

REVIEWING IMPLEMENTATION OF THE ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE NORTHERN TERRITORY 2025

Acknowledgement of Country

SNAICC shows respect by acknowledging the Traditional Custodians of Country throughout Australia and their continuing connections to land, waters and communities. SNAICC head office is located on the lands of the Wurundjeri People of the Kulin Nation, and SNAICC operates nationally. SNAICC acknowledges Traditional Owners of all lands and waters across this continent and pays respects to Elders past and present. We acknowledge and respect their continued connection to Country, care for community and practice of culture for generations uncounted.

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Acronyms and abbreviations

Acronym	Full name of acronym
ACCO	Aboriginal and Torres Strait Islander community-controlled organisation
AEDC	Australia Early Development Census
AFLDM	Aboriginal family-led decision making
the Child Placement Principle	Aboriginal and Torres Strait Islander Child Placement Principle
DCF	Department of Children and Families
ECEC	Early Childhood Education and Care
FDSV	Family, Domestic, and Sexual Violence
FGC	Family Group Conferencing
FSSs	Family Support Services
IFSSs	Intensive Family Support Services
OCC	Office of the Children's Commissioner
OOHC	Out-of-home care
RoGS	Report on Government Services
NT	Northern Territory
NTECAA	Northern Territory Executive Council on Aboriginal Affairs
UNCRC	United Nations Convention on Rights of the Child

Executive Summary

This report reviews the progress of the Northern Territory (NT) Government, primarily through the Department of Children and Families (DCF), towards implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle (the Child Placement Principle).¹ Recent changes in law, policy and practice are examined, with a focus on the five interrelated elements of the Child Placement Principle: Prevention, Partnership, Placement, Participation and Connection. At its heart, the Child Placement Principle is founded on the paramount importance of upholding the safety and wellbeing of the child and recognises that the unnecessary removal of a child from their home is itself a cause of harm.

In the NT, Aboriginal and Torres Strait Islander² children continue to be over-represented in out-of-home care (OOHC) at disproportionately high rates, with Aboriginal and Torres Strait Islander children 11.2 times more likely to be placed in OOHC than non-Indigenous children. Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) play a critical role in delivering culturally safe and appropriate services for Aboriginal and Torres Strait Islander children and families, yet these organisations remain significantly underfunded.

The previous NT Government committed to the Child Placement Principle by embedding it into legislation through the *Care and Protection of Children Act 2007* (the Act). However, the full implementation of the Child Placement Principle has not reached the level of active efforts seen elsewhere, nor are active efforts explicitly enshrined in legislation, limiting operational effectiveness. In January 2025, after a change in government, the NT Government proposed amendments to the Act which would allow for courts and the DCF to exercise greater discretion to ignore the Child Placement Principle. This raises significant concerns about the NT Government's commitment to both the Child Placement Principle and to reducing the rate of Aboriginal and Torres Strait Islander children in OOHC.

This review examines whether policies, funding allocations and service models effectively contribute to local and national policy reform objectives and evaluates the extent to which commitments are being translated into tangible outcomes. It also identifies barriers to implementation, particularly those raised by ACCOs and the Office of the Children's Commissioner (OCC) in the NT. Additionally, the report analyses ongoing concerns from the community sector regarding the effectiveness of culturally responsive family support services and their impact on outcomes for Aboriginal and Torres Strait Islander children and families.

¹ Please note that we have updated the way our reviews are structured. Previously, reviews were categorised by specific review periods. They are now titled by the year they are released and include all relevant developments up to that point in time. This change provides a clearer, more comprehensive snapshot of progress and updates within each release year.

² Note on language: In the Northern Territory 'Aboriginal' is respectfully used as inclusive terminology for people who identify as Aboriginal, Torres Strait Islander or Aboriginal and Torres Strait Islander. In contrast, SNAICC uses 'Aboriginal and Torres Strait Islander', written in full. Both of these preferences are reflected throughout this Review.

Methodology

This review has been developed by SNAICC – National Voice for our Children (SNAICC) with input from Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and state and territory governments. This review is informed by the best practice approach set out in SNAICC's Child Placement Principle resource series (SNAICC 2017, SNAICC 2018a), a 2018 baseline analysis (SNAICC 2018b) and subsequent annual reviews undertaken by SNAICC.

These reviews arise from Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031. They also align with the priority reform areas of the National Agreement on Closing the Gap, including Priority Reform 3 on improving government accountability and Priority Reform 4 on improving Aboriginal and Torres Strait Islander peoples' access to data that affects them and their communities. This review evaluates the performance of the NT Government in applying the Child Placement Principle to address the disproportionate representation of Aboriginal and Torres Strait Islander children in OOHC. The analysis is structured to:

- highlight data on Aboriginal and Torres Strait Islander child welfare outcomes and over-representation rates specific to the NT,
- contextualise the historical and systemic barriers to implementation of the Child Placement Principle, such as institutionalised racism and resource constraints,
- examine government initiatives, reforms and funding commitments aimed at addressing these issues, and
- identify gaps and propose actionable priorities to enhance adherence with the Child Placement Principle.

Quantitative and qualitative analysis is used to measure and review the NT's progress against the five elements of the Child Placement Principle and across legislation, policy, programs, processes and practice.

This review incorporates qualitative data from NT service providers and governments to offer deeper insights into the lived experiences, challenges and opportunities related to the implementation of the Child Placement Principle, as well as the systemic and cultural factors influencing its effectiveness. This review also analyses the most recently available quantitative data to provide an up-to-date assessment of key trends and outcomes related to the implementation of the Child Placement Principle. This focused analysis ensures that the findings accurately reflect the current state of over-representation, service delivery and government responses.

Quantitative data is taken primarily from the *Report on Government Services* (RoGS) Chapter 16 – Child Protection (SCRGSP, 2025), the Australian Institute of Health and Welfare (AIHW) *Child Protection Australia report* (AIHW 2024a) and the AIHW *Aboriginal and Torres Strait Islander Child Placement Principle Indicators report* (AIHW 2024b).³

³ OOHC figures in this review include 'out-of-home care' and 'third-party parental responsibility orders' (AIHW) or, where specified, 'out-of-home care' and 'other supported placements' (RoGS). Data on children of unknown Indigenous status in OOHC are excluded where relevant.

Delays in the publication of RoGS and AIHW data, due to comprehensive data collection, lead to inconsistencies in the time periods covered. All data used is the most up-to-date available at the time of publication:

- RoGS Chapter 16 – Child Protection 2025: Released January 2025, covering 2023-24 financial year data.
- AIHW Child Protection Australia 2022-23: Released September 2024, covering 2022-23 financial year data.
- AIHW ATSICPP Indicators Report: Released December 2023, covering 2021-22 financial year data.

Major developments in Cross-Element Child Placement Principle Implementation in NT

Royal Commission into the Protection and Detention of Children in the NT

The child protection system in the NT has been the focus of extensive scrutiny and reform efforts following findings of ongoing systemic failures in the care and protection of Aboriginal and Torres Strait Islander children. The Royal Commission into the Protection and Detention of Children in the NT, established in 2016, identified serious structural failures within the NT's child protection and youth detention systems.

The Final Report Royal Commission into the Protection and Detention of Children in the NT, published in November 2017, made 227 recommendations, emphasising the need for early intervention, diversion programs, Aboriginal-led decision-making and reduced reliance on OOHC (Royal Commission, 2017). The previous NT Government had committed to implementing these recommendations, yet to date, the NT has failed to follow through on many of them. This includes lowering (rather than raising) the age of criminal responsibility in the youth justice system and insufficient action to reduce the continuing over-representation of Aboriginal and Torres Strait Islander children in OOHC. Stakeholders from the community sector have raised concerns that since the change in government, legislative and policy shifts have widened inequities and worsened outcomes for Aboriginal and Torres Strait Islander children, families and communities in the child protection and youth justice systems, particularly due to the rollback of prior commitments and stalled progress under national agreements, strategies and partnerships (NT Community Sector, 2024).

