



North Australian Aboriginal Justice Agency

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Independent Aboriginal and Torres Strait Islander led review of the national agreement on closing the gap

The North Australian Aboriginal Justice Agency (NAAJA) provides high quality, culturally appropriate legal advice, representation and justice related services to Aboriginal people throughout the Northern Territory. For over 52 years NAAJA has played a leading role in policy and law reform in areas affecting Aboriginal peoples' legal rights and access to justice.

NAAJA fully supports the submission from Aboriginal Peak Organisations NT (APO NT) and provides this additional response with a specific focus on the justice system. As a member of APO NT, NAAJA contributed to their comprehensive submission, which addresses each of the four priority reforms under the national agreement on closing the gap (the National Agreement) in detail. This submission should be read alongside APO NT's submission.

NAAJA's submission

In line with the terms of reference for the review, NAAJA's submission draws on NAAJA's experience as a legal aid service provider engaged in the implementation of the National Agreement through formal partnerships and advocacy in the Northern Territory. It provides evidence of the extent to which shared decision making has occurred in the Northern Territory, the level of alignment between the National Agreement's intended 'new approach' and the reality on the ground, and the impact this has had on justice and child protection outcomes.

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This submission focuses on priority reform one: formal partnerships and shared decision making, and priority reform three: transforming government organisations. It also addresses justice and child protection targets (targets 10, 11 and 12).

While we acknowledge that some steps have been taken to develop formal partnerships, the lived experience of Aboriginal people in the Northern Territory and NAAJA highlights a persistent failure to share power or transform government systems in the justice sector. This is undermining progress on the National Agreement.

Since the election of the current Northern Territory Government in August 2024, these failures have intensified. The insights, concerns and expertise of Aboriginal community controlled organisations (ACCOs) are not reflected in policy or legislative decisions. This exclusion is evident in the worsening over-representation of Aboriginal young people and adults in the justice system.

Key themes

The key themes from NAAJA's experience are:

- Current structures do not enable shared decision making in the justice system
- Government systems have not transformed to support partnerships
- The failure to implement the 'new approach' is worsening justice and child protection outcomes.

1. Current structures do not enable shared decision making in the justice system

Priority reform one of the National Agreement commits governments to work in formal partnerships and share decision making with ACCOs and Aboriginal communities. Despite these commitments, NAAJA continues to be excluded from meaningful engagement in justice reforms. Major legislative and policy reforms are regularly introduced with no prior engagement or collaboration, even when the consequences for Aboriginal people are significant and well known.

Since October 2024, the Northern Territory Government has introduced a suite of punitive justice reforms including the:

- Sentencing Amendment Bill 2024
- Criminal Code Amendment Bill 2024
- Bail Legislation Amendment Bill 2024
- Police Administration Amendment Bill 2024
- Correctional Services Legislation Amendment Bill 2025
- Police Administration Legislation Amendment Bill 2025
- Attorney-General Legislation Amendment Bill 2025
- Domestic and Family Violence and Victims Legislation Amendment Bill 2025
- Bail and Youth Justice Legislation Amendment Bill 2025.

NAAJA was not consulted on any of these reforms and some bills, such as the Bail and Youth Justice Legislation Amendment Bill 2025, were only released to members of Parliament minutes before being introduced into Parliament and no public consultation or public inquiry process was conducted. In some instances, such as the Domestic and Family Violence and Victims Legislation Amendment Bill 2025, a Parliamentary inquiry was held but despite 100 per cent of written submissions opposing mandatory sentencing for certain offences the inquiry adopted and recommended mandatory sentencing. None of the legislative reforms were conducted in consultation with the Northern Territory justice policy partnership (NTJPP), the only formal justice-specific partnership in the Northern Territory.

CASE STUDY: NORTHERN TERRITORY JUSTICE POLICY PARTNERSHIP (NTJPP)

The national justice policy partnership (JPP) was established under priority reform one of the National Agreement. JPPs are intended to make “lasting and transformative changes which address the key drivers contributing to the overrepresentation of Aboriginal and Torres Strait Islander people in the justice system, by urgently prioritising reforms to ineffective and unjust policies, practices and legislation.”¹ The Northern Territory justice policy partnership (NTJPP) was established as the Territory’s mechanism under this national framework. Its core purpose is to progress socioeconomic targets 10 and 11 of the National Agreement.

