

Media release

Playing politics with Aboriginal children can only cause further harm

The North Australian Aboriginal Justice Agency (NAAJA) is calling on the Northern Territory Government to urgently rethink proposed changes to the *Care and Protection of Children Act 2007*.

The government is preparing to rush through a bill that will weaken the safeguards applying to Aboriginal children in the Northern Territory. The government is planning to introduce this bill into Parliament without any consultation with Territory children, families, or organisations working in the child protection sector.

The Northern Territory Government is proposing an amendment which would have the effect of watering down the application of the principles in section 12 of the *Care and Protection of Children Act 2007* which relate to Aboriginal children. The principles are directed at ensuring that Aboriginal children remain connected to their culture, families, community and country, and that Aboriginal people are able to participate in decisions about their children's care and protection. We understand the proposal is override the principles in special/exceptional circumstances where upholding the principles may adversely impact the safety and wellbeing of children and/or adults within a family or community.

In the Northern Territory, 90 per cent of the children in out of home care are Aboriginal. Of those children, only 23.8 per cent are placed with family members. Aboriginal children need more protections, not less.

'We have had enough of the Government playing politics with our children. Our communities have survived the stolen generations. We have sat through the Don Dale Royal Commission. We have seen the tragic deaths of our children in the care of the Department of Communities and Families' said NAAJA chairperson Theresa Roe. 'Now the government is trying to weaken the system set up in consultation with the Aboriginal sector to protect our children. We are calling on the government to listen to us.'

The proposed amendments will discriminate against Aboriginal children, families, and communities, and the government has not explained the urgency, nor has it identified any particular catalyst for the changes arising from a particular case, case study, report or expert opinion. It is impossible to provide meaningful feedback and consult with Aboriginal people on the proposed amendments in those circumstances, and in circumstances where the text of the proposed amendment has not been released.

The important of keeping Aboriginal children connected to their families, culture and country cannot be understated. In the *Inquest into the death of Sammy* [2021] NTLC 032 in 2021, the coroner investigated the

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death of a nine year old Warlpiri girl by suicide while in the care of the Department of Communities and Families. The coroner found that the department failed to comply with the *Care and Protection of Children Act 2007* and did not consider or assess other family members that requested to care for the child.

A second very recent case, the *Inquest into the death of Baby G* [2024] NTLC 16 identified failings of the department in providing care to the baby, and recommended a reform of the *Care and Protection of Children Act 2007* to include the principle of “active efforts” by department officials, similar to the current New South Wales provisions.

Theresa Roe said, ‘We call on the Northern Territory Government to put a halt to these amendments until proper consultation has occurred. If these are genuine reforms, let’s do it the right way. If we are given the chance to meet with the responsible minister and share our experiences with her, then we would welcome the opportunity to discuss ways to improve the system.’

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Comments in this media release other than direct quotes can be attributed to a NAAJA spokesperson.

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NAAJA MR2024-10
20 January 2025