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

RACP submission – May 2026

About The Royal Australasian College of Physicians (RACP)

The RACP trains, educates and advocates on behalf of over 24,300 physicians and 9,200 trainee physicians, across Australia and Aotearoa New Zealand.

The RACP represents a broad range of medical specialties including general medicine, paediatrics and child health, neurology, public health medicine, and addiction medicine.

Beyond the drive for medical excellence, the RACP is committed to developing health policies which bring vital improvements to the wellbeing of patients, the medical profession and the community.

We acknowledge and pay respect to the Traditional Custodians and Elders – past, present and emerging – of the lands and waters on which RACP members and staff live, learn and work. The RACP acknowledges Māori as tangata whenua and Te Tiriti o Waitangi partners in Aotearoa New Zealand.

Executive Summary

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to provide this submission on the *Care and Protection of Children Legislation Amendments (Every Child Matters) Bill 2026*.

The RACP supports legislative reform that strengthens the safety, health, wellbeing, and rights of children and young people in the Northern Territory.

Protecting Aboriginal and Torres Strait Islander children requires more than legislative authority; it requires trust, partnership, cultural respect, community-led solutions, and sustained investment in prevention, early intervention, and culturally safe support services.

Meaningful participation is essential to culturally safe practice, long-term wellbeing, and trust in statutory systems, and is a core requirement of the Aboriginal and Torres Strait Islander Child Placement Principles. The RACP recognises the integral role of the Secretariat of National Aboriginal and Islander Children Care (SNAICC) as the national peak body for Aboriginal and Torres Strait Islander children, and the importance of its leadership in shaping culturally safe and rights-based child protection policy.

The RACP is **concerned that several proposed amendments** to the *Care and Protection of Children Act 2007*, particularly those relating Section 12C(2)(a), **will weaken existing safeguards** that ensure Aboriginal and Torres Strait Islander children, families, kinship networks, and communities are meaningfully involved in decisions affecting children.

As the **leading medical college representing paediatricians, adolescent and young adult medicine physicians, public health physicians, and other specialist physicians** across Australia, the RACP recognises that child protection is fundamentally a health issue, as well as a legal and social one.

The RACP is **concerned that the proposed changes would remove the rights for Aboriginal and Torres Strait Islander children and their family members to participate, or be supported to participate, in administrative or judicial processes** involving significant decisions about the child.

Replacing rights with **only opportunities to participate and identify others who should participate in these processes offers very significant risks of exclusion of Aboriginal and Torres Strait Islander families and communities from decision-making**. It is unclear what such opportunities would look like. What are realistic and meaningful opportunities will vary widely across different contexts. Without further clarity and guidance on what these opportunities look like across a range of situations, there is significant potential for inconsistent and inappropriate decision-making on whether proper opportunities have been offered. Accordingly rights to self-determination, as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), could be undermined.

The RACP emphasises that **reforms to the child protection system must prioritise child wellbeing through prevention, early intervention, culturally safe healthcare, trauma-informed practice, and Aboriginal and Torres Strait Islander self-determination.**

Children and young people involved with care and protection systems experience **significantly higher rates of developmental delay, disability, neurodevelopmental conditions, mental illness, substance use concerns, exposure to violence and trauma, educational disruption, chronic health conditions, and housing instability**.

These overlapping and compounding vulnerabilities mean that **children in the child protection system require coordinated, trauma-informed, culturally safe, and developmentally appropriate health care and continued support**. Without such integrated responses, the health and developmental inequities faced by these children are likely to deepen over time.

This position is consistent with the RACP's Health Care of Children in Care and Protection Services - Australia position statement, which emphasises the centrality of cultural identity, continuity of care, and Aboriginal self-determination in achieving positive health and developmental outcomes.

The RACP supports a child protection framework that:

- **Ensures the best interests, rights, health, and developmental needs of children are paramount** in all decisions.
- **Embeds Aboriginal and Torres Strait Islander self-determination** as a core principle in improving outcomes for Aboriginal and Torres Strait Islander children and families.
- **Guarantees meaningful participation of families**, kinship networks, and communities in all decision-making processes, not merely 'opportunities' which could be interpreted in a wide range of potentially inconsistent ways.
- **Prioritises prevention and therapeutic intervention** over crisis-driven responses.
- **Requires trauma-informed, culturally safe, and evidence-informed practice** across all components of the child protection system.
- **Provides timely access** to comprehensive health, developmental, and psychosocial care for all children involved with the system.