Membership of the NTJPP includes representatives from the Northern Territory Government alongside ACCOs and independent Aboriginal leaders from across the Northern Territory with deep justice knowledge. While ACCO and independent members participate in good faith, the NTJPP has not operated as a genuine decision-making forum. Instead, it has largely functioned as a space for governments to inform members of decisions already made. This is largely because government representation is limited to department officials who are limited by Ministerial directives.

In October 2024, members learned—via media, not the forum—of the government’s bill to lower the age of criminal responsibility. ACCOs and independent members raised strong objections, wrote to Ministers urging meaningful engagement, and called for the bill to be brought to the NTJPP, in line with the forum’s purpose. The bill passed unchanged, and no response was received. Since then, the forum has not reconvened, and no further reforms have been discussed with the forum despite many being passed in Parliament. It remains unclear whether the Northern Territory Government remains committed to maintaining the NTJPP.

NAAJA believes further consideration of the structure of the NTJPP is required. The current function of the NTJPP highlights that the absence of Ministerial attendance is restricting the capability for the forum to act as a vehicle of shared decision making. Government representatives are currently limited to providing updates on decisions and acknowledging ACCOs concerns and committing to bringing these to Ministers’ attention. This is not shared decision making. At best it amounts to a platform for information sharing between government, ACCOs and Aboriginal communities.

As a co-chair, NAAJA views the NTJPP as a positive partnership, one with immense potential that has not yet been realised. If the NTJPP were operating as intended, it would provide a platform for genuine collaboration and shared decision making, enabling ACCOs and government to jointly design policies and reforms that meaningfully address the over-incarceration of Aboriginal people in the Northern Territory.

This experience is not unique to the NTJPP. The same pattern occurs in other forums, including the Children and Families Tripartite Forum. This is outlined further in APO NT’s submission. Unless ACCOs and Aboriginal communities are engaged from the outset and empowered to lead, formal partnerships will remain ineffective.

This is not simply a failure of process. It reflects a deeper systemic issue in the Northern Territory. The internal systems and behaviours of government have not shifted in line with the National Agreement. Without structural change, partnerships like the NTJPP cannot fulfil their intended role and are not contributing positively to closing the gap targets. For instance, the Productivity Commission on 13 March 2025 announced that from 2019 to 2024, the incarceration rate of Aboriginal adults in the Northern Territory actually increased by 40% to 3,334 per 100,000 adults, rather than decline.

NAAJA notes that the percentage of Aboriginal people in custody on remand now exceeds 50 per cent of total prisoner numbers, with the number of remand prisoners increasing fourfold in the last ten years. Prisons are now full of people awaiting trial and not convicted. People charged with offences before the Supreme Court are now waiting on average 461 days to have their matters tried, up from 169 days 10 years

¹ *Attorney-General’s Department (Cth), Justice Policy Partnership Strategic Framework (11 July 2024)*
<https://www.ag.gov.au/sites/default/files/2024-07/justice-policy-partnership-strategic-framework.PDF>.

ago. The average remand time in the Local Court is now 90 days. These extended remand times and delays to justice are placing pressures on the justice and corrections system and leading to bail outcomes and justice for victims that does not meet community expectations, nor the Northern Territory’s commitment to reducing incarceration rates.

The Northern Territory Government in Parliament on 30 April 2025 boasted about the increase in the number of Aboriginal people being incarcerated as consistent with its election commitment to community safety, which appears to have priority over its commitments under the National Agreement. NAAJA however remains committed to working with the Northern Territory Government through shared decision making on measures to reduce incarceration rates.

2. Government systems have not transformed to support partnership

While there have been commitments to shared decision making, the internal systems and behaviours of government have not changed in a way that enables genuine partnership. Priority reform three requires governments to become more culturally safe, accountable and capable of working with ACCOs and Aboriginal communities. These shifts are central to the new approach outlined in the National Agreement. NAAJA’s experience working with the Northern Territory Government shows that these changes have not been prioritised in the Northern Territory.

The Aboriginal justice agreement (AJA) is a clear example of how government commitments to partnership have not translated into practice. The AJA, signed in 2021 by both the former government and the current government while in opposition (see photo below), was intended to support shared leadership in justice reform and reduce incarceration.