10-Year Generational Strategy for Children and Families in the Northern Territory

In response to the findings of the Royal Commission into the Protection and Detention of Children in the NT, the NT Government introduced the *10-Year Generational Strategy for Children and Families in the Northern Territory* (the Generational Strategy) and the *Planting the Seeds Action Plan 1: 2023–2025*. These reforms aim to reduce the number of Aboriginal and Torres Strait Islander children in contact with the child protection and youth justice systems through place-based, community-led planning and greater Aboriginal and Torres Strait Islander self-determination (Northern Territory Government, 2023). However, geographic isolation, inadequate funding for ACCOs and limited culturally safe services remain significant barriers to improving outcomes for Aboriginal and Torres Strait Islander children and families (NT Community Sector, 2024). To date, the NT Government has not provided a report on progress with the implementation of the Generational Strategy.

The Generational Strategy and subsequent action plan align with broader national frameworks, including the *Safe and Supported: the National Framework for Protecting Australia's Children 2021–2031* (Safe and Supported) and the *Safe and Supported Aboriginal and Torres Strait Islander First Action Plan 2023–2026*, which prioritise early intervention, culturally safe services and maintaining children's connection to culture, as essential elements of addressing the disproportionate representation of Aboriginal and Torres Strait Islander children in OOHC and realising the priority reforms and commitments of the National Agreement on Closing the Gap. (Australian Government, 2021). Additionally, Target 12 of the National Agreement on Closing the Gap (National Agreement) commits governments to reducing the over-representation of Aboriginal and Torres Strait Islander children in OOHC by 45% by 2031 (COAG, 2020). However, Aboriginal and Torres Strait Islander children in

the NT continue to enter OOHC at disproportionately high rates, raising concerns about whether current policy settings, investment levels and the broader system, including legislation, policy, inadequate Aboriginal-specific internal guidance, staff training and systemic racism, are able to meet these commitments (NT Community Sector, 2024).

In the NT, the Child Placement Principle is intended to be supported by these national and NT-specific policy reforms, which provide a framework for ensuring Aboriginal and Torres Strait Islander children remain connected to family, culture, and community when they come in contact with the child protection system. This report evaluates the NT Government's progress in implementing the Child Placement Principle. The five elements of the Child Placement Principle serve as the framework for assessing government performance in child protection and family support services.

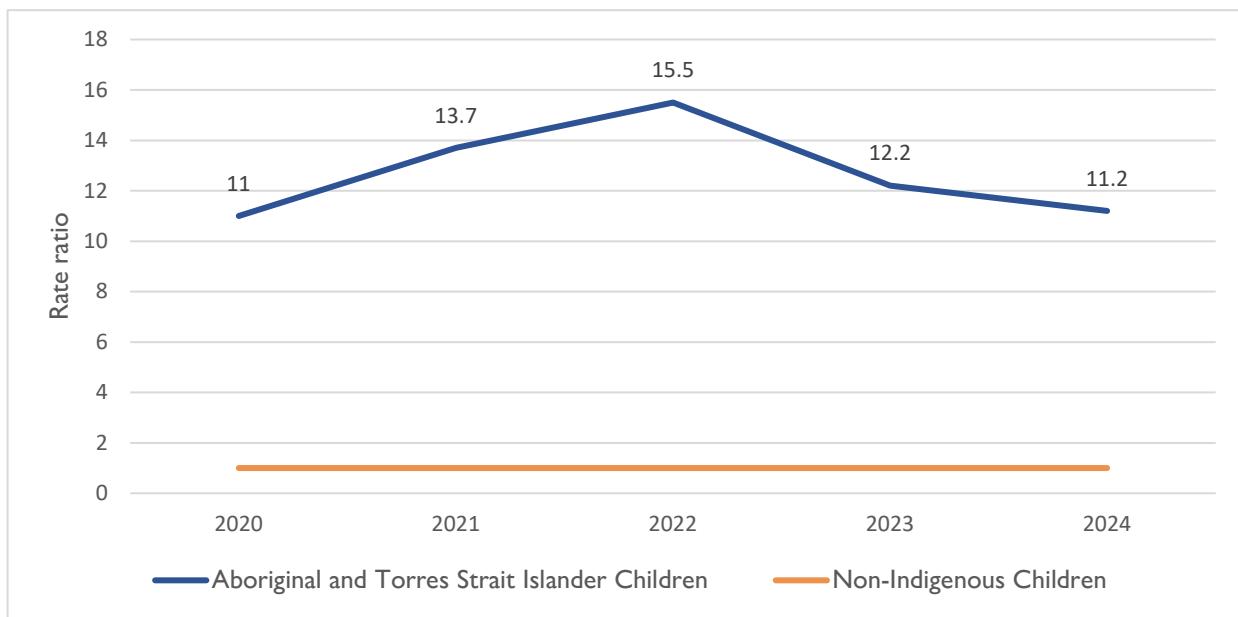
Prevention

The prevention element of the Child Placement Principle aims to ensure that Aboriginal and Torres Strait Islander children and their families grow up healthy and safe and within their own family and community. Preventing children and families from entering OOHC requires collaboration among various services and programs that span multiple government sectors, such as health, education, housing and economic development. This review primarily focuses on the child welfare-focused activities of the DCF, while noting that holistic prevention can only be achieved with a whole-of-government approach, in partnership with Aboriginal and Torres Strait Islander communities and organisations.

Over-representation in out-of-home care (OOHC)

As of 30 June 2024, Aboriginal and Torres Strait Islander children in the NT were over-represented in OOHC and other supported placements at 11.2 times the rate of non-Indigenous children (SCRGSP 2025, Table 16A.2, 16A.3 and 16A.42). Nationally, Aboriginal and Torres Strait Islander children are 10.8 times more likely to be in OOHC than non-Indigenous children (SNAICC, 2024). Figure 1 below shows the trend in over-representation comparing Aboriginal and Torres Strait Islander children and non-Indigenous children in OOHC and other supported placements in the NT from 2020 to 2024.

Figure 1 – Trend in rate ratios comparing Aboriginal and Torres Strait Islander and non-Indigenous children in OOHC and other supported placements in the NT as of 30 June 2020 to 2024.



Source: SNAICC calculation of rate ratios, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services. Table 16A.2, 16A.3 and 16A.42⁴

⁴ Rate ratios are calculated by dividing the rate for Aboriginal and Torres Strait Islander children (most often per 1,000 children) by the rate for non-Indigenous children. These ratios provide a lens through which to understand how much more likely Aboriginal and Torres Strait Islander children are to experience specific interventions within the child protection systems, including removal from their families of origin. The Aboriginal and Torres Strait Islander population estimates reported in table 16A.42 of the 2025 RoGS are based on the Australian Bureau of Statistics (ABS) 2021 Census. Previous reviews have included RoGS population estimates that were based on the ABS 2016 Census. Between 2016 and 2021, the Aboriginal and Torres Strait Islander Census counts increased to varying degrees across states and territories. Because these calculations involve different data sets, the overrepresentation rates will differ slightly from previous years.

Analysis Note: This report frequently uses the phrase 'over-representation' to highlight the disparity in outcomes between Aboriginal and Torres Strait Islander children and non-Indigenous children. These are also referred to as rate ratios, which are calculated by dividing the rate for Aboriginal and Torres Strait Islander children (most often per 1,000 children) by the rate for non-Indigenous children. This enables analysis of how much more likely Aboriginal and Torres Strait Islander children are to experience certain outcomes. These rate ratios are different to the Productivity Commission's reporting on Target 12 of Closing the Gap, which uses the rate (per 1000) of children in OOHC.

