

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE: 20/01/25

The Office of the Children’s Commissioner (OCC) expresses our deep concern regarding the unwarranted and potentially discriminatory amendments to the *Care and Protection of Children Act 2007* (NT) (CaPCA).

The Commissioner strongly recommends the Government halt these proposed reforms and undertake a genuine consultation process with Aboriginal Community Controlled Organisations, community leaders, legal services and child rights experts on any reforms related to the protection of Aboriginal children.

The OCC sought evidence about the driving factors supporting these amendments, as no evidence base or justification is apparent. No evidence has been forthcoming. The judiciary has not requested these proposed amendments. The OCC has also queried the necessity and urgency of the proposed amendments.

“I am alarmed at the lack of consultation on the proposed amendments to the CaPCA and am deeply disappointed with the short timeframe to provide advice on these reforms that will impact the basic rights of Aboriginal children” said Children’s Commissioner Shahleena Musk.

The Aboriginal and Torres Strait Islander Child Placement Principle (Child Placement Principle) is underpinned by 30 years of evidence supporting the importance of distinct child protection responses determined by Aboriginal children’s best interests, which include connection to their family, community, culture and country.

“These changes to reduce or negate the application of the Child Placement Principle are unwarranted and lack an evidence base. Any future reforms to the Child Placement Principle should strengthen the elements and improve implementation in practice particularly to the level of “active efforts”. It is the birthright of Aboriginal children to be connected to their family, country, community, language and culture as enshrined by the Child Placement Principle” said Commissioner Musk.

The OCC is seriously concerned about how the proposed amendments will affect the Child Placement Principle’s importance and centrality in child protection legislation, policy and practice in the Northern Territory; specifically, that the proposed amendments will provide an additional lever for further reduced or non-compliance with the Child Placement Principle.



Protecting the best interests of Territory children

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In 2022-23, just 23.8% of Aboriginal children were placed with Aboriginal relative or kin, meaning 76.2% were not placed in accordance with the Child Placement Principle. As reported by SNAICC, the Northern Territory's rate of placing Aboriginal children in care with their Aboriginal kin or other Aboriginal carers has worsened over successive reporting periods.

Instead of creating a non-existent issue with the Child Placement Principle, the Government should instead take meaningful action on known issues affecting our community:

- The Government has already received \$180 million of funding for the NT's domestic and family violence sector and should urgently release this funding into the domestic and family violence service sector. Domestic and family violence must be recognised as a central factor often underpinning Child Protection involvement.
- Ensure the Northern Territory child protection system has the capacity to deliver its obligations effectively by addressing the significant vacancy rate for Child Protection practitioners; just over half (60%) of Child Protection practitioner positions across the NT are filled.¹

"It is vital that any legal or policy reform that will impact the rights and interests of vulnerable children are done so through proper process, meaningful consultation and public scrutiny. It is unacceptable that another suite of reforms that relate to vulnerable children, particularly those who are Aboriginal and Torres Strait Islander, are being undertaken at haste and without meaningful consultation. This is a continued example of discriminatory reform targeting vulnerable Aboriginal children" said Commissioner Musk.

The Government has previously committed to greater levels of "transparency, accountability and good practice in parliamentary procedure".² The current process does not meet community expectations of good practice and transparency. "I recommend and expect that if this Bill does proceed, it must go through the legislative scrutiny committee" said Commissioner Musk.

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¹ [Inquests into the deaths of Miss Yunupinu, Ngeygo Ragurk, Kumarn Rubuntja and Kumanjayi Haywood](#), (2024), NTLC 14, page 163.

² Northern Territory Legislative Assembly, (2024), [Draft Daily Hansard transcript 15 October 2024](#), page 14.