Back row from left: Warren Jackson, Gemma Lake, Alan Cass, Deborah Di Natale, Leanne Liddle, Charlie King
Front row from left: David Woodroffe, Selina Uiibo, Lia Finocchiaro, Steven Edgington

The AJA is one of the Northern Territory Government’s key mechanisms for meeting its obligations under the National Agreement and is closely aligned with the NTJPP. Despite its promise, the current government has repeatedly introduced laws and policies that directly contradict the AJA’s goals and disproportionately harm Aboriginal people.

There are still promising examples of what the AJA can deliver when implemented genuinely, such as the establishment of law and justice groups and community courts. There are currently six officially

recognised law and justice groups in the Northern Territory. These initiatives reflect the kind of place-based, culturally responsive work the AJA was meant to support. However, progress has been slow. Despite a commitment in the AJA implementation plan to establish and support 20 law and justice groups across the Northern Territory by 2027, only six have been formally recognised to date.

These promising examples remain the exception, rather than the rule. Across most areas of government, Aboriginal voices continue to be sidelined in justice responses, and culturally safe, community-led solutions are not prioritised or funded. The following case studies highlight how these failures to implement systemic change continue to play out in practice in the Northern Territory.

CASE STUDY: CHILD PROTECTION LEGAL REPRESENTATION

In the Northern Territory, legal representation for children and young people in child protection proceedings is appointed by the court under the *Care and Protection of Children Act 2007*. These lawyers are selected from a government-approved panel of private practitioners. NAAJA, nor any other Aboriginal legal service is on this panel. As a result, Aboriginal children are most often represented by non-Aboriginal private lawyers, without access to a culturally specific legal service to represent them. There is also no requirement for these lawyers to have qualifications or experience representing children, nor any requirement for cultural competency.

This is particularly concerning given that the vast majority of children involved in the child protection system in the Northern Territory are Aboriginal.² The current approach doesn't provide the culturally safe, community-led representation these children need.

In other jurisdictions, such as New South Wales and the ACT, Aboriginal Legal Services have dedicated care and protection practices that provide culturally informed legal representation to children and young people.

The absence of culturally safe legal representation for Aboriginal children reflects a broader failure by the Northern Territory Government to shift its systems in line with priority reform three. Governments are still prioritising, and funnelling money into non-Aboriginal practitioners and services when ACCOs are willing and able to do this work. The Northern Territory Attorney-General's Department, which oversees the panel, has made no meaningful changes to ensure Aboriginal children receive culturally appropriate legal support. Until Aboriginal legal services are properly funded and included in decisions about legal representation, the system will continue to exclude Aboriginal voices and fail to meet the needs of the children and young people it is meant to support.

CASE STUDY: CLOSURE OF ALICE SPRINGS YOUTH DETENTION CENTRE

This failure of government to transform to be culturally safe, accountable and capable of genuinely working in partnership with ACCOs and Aboriginal communities is also evident in the youth justice system. A clear example is the Northern Territory Government's decision to close the Alice Springs Youth Detention Centre and transfer all young people to the Holtze Youth Detention Centre in Darwin.

NAAJA raised concerns, after the announcement was made due to the lack of any consultation, that this would disconnect young people from family, community, culture, legal representatives, and critical services such as NDIS, all of which are particularly important for the rehabilitation of Aboriginal young people.

² SNAICC, *Aboriginal Children in NT Child Protection System Least Likely to Be Placed with Aboriginal Family* (SNAICC, 12 April 2025) <https://www.snaicc.org.au/aboriginal-children-in-nt-child-protection-system-least-likely-to-be-placed-with-aboriginal-family-snaicc-in-the-news/>.

The consequences have included isolation, increased distress among young people, and significant delays in court processes and assessments due to the strain on audio visual equipment. While NAAJA understands that operational pressures exist, there has been a complete disregard for the cultural implications of a move such as this. Compounding these issues, the Department of Corrections has repeatedly cancelled its regular meeting with legal services about youth justice. This meeting is one of the few opportunities for legal services to raise concerns and seek updates directly from the Department, particularly in relation to the impacts of the transfer.

This decision, made unilaterally, reflects the Northern Territory Government's continued failure to uphold its commitments to formal partnerships and shared decision making.