The total number of children in OOHC - and the proportion of Aboriginal and Torres Strait Islander children in OOHC and other supported placements in the NT - have risen and fallen since 2020. As of 30 June 2024, the NT had 847 Aboriginal and Torres Strait Islander children living in OOHC and other supported placements (SCRGSP 2025, Table 16A.2 and 16A.3). At this point, Aboriginal and Torres Strait Islander children made up 88.5% (750 out of 847) of the OOHC population, despite 41.6% of children in the NT being Aboriginal and Torres Strait Islander (SCRGSP 2025, Table 16A.2 and 16A.3).

As shown in Table 2 below, in 2023-24, Aboriginal children were admitted into OOHC at a rate of 7.5 per 1,000 in the NT (SCRGSP 2025, Table 16A.4 and 16A.42). This is compared to 1 per 1,000 for non-Indigenous children (SCRGSP 2025, Table 16A.4 and 16A.42). This was an increase from 2022-23. In 2024, Aboriginal children were discharged from OOHC at a rate of 7.9 per 1,000 (SCRGSP 2025, Table 16A.4 and 16A.42). This is compared to 0.8 per 1,000 for non-Indigenous children (SCRGSP 2025, Table 16A.4 and 16A.42). This was an increase from 2022-23. As Table 2 above shows, over the past four years, the discharge rate has been higher than the admission rate, but this gap has narrowed in 2023-24.

Table 1 – Children entering and exiting OOHC (rate per 1,000)

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children admitted to OOHC	7.2	6.1	4.5	7.5
Aboriginal and Torres Strait Islander children discharged from OOHC	8.5	7.8	6.8	7.9
Non-Indigenous children admitted to OOHC	0.8	1.0	1.0	1.0
Non-Indigenous children discharged from OOHC	1.6	1.4	1.1	0.8

Source: SNAICC calculation of rates per 1,000, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services, tables 16A.4 and 16A.42. Please note that prior to 2022-23, data have been derived from the AIHW Child Protection National Minimum Data Set. Data for 2022-23 is not derived from this source and is therefore not comparable to previous years.

There are various pathways through which children exit care, including reunification, placement on a Third-Party Parental Responsibility Order (TPPRO), turning 18, transitioning to independent living, or entering detention. The relatively high exit rates in NT should be approached with caution, as many exits do not necessarily result in positive outcomes for Aboriginal children (SNAICC, 2024). In NT, of the Aboriginal children who exited care in 2022-23, 22.7% were reunified, and 13.6% exited due to age, and none were placed on a TPPRO. 63.6% exited to 'other' circumstances (AIHW, 2024, Table 10.13). Reunification and the use of permanent care orders are discussed below under Connection.

Table 2 - Over-representation of Aboriginal and Torres Strait Islander children aged 0–17 years in notifications, investigations and substantiations in the ACT compared to non-Indigenous children – Rate ratios

	2020-21	2021-22	2022-23	2023-24
Notifications	4.7	4.6	5.2	5.5
Investigations	7.2	6.7	7.7	8.0
Substantiations	10.5	7.7	10.3	10.5

Source: SNAICC calculation of rates per 1,000, with data drawn from - Report on Government Services 2025, Part F, Section 16 Child Protection Services, tables 16A.1.

From 2020-21 to 2023-24, Aboriginal and Torres Strait Islander children in the NT continued to experience disproportionate rates of notifications, investigations, and substantiations, however the rate at which these processes are occurring decreased overall during this period. In 2023-24, Aboriginal and Torres Strait Islander children in the NT were subject to a notification at a rate of 343.4 per 1000, compared to 62.4 per 1000 for their non-Indigenous counterparts. Similarly, in 2023-24, 28.4 Aboriginal and Torres Strait Islander children per 1000 were subject to a substantiation, compared to 2.7 per 1000 for non-Indigenous children (SCRGSP 2025, table 16A1). This represents a significant decrease from the previous year. In 2022-23, the rate of Aboriginal and Torres Strait Islander children subject to a substantiation (48.4) was 12.6% of the rate subject to a notification (384.8). This figure dropped to 8.3% in 2023-24, well below the 2020-21 rate of 14.1.

Family Support and Intensive Family Support Services

ACCOs play a crucial role in supporting Aboriginal and Torres Strait Islander children and families by delivering culturally safe and community-led services. Despite their significance, ACCOs in the NT remain critically underfunded. In 2022–23, only 3.9% of the NT Government’s total funding for child and family services was allocated to ACCOs, despite strong evidence that Aboriginal-led services achieve better outcomes for Aboriginal and Torres Strait Islander families (NT Community Sector, 2024). The NT community sector has consistently emphasised that prevention is the foundation for reducing Aboriginal and Torres Strait Islander children’s involvement in the child protection system, yet investment in Aboriginal-led services remains insufficient.

A key barrier to service access is geographic isolation. Many Aboriginal and Torres Strait Islander families live in remote areas where prevention and support services are either limited or entirely absent. Systemic distrust of child protection authorities further exacerbates this issue. Families often feel unsafe engaging with available services due to past experiences of forced removals, poor communication and a lack of culturally safe mediation. Addressing these barriers is essential to fostering trust and enabling families to access early and culturally appropriate interventions.

In response to these concerns, the DCF reported an investment of \$8.9 million into FSS in 2022–23, delivered by 13 ACCOs and two non-Indigenous organisations across 44 locations (DCF, 2024). These services aim to connect families to specialist support services, strengthen parenting skills and facilitate the reunification of children with their families where possible. Additionally, the Remote Child and Family Safety Program recorded over 1,600 service events in 2022–23, including 220 referrals to specialist services and 236 community activities engaging over 3,600 participants (DCF, 2024). This program takes a proactive approach by engaging families to identify child safety concerns early, rather than relying solely on crisis intervention.

The OCC has repeatedly highlighted that Aboriginal and Torres Strait Islander children remain disproportionately over-represented in the NT child protection system. The OCC has urged a redirection of resources to strengthen Aboriginal and Torres Strait Islander family capacity, particularly through kinship care, which offers a culturally safe alternative to non-Indigenous placements. In 2023-24, 31% of the NT Government's real recurrent expenditure on child protection services was directed to (Intensive Family Support Services) IFSSs and (Family Support Services) FSSs, which is an increase from 28.6% in 2022-23 (SCRGSP 2024, Table 16A.8). However, 2023-24 expenditure for IFSSs and FSSs is not directly comparable to previous years, as the NT Government has transitioned from the IFSSs program to the new Family Support Grants Program, which has altered how funding is distributed.

Table 3 – Proportion of Government child protection services expenditure on IFSSs and FSSs in the NT (2020-21 to 2023-24)

	2020-21	2021-22	2022-23	2023-24
Total expenditure (\$'000)	60,957	71,421	75,320	87,215
Proportion of IFSS and FSS	25.5%	28.1%	28.6%	31.0%

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services, table 16A.8.

In 2023-24, 69.5% of children – 107 out of 154 children – commencing IFSSs in the NT identified as Aboriginal and Torres Strait Islander (DCF, 2024). Data for the previous two-years is unavailable as during 2021-22, family support programs across the NT were transitioned to the NT Government's Family Support Service and the Australian Government's Child and Family Intensive Support Service. The transition commenced mid-financial year, resulting in significant changes to program design and disruptions in data collection. In 2022-23, the NT also transitioned to a new client management and reporting system. Data for the IFSS program has been impacted by this transition and is not available for 2022-23 (DCF, 2024).