The RACP acknowledges the Northern Territory Government's stated intention to improve child safety and streamline decision-making processes. However, **legislative reform must not diminish the existing rights of Aboriginal and Torres Strait Islander families, kinship groups, and communities to participate in decisions affecting children**.

RACP Position on Every Child Matters Bill 2026

For the purposes of this submission, the terms "*children and young people"* are used to refer to all individuals under the age of 18, consistent with the definitions set out in the Northern Territory Care and Protection of Children Act 2007 and the United Nations Convention on the Rights of the Child.

The RACP **supports the intent of improving outcomes for vulnerable children and young people.** However, the Bill should be strengthened to ensure it does not inadvertently heighten the risk of:

- Cultural disconnection and loss of identity for Aboriginal and Torres Strait Islander children.
- Intergenerational trauma associated with removal from family and community.
- Reduced trust in government, health, and child protection systems.

- Increased involvement of children in youth justice and detention systems.
- Poor long-term physical and mental health outcomes.

The RACP emphasises that **legislative authority alone cannot improve child wellbeing**. Meaningful reform depends on the sustained investment in early intervention and prevention, strong Aboriginal and Torres Strait Islander community-controlled organisations, and trauma-informed, culturally safe care, that is supported by the broader social determinants of health.

To be effective, the **child protection system must be able to provide comprehensive health and developmental care,** and be supported by a capable regional, and remote workforce, ensuring that children and families receive coordinated, culturally safe support, wherever they live.

Limiting Right to Participation Risks Undermining Cultural Safety and Child Wellbeing – proposed section 12C(2)(a)

The RACP has significant concerns regarding the proposed Section 12C(2)(a) of the Bill.

The RACP believes limiting or narrowing participation rights for parents, siblings, grandparents, Elders, kinship groups, and Aboriginal and Torres Strait Islander community representatives **may undermine culturally safe decision-making and contribute to poorer outcomes** for Aboriginal and Torres Strait Islander children. Several elements of the Bill offer **risks of inconsistency with Australia's obligations under the United Nations Convention on the Rights of the Child**. These include

- the right of every child to preserve their identity, family relations, and cultural belonging (Article 8).
- the rights of Indigenous children to enjoy and practice their cultural and language (Article 30).
- the obligation to ensure continuity of upbringing and respect for a child's cultural, linguistic, and religious background when they are placed in care (Article 20(3)).

Any reform that diminishes family participation or weakens cultural connection risks contravening these fundamental rights.

The RACP submits that **participation by Aboriginal and Torres Strait Islander families and communities is not merely procedural; it is a protective factor** that supports:

- Cultural identity and belonging.
- Emotional and psychological wellbeing.
- Continuity of family and kinship relationships.
- Trust and engagement with services.
- Long-term social and health outcomes.
- Child-centred and culturally informed decision-making.

The exclusion or reduction of participation rights risks perpetuating the historical harms associated with forced child removal policies and may **exacerbate**:

- Trauma and psychological distress.
- Cultural dislocation.
- Loss of connection to language, Country, and community.
- Distrust of child protection and healthcare systems.
- Poor mental health outcomes.

- Intergenerational disadvantage.

To uphold children's rights and wellbeing, the RACP considers it **essential that all significant decisions involving Aboriginal and Torres Strait Islander children include genuine and meaningful involvement of Aboriginal community-controlled organisations, active consultation with kinship network and Elders, and access to independent Aboriginal and Torres Strait Islander cultural advice**, supported by transparent review processes and careful consideration of health, developmental; and cultural impacts. New section 12C should strengthen, not weaken, these safeguards for participation and accountability.

The RACP submits that **the Bill should recognise child protection as a major public health issue** requiring coordinated responses across health, education, housing, disability, and social service systems. The RACP recommends the bill require:

- Comprehensive health and developmental assessments for all children entering care.
- Ongoing paediatric, developmental, and mental health reviews.
- Shared health management plans across placements.
- Timely referral pathways to specialist services.
- Data collection and public reporting on child health outcomes.
- Integration between child protection and health systems.