3. The failure to implement the 'new approach' is worsening justice and child protection outcomes

If implemented effectively, the priority reforms under the National Agreement have the potential to make a significant difference to the experiences and outcomes of Aboriginal Territorians. However, this requires a genuine and sustained commitment from both Commonwealth and Northern Territory governments, which has not been the reality in the Northern Territory. The consequences of this are evident in the Northern Territory's worsening position on targets 10, 11 and 12. This section outlines how this lack of commitment has led to the current state of the adult and youth incarceration systems, and the child protection system.

Target 10: Reduce the rate of Aboriginal and Torres Strait Islander adults in prison by at least 15% by 2031

The Northern Territory's justice system is under immense pressure due to a significant rise in incarceration rates, which has overwhelmed already limited resources and infrastructure. While incarceration has been steadily increasing since 2020³, the past six months have seen a sharp spike in adult prisoner numbers. As of 15 April 2025, the adult prison population had reached approximately 2,792, an increase of 600 people since August 2024⁴ and a 26% increase from March 2024.⁵ Aboriginal people now make up 89% of the Northern Territory's adult prison population.⁶ This surge has resulted in an average of 40 Aboriginal people being taken into custody every day, contributing to severe overcrowding and inhumane conditions in prisons and watchhouses.

These numbers may appear small in a national context, but with a total population of just over 230,000⁷ people, and approximately 61,000 Aboriginal Territorians, the scale of incarceration in the Northern Territory represents a major crisis.⁸

This rapid increase in custodial numbers has placed enormous strain on the justice system, with access to legal advice increasingly limited across court cells, watchhouses and prisons. At Darwin Correctional Centre (DCC), the current wait time to book a legal visit is two weeks, with bookings often cancelled due to staff shortages or the frequent movement of clients between DCC and Berrimah Correctional Centre,

³ Productivity Commission, *Closing the Gap Information Repository – Dashboard* (Web Page, 2024) <https://www.pc.gov.au/closing-the-gap-data/dashboard/se/outcome-area10>.

⁴ Chief Minister of the Northern Territory, 'Crime Reduction Strategy Delivering for Territorians' (Media Release, 21 March 2025).

⁵ Australian Bureau of Statistics, *Corrective Services, Australia, March Quarter 2024* (Catalogue No 4512.0, 13 June 2024) <https://www.abs.gov.au/statistics/people/crime-and-justice/corrective-services-australia/mar-quarter-2024>.

⁶ Australian Bureau of Statistics, *Prisoners in Australia* (Catalogue No 4517.0, 19 December 2024) Table 14 <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia>.

⁷ Australian Bureau of Statistics, *Snapshot of Northern Territory* (Web Page, 28 June 2022) <https://www.abs.gov.au/articles/snapshot-nt-2021>.

⁸ Australian Bureau of Statistics, *Northern Territory: Aboriginal and Torres Strait Islander Population Summary*, Catalogue No 4708.0 (Web Page, 28 June 2022) <https://www.abs.gov.au/articles/northern-territory-aboriginal-and-torres-strait-islander-population-summary>.

with no regard for upcoming professional visits. This is compounded by the fact that there is not enough interview rooms at prisons or local courts to meet the increased demand. On Monday 14 April 2025, Darwin Local Court reached a record-high 47 people in custody. Lawyers were turned away from the cells due to a lack of interview space, meaning custody matters weren't heard before the 3.30pm court cut-off.

This crisis is not accidental. It reflects the Northern Territory Government's ongoing failure to work in genuine partnership with ACCOs, and its failure to reform systems that continue to cause harm. A recent example demonstrates how the Northern Territory Government's continued failure to engage in shared decision making is contributing to the very outcomes target 10 is meant to address.

CASE STUDY: MANDATORY SENTENCES FOR DOMESTIC VIOLENCE ORDER BREACHES

In March 2025, the Northern Territory Government announced plans to reintroduce mandatory sentencing for people who breach Domestic Violence Orders (DVOs). This policy repeals reforms made in 2022, which followed the recommendations of the Northern Territory Law Reform Committee. The Committee had found that mandatory sentencing was "unprincipled, unfair and unjust".⁹

NAAJA, along with other ACCOs, has consistently opposed the use of mandatory sentencing. There is no evidence to suggest that mandatory sentencing will reduce domestic violence or make the Northern Territory safer for victim-survivors and their families, or the wider community. Instead, it removes judicial discretion, which can lead to unjust outcomes, and disproportionately impacts Aboriginal people.