Table 4 – Proportion of Aboriginal and Torres Strait Islander children commencing IFSS in the NT (2020-21 to 2023-24)

	2020-21	2021-22	2022-23	2023-24
Aboriginal and Torres Strait Islander children commencing IFSSs	393	n.a	n.a	107
Total children commencing IFSSs	460	n.a	n.a	154
Proportion	85.4%	n.a	n.a	69.5%

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services. Table 16A.8

Despite recent reforms, the ongoing underfunding of ACCOs, combined with geographic and systemic barriers, continues to hinder efforts to reduce the number of Aboriginal and Torres Strait Islander children and young people coming into contact with the child protection system. While investment reform in family support services and kinship care models may represent positive steps, continued

effort is needed to ensure that Aboriginal-led, culturally safe interventions are prioritised in NT's child and family support system. Addressing data inconsistencies, ensuring adequate funding for ACCOs and expanding service accessibility in remote areas will be critical in achieving lasting reform.

Social Determinant Risks of Increased Contact with DCF

Social determinants of health, including housing insecurity, poverty, unemployment and limited access to healthcare and education, can heighten the likelihood of any family coming into contact with the DCF. However, these factors do not inherently cause child abuse or neglect. The greater risk lies in how government systems respond to social disadvantage. When tailored, culturally safe and accessible early intervention supports are absent, families experiencing hardship are more likely to be drawn into statutory systems rather than supported to remain connected (SNAICC, 2024). Social factors shape how families experience statutory child protection processes. For Aboriginal and Torres Strait Islander families, these experiences are further compounded by the enduring impacts of colonisation, systemic racism and intergenerational trauma. Limited access to adequate housing, education, employment and essential services has a cumulative impact on health and wellbeing, which can heighten visibility to statutory authorities. These conditions are not only structural but are also maintained by policy inaction and the failure to implement culturally safe support systems (Collings et al., 2024).

Aboriginal and Torres Strait Islander families have been successfully rearing children for over 60,000 years, with strong cultural practices and community structures that are foundational to the wellbeing and safety of Aboriginal and Torres Strait Islander children. There is no evidence to support the notion that Aboriginal and Torres Strait Islander parents are inherently more likely to be abusive or neglectful. However, there is a relationship between social hardship and structural disadvantage, which significantly increases the risk of child maltreatment and child protection intervention (SNAICC, 2023). These systemic inequalities are compounded by policy inaction and the failure of the DCF to implement culturally safe support systems in all stages of child protection 'intervention' (Collings et al., 2024). This is evidenced by the 2024 Coronial Inquest into the tragic death of Baby G – a direct example of the systemic failures in DCF, including inadequate oversight, insufficient support for vulnerable families and gaps in medical and social services ([2024] NTLC 16).

This can be evidenced through DCF processes around notifications, investigations, substantiations and child removal into OOHC disproportionately impacting Aboriginal and Torres Strait Islander families across every stage of system intervention (AIHW, 2024). The interplay of social determinant factors and DCF processes is further influenced by systemic racism and a lack of cultural awareness both within government departments and throughout the non-Indigenous NT community. In the NT, there continues to be a range of social, economic and health challenges contributing to Aboriginal and Torres Strait Islander children entering OOHC. The NT Government has released several strategies designed to address these challenges. Relevant initiatives are outlined in Table 6 below, along with a short description of relevant public commentary or evaluation, if available.

Table 5 – Strategies to Address Social Determinants of Aboriginal and Torres Strait Islander Health and Wellbeing in NT

Social Strategies	Updates on legislation, policy and practice
Access to early childhood education and care	<p>Aboriginal and Torres Strait Islander children's access to early childhood education and care (ECEC) remains a significant concern in the NT. The most recent Australian Early Development Census (AEDC) data collection took place in mid-2024, but results have not yet been published (Department of Education, 2024).</p> <p>Poor access to ECEC is having a detrimental impact on Aboriginal and Torres Strait Islander children. The latest available data from 2021 indicates that only 16.4% of Aboriginal and Torres Strait Islander children in the NT were assessed as developmentally 'on track' across all five AEDC domains, the lowest rate in Australia and significantly below the national average of 34.3% (Productivity Commission, 2023; AEDC National Report, 2021).</p> <p>Furthermore, 25.7% of all children in the NT were classified as developmentally vulnerable in two or more domains, compared to the national average of 11% (AEDC National Report, 2021). These figures highlight the urgent need for increased investment in culturally appropriate ECEC services to improve developmental outcomes for Aboriginal and Torres Strait Islander children in the NT.</p>
Access to education	<p>The NT education system continues to fail Aboriginal and Torres Strait Islander children, with low engagement rates and declining achievement in reading and numeracy for Year 7 students (AIHW, 2024). In 2023, between 32% and 45% of Aboriginal and Torres Strait Islander students in Years 3, 5, 7 and 9 met or exceeded proficiency expectations in spelling, while 36% to 40% required additional support in grammar and punctuation.</p> <p>NAPLAN results for Aboriginal and Torres Strait Islander students in 2023 showed a clear decline in performance in more remote areas. Among Year 3 Aboriginal and Torres Strait Islander students, the proportion meeting or exceeding expectations across five learning areas was 39% in Major cities, 37% in Inner regional areas and 30% in Outer regional areas, dropping significantly to 17% in Remote areas and just 8% in Very remote areas (AIHW, 2024).</p>

Early contact with youth justice	<p>Early contact with the youth justice system remains disproportionately high among Aboriginal and Torres Strait Islander children and young people in the NT. In 2023–24, 727 young people aged 10 and over were under youth justice supervision in the NT, with Aboriginal and Torres Strait Islander children and young people comprising 91% (664 individuals) of this group (AIHW, 2025). This over-representation is influenced by systemic inequalities, socio-economic disadvantage and intergenerational trauma. Addressing these issues necessitates comprehensive, culturally informed interventions focused on prevention and diversion to reduce the involvement of Aboriginal and Torres Strait Islander children and young people in the justice system.</p> <p>In 2022, AIHW reported that in the NT, 69.4% of children under youth justice supervision had had prior contact with child protection services in the five years prior (2016–2021) (AIHW, 2022). This highlights the need for a more integrated approach to early intervention and support.</p> <p>Recent changes to NT bail laws under the <i>Bail and Youth Justice Legislation Amendment Bill 2025</i> (NT) have made it harder for young people to be granted bail, removing the principle that detention should be a last resort. The impact of these legislative shifts on Aboriginal and Torres Strait Islander children should be carefully examined to ensure that policy responses do not exacerbate existing inequalities.</p> <p>In October 2024, the NT Government enacted the <i>Criminal Code Amendment Bill 2024</i>, which lowered the age of criminal responsibility from 12 to 10 years (Northern Territory Government, 2024). This legislative change has been met with significant concern from various stakeholders, including the OCC, which has consistently advocated for raising the age of criminal responsibility (OCC, 2024b). The Commissioner has highlighted well-established evidence that criminalising younger children increases their risk of reoffending and exacerbates trauma.</p> <p>Internationally, the United Nations Committee on the Rights of the Child (UNCRC) has recommended that the minimum age of criminal responsibility be at least 14 years, aligning with contemporary understandings of child development and human rights standards (United Nations Committee on the Rights of the Child, 2019). The NT's decision to lower the age to 10 is in direct conflict with these recommendations and the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory.</p>
Family, Domestic, and Sexual Violence (FDSV)	<p>In November 2024, NT Coroner Elisabeth Armitage concluded inquests into the deaths of four Aboriginal and Torres Strait Islander women, revealing systemic failures in addressing domestic, family and sexual violence (DFS) in the region. The coroner's findings highlighted that since 2000, at least 86 women have died due to DFS in the NT, with 82 of these women being Aboriginal and Torres Strait Islander, highlighting the disproportionate impact of DFS on Aboriginal and Torres Strait Islander communities (NT Coroner, 2024).</p> <p>The coroner made 35 recommendations aimed at systemic reform, including</p>