Aboriginal and Torres Strait Islander Children

Aboriginal and Torres Strait Islander children are significantly over-represented in the Northern Territory child protection system. The RACP recognises that this over-representation reflects the ongoing impacts of colonisation, systemic racism, intergenerational trauma, poverty, housing insecurity, inadequate access to healthcare, and broader structural inequities.

The RACP strongly supports full implementation and strengthening of the Aboriginal and Torres Strait Islander Child Placement Principles, including its core elements of "*Prevention, Partnership, Participation, Placement and Connection".*

The RACP considers it **essential for child protection systems to remain safely connected to family, culture, language, and Country** wherever possible. The RACP recommends that the Bill strengthen:

- Shared decision-making with Aboriginal and Torres Strait Islander families, Elders, and communities.
- Investment in Aboriginal community-controlled health and family support services.
- Culturally safe and trauma-informed service delivery.
- Aboriginal and Torres Strait Islander leadership and oversight in child protection systems.
- Access to culturally appropriate healthcare and therapeutic services.
- Prevention-focused initiatives addressing the social determinants of health.

The RACP emphasises that **continuity of health care is critical** to reducing long-term harm and improving developmental outcomes.

The RACP also recommends that the Northern Territory Government **establish a Northern Territory Aboriginal and Torres Strait Islander Child Protection Expert Taskforce** to provide ongoing oversight, accountability, and culturally informed advice regarding implementation of the legislation.

Youth Appropriate and Trauma Informed Care

The RACP **strongly supports embedding trauma informed and youth appropriate approaches throughout the care and protection system.** Children and young people involved with child protection systems frequently experience complex trauma and require developmentally appropriate, multidisciplinary care. Trauma informed systems recognise the impacts of abuse, neglect, violence, racism, family separation, and institutional harm on child development and behaviour.

The RACP recommends that the Bill:

- Require trauma-informed approaches across all child protection services.
- Guarantee access to adolescent medicine, mental health, alcohol and other drug, disability, and sexual health services.
- Support children and young people to participate meaningfully in decisions affecting them.
- Ensure continuity of care during placement changes and transitions from care.
- Expand therapeutic family support and early intervention programs.

The RACP emphasises the **importance of culturally safe and developmentally appropriate communication** with children and young people throughout all legal and administrative processes.

Children and Young People in Out-of-Home Care

Children and young people in **out-of-home care experience significantly poorer health outcomes** than their peers. The RACP recommends that the Bill strengthen obligations relating to:

- Initial and ongoing comprehensive health assessments.
- Mental health screening and support.
- Disability identification and access to supports.
- Oral health and developmental care.
- Educational continuity.
- Information sharing between health and protection systems.
- Stability of placements and therapeutic care models.

The RACP also **supports improved accountability** through regular public reporting on health and wellbeing outcomes for children in care.

Workforce Capability and System Capacity

The Northern Territory faces **significant shortages in paediatric, adolescent medicine, mental health, allied health, disability, and community service workforces**, particularly in regional and remote areas. The RACP recommends that the Northern Territory Government:

- Invest in regional, rural, and remote child health workforces.
- Expand Aboriginal and Torres Strait Islander health workforces.
- Strengthen Aboriginal Community-Controlled Health Organisations and multidisciplinary service coordination.
- Mandate appropriate cultural safety, anti-racism, and trauma-informed training.
- Provide stable long-term funding for prevention and early intervention services.

- Establish measurable implementation measures and independent oversight mechanisms.

The RACP further **recommends co-design of implementation processes** with Aboriginal and Torres Strait Islander organisations, clinicians, carers, families, and children.

Closing Comments

The RACP **supports reforms that strengthen child safety, health, and wellbeing** in the Northern Territory. However, the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* must retain strong safeguards that uphold the participation rights of Aboriginal and Torres Strait Islander families, kinship groups, and communities in all decisions affecting Aboriginal and Torres Strait Islander children.

The RACP urges the Northern Territory Government to strengthen the Bill to ensure that reforms genuinely improve outcomes for children while respecting the rights, voices, and cultural connections of Aboriginal and Torres Strait Islander children, families, and communities.

We welcome the Northern Territory Government's consideration of our recommendations and look forward to working together to achieve improvements for Aboriginal and Torres Strait Islander children and their families.

If you require further information or would like to engage with us, please contact Jivani Murugan, Policy and Advocacy Officer, via the RACP Policy and Advocacy team policy@racp.edu.au.