Despite these concerns, the Government introduced the Domestic and Family Violence and Victims Legislation Amendment Bill 2025 without consulting ACCOs. This is another example of unilateral decision making that ignores the advice of those working directly with affected communities. Had meaningful engagement and shared decision making occurred, the government would have heard clearly that mandatory sentencing is not a solution to the domestic violence crisis currently experienced by the Northern Territory. What is urgently needed are culturally safe, community-led responses, designed and delivered by Aboriginal people for Aboriginal people, that support both victim-survivors and people who use violence to change their behaviour.

These punitive reforms are not isolated decisions. They form part of a broader pattern in which the Northern Territory Government continues to expand police and sentencing powers, while failing to invest in supports that would keep people out of custody. At the same time as it reintroduces mandatory sentencing, the Government has left a major gap in the system by failing to fund any Aboriginal-led bail support or case management services despite tightening bail laws. Together, these decisions are driving up the number of Aboriginal people in prison and entrenching systemic disadvantage.

⁹ Northern Territory Law Reform Committee, 'Mandatory Sentencing And Community-Based Sentencing Options: Final Report, (March 2021) 37 https://justice.nt.gov.au/_data/assets/pdf_file/0007/1034638/Final-report-Mandatory-sentencing-and-community-based-sentencing-options.pdf

CASE STUDY: NO ABORIGINAL-LED BAIL SUPPORT PROGRAM IN THE NT

Despite increasingly strict bail laws under the *Bail Legislation Amendment Act 2024*, there are no Aboriginal-led organisations funded to provide adult bail support or case management in the Northern Territory. The only gazetted bail support program is run by a non-Aboriginal service and based in Darwin and Alice Springs. Based on NAAJA's experience, this service is extremely difficult to access due to high demand and long wait times. When access is granted, the level of bail support case management is often limited and may not be culturally safe due to staffing and, or capacity issues. The absence of accessible, ACCO led supports has serious consequences.

People on bail are often left without the practical support needed in community to comply with their bail conditions. Bail often includes complex requirements such as a curfew, electronic monitoring, program attendance, or drug and alcohol abstinence. Yet, there are no dedicated bail support case management services to assist people in navigating these obligations.

For example, an Aboriginal person from a remote community may be granted bail with conditions to wear an electronic monitoring device, abstain from alcohol, and attend a program in a nearby town. But if they live in overcrowded housing with no power to charge the device, no transport to reach the program, and no access to support services, compliance becomes impossible. They breach through no fault of their own, are re-arrested, and returned to custody. This occurs not because they are unwilling to comply, but because they were never provided with the support needed to succeed.

People held on remand also face systemic barriers when trying to develop a viable bail plan. In prison, there is limited access to phones, no internet, minimal support, and little contact with family or services. As a result, inmates face barriers to independently connecting with rehab programs, secure housing, or arrange transport. This critical support role often falls to lawyers, who are not case managers. Lawyers are filling this gap only because the government has not funded ACCOs to take on this responsibility. As a result, bail plans can be rushed and lack the appropriate support needed for people to succeed on bail. Without Open House, there would be no adult bail support at all. NAAJA values the role they play, but advocate for an ACCO led model for Aboriginal clients.

There have been repeated calls from ACCOs for long-term funding for Aboriginal-led bail support programs that provide case management, therapeutic services, and logistical support to help people meet their bail conditions and remain in the community. To date, the government has not acted. This failure to invest in preventative, community-led solutions is contributing directly to rising incarceration rates and worsening justice outcomes. This approach undermines target 10. Without culturally responsive, community-based programs delivered by ACCOs, the cycle of remand, breach and reoffending will continue. It also reflects a failure to implement priority reform one, as ACCOs were not involved in the design or delivery of the current bail framework. Priority reform three is similarly undermined by the continued reliance on punitive, compliance-driven approaches rather than culturally safe, strengths-based ones rooted in cultural safety, accountability and self-determination. This is a policy failure, not an individual one, and one that is widening the gap rather than closing it.