	<p>establishing a peak body for DFSV, increasing funding for support services, enhancing the use of interpreters by police and exploring alternatives to custody for offenders (NT Coroner, 2024). These recommendations emphasise the need for culturally appropriate interventions and community-led solutions to address the root causes of violence.</p> <p>The NT Government has acknowledged the Coroner's recommendations and is reviewing its domestic, family and sexual violence strategy, <i>Safe, Respected and Free from Violence Reduction Framework 2018 – 2028</i> (NT Government, 2018).</p> <p>The NT Government has recognised the need for comprehensive reform to address the increasing rates of DFSV, including reassessing child protection processes to ensure the safety of children in environments where DFSV is occurring (NT Government, 2024).</p>
Housing	<p>Poverty, socio-economic disadvantage and homelessness continue to significantly impact Aboriginal and Torres Strait Islander communities in the NT, contributing to higher rates of child protection involvement and contact with the justice system. The NT had the highest rate of homelessness in Australia in 2021, with 13,104 people experiencing homelessness on Census night—12 times the national average. The NT's homeless population accounted for 11% of Australia's total homeless population despite the NT comprising only about 1% of the national population (Australian Bureau of Statistics [ABS], 2023).</p> <p>Aboriginal and Torres Strait Islander peoples are disproportionately affected by homelessness and socio-economic disadvantage in the NT. Children and young people made up almost 50% of the NT's homeless population and the rate of young people experiencing homelessness was 11.74 times the national average (OCC NT & NT Shelter, 2023). The vast majority of youth homelessness in the NT (87%) was due to severe overcrowding, with the remaining 13% consisting of young people in supported accommodation (8.5%), staying temporarily with other households (3%), living in improvised dwellings or tents (1.5%) and less than 1% residing in boarding houses (OCC NT & NT Shelter, 2023).</p> <p>The NT also recorded the highest rate of people sleeping rough, at 13 times the national average. Women fleeing domestic and family violence were identified as a key concern, with many at risk of homelessness due to a lack of safe and culturally appropriate accommodation options (OCC NT & NT Shelter, 2023). Additionally, the NT recorded the highest net undercount (6%) of any Australian jurisdiction in the 2021 Census and the national undercount for Aboriginal and Torres Strait Islander peoples was 17.4% (ABS, 2023). These figures suggest that the true extent of homelessness and socio-economic disadvantage in the NT, particularly among Aboriginal and Torres Strait Islander communities, may be significantly underreported.</p> <p>Efforts to address these serious issues are outlined in the NT Government's <i>Closing the Gap Implementation Plan 2023–2024</i>, which includes strategies to reduce socio-</p>

	<p>economic disparities through community-led initiatives and systemic reforms (NT Government, 2023).</p> <p>Key actions focus on improving housing, education and employment opportunities for Aboriginal and Torres Strait Islander peoples as part of a broader strategy to alleviate poverty and reduce homelessness in the NT.</p>
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Partnership

To improve the wellbeing of Aboriginal and Torres Strait Islander children and families, governments and key stakeholders must establish and maintain genuine partnerships with Aboriginal and Torres Strait Islander communities. The partnership element of the Child Placement Principle is not just about collaboration or consultation; it is a mechanism for advancing self-determination in child protection. Meaningful involvement of Aboriginal and Torres Strait Islander people in all aspects of design, delivery and decision-making ensures that policies and practices reflect cultural knowledge, community priorities and the rights of children to grow up connected to family, culture and Country. Without prioritising the full implementation of this Child Placement Principle, child protection systems risk perpetuating approaches that exclude Aboriginal and Torres Strait Islander voices and fail to uphold their inherent rights to lead decisions affecting their children and families.

The NT government's lack of support for a dedicated Aboriginal and Torres Strait Islander children's commission severely limits the successful implementation of the partnership element of the Child Placement Principle. The importance of such an office is reflected in the recent establishment of a National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, complementing similar offices in SA, Victoria, Queensland and the ACT.

Investment in ACCOs

Increasing investment in the ACCO sector is a key component of effective implementation of the Partnership element. Strengthening financial support ensures ACCOs have the capacity to deliver culturally responsive services that meet the unique needs of Aboriginal and Torres Strait Islander communities. Without adequate funding, ACCOs may struggle to build sustainable programs, limiting their ability to drive long-term positive outcomes. Successful models, such as the Central Australian Aboriginal Congress's bi-cultural pair model of family support service provision, demonstrate the effectiveness of Aboriginal-led approaches in supporting vulnerable families. Greater investment in such initiatives is necessary to expand their reach and impact, providing a trusted framework for family support services with a strong history of positive outcomes (CAAC, n.d.)

A meaningful proportion of funding must be allocated to ACCOs to ensure they can deliver essential services for Aboriginal and Torres Strait Islander children and families. This proportion should reflect the service demands of Aboriginal and Torres Strait Islander communities. Despite all jurisdictions committing to reporting on the proportion of their expenditure on ACCOs through the previous *National Framework for Protecting Australia's Children (2009–20)*, current publicly available data products do not capture this measure. While most states and territories provide this data to inform the SNAICC Family Matters reports, the NT does not, despite Aboriginal and Torres Strait Islander children in the NT making up 89% of substantiated claims of abuse or neglect in 2022-23 (SNAICC, 2024). The national average of child protection funding invested in ACCOs was 6% in 2022-23 (SNAICC, 2024).

Northern Territory Children and Families Tripartite Partnership Forum

The 10-Year Generational Strategy for Children and Families in the Northern Territory (the Generational Strategy), developed by the Northern Territory Children and Families Tripartite Partnership Forum (Tripartite Forum), serves as the primary framework for driving child and family reform in the NT (Northern Territory Government, 2023). The Tripartite Forum includes representatives from the NT and Australian Governments, Aboriginal Peak Organisations Northern

Territory (APO NT), North Australian Aboriginal Justice Agency (NAAJA) and the Northern Territory Council of Social Service (NTCOSS) (Northern Territory Government, 2023).

In June 2024, the Northern Territory Executive Council on Aboriginal Affairs (NTECAA) formally recognised the Tripartite Forum within the NT's Closing the Gap governance arrangements, reinforcing its role in leading the delivery of Closing the Gap socio-economic outcomes 4 (Early Years) and 12 (Child Protection) (National Indigenous Australians Agency, 2023). Additionally, the forum is temporarily responsible for outcomes 3 (Early Childhood Education) and 5 (Year 12 Achievement) until an Aboriginal Education Peak Body is established (National Indigenous Australians Agency, 2023).

Child Wellbeing and Safety Partnership Framework

The NT Government's initiatives, such as Child Wellbeing and Safety Partnerships, have also been identified as positive steps toward upholding the safety and wellbeing of Aboriginal and Torres Strait Islander children in the NT (NT Community Sector, 2024). By way of background, in March 2023, *the Child Wellbeing and Safety Partnership Framework* (the Framework) was enshrined in legislation, expanding on 2022 amendments to the *Care and Protection of Children Act 2007* (NT) to enhance information-sharing protocols between the NT Government and service organisations, including ACCOs and NGOs (NT Government, 2023).

The Framework was legislated to address the NT Coronial recommendations in relation to cooperation, coordination and information sharing between agencies and service providers in relation to children. The Framework was originally established in 2020 to identify children at risk of harm and enable the NT Government to respond to children at risk of harm, using a coordinated, local response that practised community-led decision making (NT Government, 2023). The DCF currently operates 22 Child Wellbeing and Safety Partnerships across the NT. These partnerships aim to bring together community members, cultural authorities and service providers to collaboratively address child safety and wellbeing (DCF, 2024).

