

MEDIA STATEMENT

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Proposed child protection changes risk weakening protections for Aboriginal children in the Northern Territory

The Aboriginal Medical Services Alliance Northern Territory (AMSANT) has expressed serious concern over proposed changes to the *Care and Protection of Children Act* that would weaken the Aboriginal Child Placement Principle in the Northern Territory.

AMSANT said the tragic death of Kumanjayi Little Baby in Central Australia has deeply affected communities across the Territory but should not trigger legislative changes that weaken safeguards designed to keep children connected to kin, culture and Country, particularly where the circumstances of the case did not involve the Aboriginal Child Placement Principle.

“This is an incredibly distressing time for communities, and our thoughts are with the child’s family, community and all those affected,” AMSANT Chair Rob McPhee said.

“But no child’s death should be politicised to weaken protections for Aboriginal children or reduce their rights.”

The proposed amendments would introduce a new “special or exceptional circumstances” exemption allowing courts to override the Aboriginal Child Placement Principle. AMSANT said no equivalent exemption exists in other Australian jurisdictions and warned the changes risk discriminatory impacts on Aboriginal children in the NT.

“The Aboriginal Child Placement Principle exists because history has shown the devastating harm caused when Aboriginal children are disconnected from family, culture and community,” Mr McPhee said.

“These protections are not symbolic — they are a recognition that connection to kin, culture and Country is fundamental to a child’s wellbeing and identity.”

Aboriginal children in the NT are over-represented in out-of-home care at 11.2 times the rate of non-Indigenous children. “The evidence does not show a system overly constrained by the Placement Principle,” Mr McPhee said.

“If anything, the data suggests the principle is already not being properly implemented or adequately supported. The proposed amendments are certainly not supported by evidence that the Aboriginal Child Placement Principle is preventing children from being kept safe.”

AMSANT said successive coronial findings and the 2017 Royal Commission into the Protection and Detention of Children in the Northern Territory highlighted the need for stronger early intervention, Aboriginal-led decision-making and better support for kinship care — recommendations that remain only partially implemented.

“The answer is not to weaken protections for Aboriginal children,” Mr McPhee said.

“The answer is to properly resource and support families, kinship carers and Aboriginal community-controlled organisations so children can remain safe, connected and supported.”

AMSANT also raised concerns about the lack of consultation surrounding the proposed reforms, noting concerns already expressed publicly by the Office of the Children’s Commissioner, legal services and Aboriginal community-controlled organisations.

“These are major legislative changes with lifelong consequences for Aboriginal children and families,” Mr McPhee said.

“They should not be rushed through Parliament without proper consultation with Aboriginal communities, legal experts and the organisations working with families every day.”

AMSANT said any reforms to child protection laws must remain grounded in the best interests of the child, informed by evidence, and aligned with Closing the Gap commitments to reduce the over-representation of Aboriginal children in out-of-home care.

“We all want children to be safe,” Mr McPhee said. “Safety should never be used as a reason to remove rights, weaken protections or walk away from the lessons of the past.”

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