities and Aboriginal community-controlled organisations and must be led by First Nations review team endorsed by First Nations Elders and community leaders as advised by Aboriginal community-controlled organisations.

13. Conclusion

Children's Ground supports urgent and effective action to keep children safe. No child should remain in an unsafe environment because of delay, bureaucratic failure or misapplication of law. However, the Bill should not respond to system failure by weakening the most important safeguards Aboriginal children have for their safety.

Children's Ground therefore urges the Committee to recommend that the Bill be substantially amended before passage, and that the Northern Territory Government work with Aboriginal Elders, families, children and communities, as well as Aboriginal organisations, to build a child safety system grounded in both immediate protection and enduring cultural wellbeing.

The Bill should include measures for cultural safety, standards, review and accountability of the Minister, CEO, authorised officers, Agencies and contracted service providers.

Significant investment in prevention and Aboriginal community solutions is critical. Legislative change must be accompanied by investment into systemic solutions such as Children's Ground and other Aboriginal Community Controlled organisation that are directly addressing the determinants critical to the safety of children such as housing, healing, health, early childhood, education, youth, disability, family support, family safety and culturally grounded prevention services.

Sources and materials considered

- Northern Territory Legislative Scrutiny Committee, inquiry page for Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, Serial 67.
- Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (NT), Serial 67.
- Explanatory Statement, Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (NT), Serial 67.
- Care and Protection of Children Act 2007 (NT), as in force at 25 March 2024, especially sections 10, 11 and 12.
- United Nations Convention on the Rights of the Child, especially Articles 3, 12, 20 and 30.
- Australian Human Rights Commission, Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997).
- Children's Ground, Apmerengentyele - Our Systems, Our Children, Our Safety, Our Wellbeing, Genealogy, 2025, 9(3), 95.
- Australian Institute of Health and Welfare, Child Protection Australia 2023-24.
- SNAICC: Aboriginal and Torres Strait Islander Child Placement Principle and Northern Territory 2025
- Media statements various