Under the Framework, these partnerships provide culturally informed, place-based advice to improve child safety outcomes and strengthen kinship care arrangements. The partnerships have been highlighted as a significant initiative in addressing multi-dimensional risks to child wellbeing. However, stakeholders have noted that the effectiveness of these partnerships is contingent on long-term investment and Aboriginal and Torres Strait Islander community leadership (NT Community Sector, 2024).

At present, these partnerships are under-resourced and inconsistently implemented (NT Community Sector, 2024). There is significant variation across the NT in the capacity and effectiveness of these partnerships, influenced by factors such as resourcing, agency commitment, trust and power imbalances - though those with strong Aboriginal and Torres Strait Islander leadership and engagement tend to function more effectively (NT Community Sector, 2024). The oversight committee, which had not been reconvened to monitor these partnerships, is now being reconstituted as a working group with new Terms of Reference and is gathering information on Child Wellbeing and Safety Partnerships across the territory.

Placement

Placement in accordance with the hierarchy of placement options⁵ is fundamental to maintaining the strongest possible connection between Aboriginal and Torres Strait Islander children and their family, community, culture and Country. The placement hierarchy is not just a guideline; it is a safeguard against disconnection and a commitment to ensuring children grow up with cultural continuity.

Proper application of the placement hierarchy requires child protection decision-makers to exhaust all possible options at each level before considering a lower-order placement. No placement should occur without demonstrated consultation with the child's family and community representatives, ensuring that all higher-order placement options have been fully explored. Community representatives must be empowered to provide independent advice to the department and courts on the most appropriate care arrangements. To ensure the integrity of the placement hierarchy, robust policies and procedures must be in place, alongside sufficient staff capacity to implement them effectively. A thorough process of family mapping—including developing a genogram with family and kin and searching for and identifying family carers—should be embedded in child protection policy and practice to inform initial placements, placement changes and regular placement reviews. Additionally, procedures must include clear requirements to identify a child's Aboriginal and Torres Strait Islander status at the earliest possible opportunity, ensuring that culturally connected placements are prioritised.

As seen in Table 6 below, the rate of placement of Aboriginal and Torres Strait Islander children with relatives/kin in the NT has significantly decreased. As of 30 June 2024, only 16.7% of Aboriginal children in the NT were placed with Aboriginal and Torres Strait Islander relatives/kin. This is the lowest rate in Australia (SCRGSP 2025, Table 16A.23). The national average for placing Aboriginal and Torres Strait Islander children with Aboriginal and Torres Strait Islander relatives/kin is 32.1% (SCRGSP 2025, Table 16A.23)

Table 6 – Aboriginal and Torres Strait Islander children aged 0-17, in OOHC, by caregiver type in the NT, as of 30 June 2021 to 2024 (%).

	2021	2022	2023	2024
Placed with relatives/kin or other Aboriginal and Torres Strait Islander carer				
Aboriginal and Torres Strait Islander relative/kin	27.3	25.5	23.8	16.7
Non-Indigenous relative/kin	np	np	np	1.9
Total placed with relatives/kin	27.3	25.5	23.8	18.6
Other Aboriginal and Torres Strait Islander carer	4.5	55.1	4.3	7.1
Total	70.5	70	69.4	70.5
In another care arrangement				
Other non-Indigenous carer	65.1	68.9	69.0	62.2
Residential care or family group home	np	np	np	7.5
Independent living/living arrangements unknown	3.1	0.5	2.9	4.6
Total	68.2	69.4	71.9	74.3

Source: Report on Government Services 2025, Part F, Section 16 Child Protection Services, table 16A.23. np: Not published – Nil or rounded to zero.

⁵ For further details on the placement hierarchy, see SNAICC (2019). *The Aboriginal and Torres Strait Islander Child Placement Principle: A Guide to Support Implementation*

Care and Protection of Children Act 2007 (NT)

In January 2025, the NT Government also proposed amendments to the *Care and Protection of Children Act 2007* (NT) (the Act), which would alter the application of the Child Placement Principle outlined in Section 12 of the Act. The proposed changes include the introduction of a 'Special and Exceptional Circumstances' clause, granting courts discretion to override Section 12 if adherence to the legislatively enshrined principle is deemed to adversely impact the safety and wellbeing of children or adults within a family or community. This type of exemption does not exist in other Australian jurisdictions and would apply specifically to Aboriginal and Torres Strait Islander children in the Northern Territory, raising concerns about its likely discriminatory impacts.

These amendments risk long-term adverse impacts on Aboriginal and Torres Strait Islander children and communities in the NT, by weakening the application of the Child Placement Principle and its emphasis on placing Aboriginal and Torres Strait Islander children with kin, to decision-making about Aboriginal and Torres Strait Islander children. Further consultation and consideration of the implications of these reforms are necessary to ensure the placement element continues to provide protections to Aboriginal and Torres Strait Islander children, including the priority to place them with family or kin and close to Country.

The Office of the Children's Commissioner (OCC) has expressed deep concern over the proposed amendments, arguing that they are unwarranted and potentially discriminatory and would weaken implementation of the Child Placement Principle (OCC, 2025). The OCC has criticised the lack of consultation with ACCOs, legal experts and community leaders, emphasising that no evidence has been provided to justify these changes. The OCC has urged the government to halt the reforms and instead focus on strengthening compliance with the principle rather than diminishing its application (OCC, 2025).

Kinship carers

Stakeholders in the NT community sector have consistently pointed to geographic isolation and inadequate housing as major barriers preventing potential kinship carers from assuming responsibility for Aboriginal and Torres Strait Islander children in care (NT Community Sector, 2024). Additionally, delays in the approval processes for kinship carers and insufficient financial and practical support have been cited as significant obstacles to increasing kinship placements (NT Community Sector, 2024). Without targeted investment and policy changes to address these barriers, the critical shortage of kinship placements will likely further exacerbate Aboriginal and Torres Strait Islander children in care's disconnection from family, culture and community. Community sector organisations have reiterated the need for structural reforms to improve support for Aboriginal and Torres Strait Islander kinship carers, including streamlined approval processes, increased housing support and greater financial assistance.

The Aboriginal Carer Service Program is designed to support Aboriginal and Torres Strait Islander children in OOHC by ensuring they are placed with culturally appropriate foster, family and kinship carers. The program works to identify, assess and provide ongoing support to Aboriginal and Torres Strait Islander carers, helping maintain children's connections to family, culture and community. However, to maximise its impact, the program must build on its pilot initiative, expand access across the NT and address barriers such as resourcing and administrative challenges that limit its growth and effectiveness.

These proposed reforms align with long-standing recommendations from Aboriginal-led organisations advocating for a child protection system that prioritises culturally safe placements and family preservation. The OCC notes that the NT Government's reliance on high-cost purchased home-based care continues to grow, despite commitments to phase these arrangements out. Purchased home-based care providers are contracted to provide care where kinship or foster placements cannot be identified.

The NT Government's roadmap for OOHC reform, *Transforming Out-of-home Care in the Northern Territory*, focuses on delivering a system that prioritises and increases Aboriginal and Torres Strait Islander family/kin and foster carers and phasing out purchased home-based care by December 2021 (NT Government, 2019). The 2023–24 Northern Territory Government budget allocation for purchased home-based care was \$35.15 million compared to \$5.86 million for kinship care services and \$10.82 million for foster care services (NT Government, 2023). During 2023-24, there was an underspend of \$6.9 million in foster and kinship care as reported by the NT Government (NT Government, 2024). The OCC recommends redirecting resources to strengthen Aboriginal and Torres Strait Islander-led kinship care arrangements and phase out purchased home-based care, which better aligns with the Child Placement Principle (OCC, 2024).

In 2022-23, the DCF's Aboriginal Carer Services program, which is delivered by seven ACCOs throughout the NT, supported 87 Aboriginal and Torres Strait Islander kinship carers to care for 58 Aboriginal children (DCF, 2024). This program supports the Placement element of the Child Placement Principle, being part of broader efforts to increase placements with Aboriginal and Torres Strait Islander carers.

In May 2023, as part of the 2023-24 NT Government Budget, the DCF introduced a range of key performance indicators for children and families' outputs, including a measure on the proportion of Aboriginal and Torres Strait Islander children placed with an Aboriginal and Torres Strait Islander carer. The target for 2023-24 is set at above 35 per cent (DCF, 2024). These efforts are guided by the commitments in the 10-Year Generational Strategy for Children and Families in the Northern Territory, which focuses on improving placement stability and reducing reliance on non-relative care. However, it is doubtful whether current investment levels and program structures will be sufficient to meet these targets and effectively support Aboriginal and Torres Strait Islander kinship carers.

Participation

Any child entering OOHC, along with their families, must be actively involved in decisions concerning their care. For Aboriginal and Torres Strait Islander children, young people and their families, meaningful participation is not just beneficial—it is essential to ensuring agency in DCF processes. Historically, departmental systems have marginalised Aboriginal and Torres Strait Islander voices, making decisions without their input. Genuine participation empowers children and families to exercise agency over their own lives, shaping decisions that reflect their needs, aspirations and cultural identity. Prioritising their involvement strengthens culturally informed decision-making and ensures that child protection practices uphold their right to be heard and respected.

Community stakeholders report that Aboriginal and Torres Strait Islander families in the NT continue to experience limited voice in key child protection decision-making processes, with participation often restricted to consultation rather than genuine co-design or shared authority (NT Community Sector, 2024). While the NT Government has committed to improving participation through the NT Government's Closing the Gap Implementation Plan 2023–2024 and the Generational Strategy, there are ongoing concerns about how these commitments translate into practice and a lack of reporting on progress. Consequently, Aboriginal and Torres Strait Islander organisations in the NT have continued to highlight the need for structural reforms that embed Aboriginal-led decision-making frameworks and strengthen the role of Aboriginal and Torres Strait Islander leadership across the system (NT Community Sector, 2024).

The Participation element of the Child Placement Principle is reflected in the *Care and Protection of Children Act 2007* (NT), reflecting a commitment to ensuring Aboriginal and Torres Strait Islander children and families are involved in decisions affecting them. However, despite this legislative inclusion, stakeholders report that participation remains inconsistent and largely government-led rather than done in genuine partnership with families. The OCC notes that while legislative requirements mandate Aboriginal and Torres Strait Islander family and community participation in decisions, the absence of independent facilitators limits genuine engagement, and there is no clear policy or internal guidance for the child protection workforce or mechanisms like AFLDM to implement it effectively (OCC, 2025). Practical tools, defined responsibilities and court obligations must be developed to ensure this right is upheld in practice. This gap hinders culturally safe participation and reinforces systemic inequities within the child protection system (OCC, 2024). The community sector has repeatedly called for greater investment in Aboriginal-led governance structures and mechanisms for shared decision-making to ensure Aboriginal and Torres Strait Islander families have meaningful authority over child protection decisions.

Aboriginal Family-Led Decision-Making

Empowering Aboriginal and Torres Strait Islander communities through formal Aboriginal Family-Led Decision-Making (AFLDM) processes and culturally informed frameworks is essential to achieving equitable and effective outcomes for children and families (NT Community Sector, 2024). However, there remain no legislatively mandated AFLDM processes in the NT to support the active participation of children and their families in child protection decision-making. The NT community sector has also consistently called for formal AFLDM processes, which prioritise culturally safe, kinship-based approaches to decision-making.

The Gulkmaram ga Yätj Raki'mala ga Dhä-manapan ga Latjunny Raki (Decolonising Child Protection: Severing Unhealthy Ties and Restoring Secure Attachments) report, produced by the Aboriginal Resources and

Development Service (ARDS) Aboriginal Corporation in East Arnhem Land, highlights the transformative potential of AFLDM in the NT. ARDS has pioneered culturally safe, kinship-based approaches that prioritise Yolŋu systems of law (*gurrutu*) and decision-making, emphasising the need for shared authority with government agencies (Dale et al, 2024) . This work demonstrates the success of AFLDM processes that are led by Aboriginal and Torres Strait Islander organisations and communities and deeply rooted in cultural values, yet it remains largely unrecognised and unsupported by the NT Government (NT Community Sector, 2024).

The DCF employs Aboriginal and Torres Strait Islander Practice Leaders and Aboriginal and Torres Strait Islander Community Workers to support culturally safe decision-making processes. The OCC notes that NT Government-employed Aboriginal and Torres Strait Islander Community Workers and Aboriginal and Torres Strait Islander Practice Leaders are valued and play critical roles in the child protection system, however, it is unreasonable to expect families to perceive these staff to be independent, given they are employed by a statutory agency (OCC, 2024).

The DCF has committed to aligning its practices with the *Aboriginal Cultural Security Framework* and uses the *Signs of Safety practice framework* to collaboratively address safety concerns with families (DCF, 2024). These frameworks are further supported by legislative changes, such as the amendments to the *Care and Protection of Children Act 2007* (NT), which emphasise the importance of culturally responsive practices and information sharing to ensure child safety and family wellbeing. Additionally, the DCF has integrated the *Child Wellbeing and Safety Partnership Framework* into its operations, prioritising place-based, culturally informed strategies. The Generational Strategy also emphasises the importance of including young people's voices in decision-making, with ongoing partnerships to establish youth-led mechanisms (DCF, 2024). Noting that Aboriginal and Torres Strait Islander stakeholders have expressed concerns with these reforms and frameworks, strengthening Aboriginal and Torres Strait Islander oversight and ensuring culturally informed safety measures are critical to effective implementation.

Connection

To ensure that Aboriginal and Torres Strait Islander children in OOHC do not experience the profound loss of identity and disconnection from family, community and culture that characterised the Stolen Generations, it is essential to actively support them in maintaining and re-establishing these vital connections. Connection is not just a principle—it is a fundamental right that safeguards children's sense of belonging, identity and wellbeing.

Protecting children's rights to cultural connection requires:

- the development, resourcing and implementation of cultural care plans for every child,
- carers making and being held accountable for their commitment to maintaining cultural connections,
- regular review and updating of cultural care arrangements to ensure an enduring commitment to connection,
- early consideration of reunification, with culturally safe supports in place to facilitate reconnection where possible,
- ongoing review and advancement of reunification and reconnection options to strengthen ties with family and community, and
- decisions about permanency of care being made in ways that do not sever the potential for future cultural connections.

Prioritising connection ensures that Aboriginal and Torres Strait Islander children grow up with a strong sense of identity, belonging and cultural continuity, shaping their futures in ways that honour their heritage and community ties.

Reunifications

In 2022-23, 5.2% of Aboriginal and Torres Strait Islander children were reunified from OOHC in the NT, representing a continuing decrease from rates of 6.6% in 2021-22 and 7.7% in 2020-21 (AIHW 2024b, Table 10.15). Comparably, 7.2% of non-Indigenous children were reunified from OOHC in 2022-23 (AIHW 2024b, Table 10.15).

Table 7 – Proportion of children in OOHC who were reunified (including long-term guardianship orders) in the NT, 2020-21 to 2022-23 (%)

	2020-21	2021-22	2022-23
Aboriginal and Torres Strait Islander children	7.7	6.6	5.2
Non-Indigenous children	8.5	17.5	7.2

Source: AIHW 2024b, table 10.15.

Children reunified with their families from OOHC occasionally return to care, but this is not the case for most children. Whether or not a child returns to OOHC is significant because it is a potential indicator of whether the supports provided to the family have been effective for the family in the long term. AIHW reports this data by whether a child returned to OOHC within 12 months after exiting to reunification, excluding those aged 17 who will transition out of care within 12 months and will no longer be in scope for OOHC (AIHW, 2024b). Unlike other jurisdictions, the NT does not report this data. Nationally, 83.7% of Aboriginal and Torres Strait Islander children who had been reunified in 2021-22 did not return to care within 12 months.

Use of Long-Term and Permanent Care Orders

Children on long-term guardianship custody orders (GCOs) and third-party parental responsibility orders (TPPROs)⁶ are considered unsuitable for reunification, due to the fact that they are on orders that typically last until they are 18 years old—reflecting policymakers' desire for permanent outcomes.

However, children on long-term orders have often progressed to long-term care as a result of:

- inadequate efforts to prioritise reunification or even connection with their families,
- insufficient support for families to address the barriers to providing safe care for their children, and
- policies that limit reunification due to short and unreasonable legislative or policy-imposed timeframes (SNAICC 2024).

Nationally, 73.3% of Aboriginal and Torres Strait Islander children in OOHC at 30 June 2023 were on long-term GCOs and TPPROs (AIHW 2024c, Table S4.10). In the NT, this figure was 66.7% (AIHW, 2024c), which is slightly below the national average. This means the majority of Aboriginal and Torres Strait Islander children in OOHC are on orders that do not prioritise reunification. The high number of these orders indicates a systemic drive towards long-term and permanent care orders for Aboriginal and Torres Strait Islander children in predominantly non-Indigenous placements, over and above supporting successful and sustainable reunification.

The DCF reported that there were no Aboriginal and Torres Strait Islander children adopted from OOHC in 2022-23.

Cultural support plans

For Aboriginal and Torres Strait Islander children in OOHC, maintaining connections to family, community, and culture is vital. However, a significant number of children in the NT lack cultural support plans (CSPs), reflecting systemic failures in preserving and building these essential ties (NT Community Sector, 2024). The NT community sector continues to call for robust measures to ensure every Aboriginal and Torres Strait Islander child in care has a comprehensive CSP, with active efforts to maintain connections to family, language and culture (NT Community Sector, 2024).

Launched in 2021, the DCF's Family and Foster Carer Training Program includes modules designed to support family and foster carers to support Aboriginal and Torres Strait Islander children in care to maintain connections to culture, family and community. The program includes modules on cultural identity, trauma-informed care and strategies for keeping children connected to their families and communities. However, there is limited publicly available evaluation on the effectiveness of these strategies (DCF, 2024). While the training aims to increase cultural awareness among carers, it cannot directly address the declining proportion of Aboriginal and Torres Strait Islander children placed with Aboriginal and Torres Strait Islander carers. Practical supports must be strengthened, including expanding the Aboriginal Carer Program, improving Cultural Support Planning and increasing access to online resources. Additional initiatives should focus on return to country programs, language learning opportunities and greater engagement in cultural activities to ensure strong connections to identity and community.

⁶ In this review, we adopt the nationally standard terms long-term Guardianship Custody Orders (GCOs) and Third-Party Parental Responsibility Orders (TPPROs) to refer to Care and Protection Orders under Part 4 of the Children and Community Services Act 2004 (WA).

The DCF also operates under the Aboriginal Cultural Security Framework, which is overseen by an Elder in Residence and supported by the Aboriginal Cultural Security Advisory Committee. As part of this framework, the Elder in Residence leads the Aboriginal Science Program, which introduces Aboriginal and Torres Strait Islander children in care to cultural knowledge through an Aboriginal and Torres Strait Islander perspective on science, storytelling and ancestral connections (DCF, 2024). While these initiatives provide culturally relevant learning opportunities, it is unclear how many children in care have access to these programs or whether they effectively address cultural disconnection for children placed with non-Indigenous carers (NT Community Sector, 2024).

Care leavers

Amendments to the *Care and Protection of Children Act 2007 (NT)*, which commenced on 1 February 2022, represent a significant legislative change aimed at supporting young people transitioning out of care. These legislative changes aim to improve outcomes for care leavers by ensuring continued support during their transition to independence (DCF, 2024). Specifically, the amendments entitle young people leaving care at age 18 to assistance from the DCF for their living and support arrangements, including accommodation support, until age 22. Implementation of this amendment includes programs such as the Moving On Program, delivered by Anglicare NT, which provides case management and access to the Transition to Independent Living Allowance.

The OCC emphasises the importance of leaving care plans to support Aboriginal and Torres Strait Islander children transitioning to independence. Robust leaving care plans can support Aboriginal and Torres Strait Islander children to maintain or build positive connections with culture, family and community as they transition from care. However, the DCF's inability to produce data on these plans due to changes in their data systems undermines oversight of and accountability for their development. Complaints to the OCC and community consultations indicate this is a growing area of concern for young people leaving care, the vast majority of whom are Aboriginal and Torres Strait Islander (OCC, 2024). The OCC has called for improved transparency and tracking of cultural and leaving care plans to ensure young people are adequately supported (OCC, 2024). In these plans, reunification should remain a priority wherever possible, with a focus on preserving cultural and familial bonds (NT Community Sector 2024; OCC, 2024).

The *Care and Protection of Children Act 2007 (NT)* mandates that all young people leaving care must have an established Care Plan, particularly those aged 15 years and older. This plan must outline their needs and the necessary actions to support their transition to independent living, including preparation for leaving care, assistance and skill development. Collaborative planning should begin at age 15, involving the young person, their family, carers and other significant individuals to ensure their views are considered. Despite these requirements, compliance remains inadequate. In 2023-24, 56% of young people aged 15-17 in OOHC lacked a Care Plan, highlighting systemic gaps in transition planning (OCC, 2025).

Conclusion

In examining the progress of the NT Government towards implementing the full intent of the Aboriginal and Torres Strait Islander Child Placement Principle, this review has found that overall significant reforms are still needed, along with sustained increases in investment in the ACCO sector. This is due to the ongoing disproportionate over-representation of Aboriginal and Torres Strait Islander children in the NT's OOHC system.

The *Royal Commission into the Protection and Detention of Children in the NT* recommended much needed reforms for the sector. However, the NT Government has not gone far enough in implementing the recommendations of these through the *10-Year Generational Strategy*, contrary to the active implementation of the Child Placement Principle.

Rather, the NT Government's proposed amendments to the *Care and Protection of Children Act 2007* (NT), to allow for courts and the DCF to exercise greater discretion to ignore the Child Placement Principle, raise significant concerns about the NT Government's commitment to both the Child Placement Principle and to reducing the rate of Aboriginal and Torres Strait Islander children in OOHC. If implemented, these legislative amendments would represent a significant backwards step towards addressing over-representation.

The continued over-representation of Aboriginal and Torres Strait Islander children in OOHC in the NT urgently requires more investment in early and preventative supports delivered by ACCOs, enabling culturally responsive mitigation of the socio-economic drivers that increase the likelihood of contact with the child protection system, in line with the Prevention element. The NT Government's lack of support for a dedicated Aboriginal and Torres Strait Islander children's commission severely restricts the fulfilment of the Partnership element. Greater commitment to independent Aboriginal leadership and oversight is critically needed, enabling system accountability.

The number of Aboriginal and Torres Strait Islander children in OOHC being placed with relatives/kin is severely below the national average and indicates that the Placement principle is not being successfully implemented. The successful implementation of the Participation element must be further enabled through the extension of ACCO-led AFLDM programs, which require immediate expansion and long-term funding. Greater investment in ACCO-led reunification and cultural support programs is also desperately needed to ensure fulfilment of the Connection element.

This review welcomes reforms through strategies such as the Tripartite Partnership Forum, the Child Wellbeing and Safety Partnership Framework, and the DCF Aboriginal Cultural Security Framework. This review hopes that moving forward, programs such as these are expanded and further developed under the leadership of the NT ACCO sector and Aboriginal communities.

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