Target 11: Reduce the rate of Aboriginal and Torres Strait Islander young people in detention by at least 30% by 2031

Aboriginal young people continue to be significantly overrepresented in the Northern Territory's youth justice system, making up around 90% of those in detention. NAAJA data shows that children spend long periods on remand, on average 137 days, increasing to 197 days for those under 14. For many, charges are ultimately withdrawn, or the charges are proven, and the youth is sentenced to no penalty. Several young

people under 14 represented by NAAJA have spent over 250 days in detention, only to have all charges dropped. This means these young people are spending extended periods on remand for charges that don't even result in a good behaviour bond, let alone a custodial sentence. The Northern Territory's approach to youth justice continues to reflect a punitive mindset, with limited regard for the long-term impacts on Aboriginal young people. In 2024, the government lowered the minimum age of criminal responsibility to 10, a decision made without consultation and in direct contradiction to advice from ACCOs and legal experts. As with adult justice reforms, decisions are still being made without genuine partnership with ACCOs. This case study illustrates how the Northern Territory Government's punitive approach, lack of consultation, and failure to invest in culturally safe, community-led alternatives is playing out in practice.

CASE STUDY: GAP IN SERVICE DELIVERY FOR YOUNG PEOPLE

There is a significant gap in service delivery for young people in the youth justice system. In early 2025 the Northern Territory Government ceased funding for 'Back on Track', a key rehabilitative program for justice involved young people. Contracts for the community diversion program are also set to expire on 30 June 2025 with no announcements on the future of the program.

While government has flagged the introduction of youth boot camps and a new mandatory diversion model (a notion that goes against the premise of diversion), there is no clear timeframe for when these will begin, what they will look like, or how they will operate in practice. Legal services have not been consulted, and there is no information available about how young people's cultural safety and needs will be met under these new programs or whether these will be community-led programs. The Department of Corrections also no longer provide case management for young people on orders. Their role has been reduced to one of compliance monitoring.

Services that once provided meaningful pathways out of the justice system are being quietly dismantled. The removal of rehabilitative and therapeutic programs that provides case management signals a broader policy shift away from early intervention and evidence-based practice towards punitive models. This shift is occurring without consultation with NAAJA or transparency and in direct opposition to the National Agreement, and risks further entrenching young people in the justice system.

Without culturally safe, community-led, and properly resourced alternatives that are designed in conjunction with ACCOs and Aboriginal communities, the Northern Territory's youth justice system will continue to fail Aboriginal young people.

Target 12: Reduce the rate of Aboriginal and Torres Strait Islander children in out-of-home care by 45% by 2031

While the Northern Territory has the lowest rate of Aboriginal children in out-of-home care (OOHC) per 1,000 nationally, this metric does not paint the full picture. Despite making up only 44% of the youth population,¹⁰ 90% of those in OOHC are Aboriginal.¹¹ This is significantly higher than any other jurisdiction. The Northern Territory also has the second lowest placement of children and young people with Aboriginal kin (23.8%), and the highest placement with non-Indigenous non-relative carers (69%).¹²

¹⁰ Australian Institute of Health and Welfare, *Australia's Children* (Report, 2021) <https://www.aihw.gov.au/reports/children-youth/australias-children>.

¹¹ SNAICC, *Family Matters Report 2024* (Report, November 2024) <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>

¹² Ibid

Care and protection listings before the Local Court are also rising in the Northern Territory, climbing from 1,444 in 2021-22 to 1,749 in 2024-25.¹³

This highlights the ongoing overreach of the child protection system and reflects not only a lack of investment in Aboriginal-led family support services, but a broader failure to build genuine partnership across systems that affect families including housing, health, disability, and early childhood.

Despite commitments under priority reform 3, there has been little change to the systems and structures that shape child protection policy and practice. Power remains concentrated in government, consultation is inconsistent, and ACCOs continue to be excluded from the reform process. The result is a system that does not reflect the cultural needs or rights of Aboriginal children and families.

This failure is compounded by chronic underinvestment in Aboriginal-led solutions. Only 3.9% of child and family services funding in the Northern Territory goes to ACCOs.¹⁴ This demonstrates government-led solutions are priorities despite evidence clearly demonstrating that Aboriginal-led services deliver better outcomes for Aboriginal families.¹⁵ Without appropriate funding, ACCOs cannot meaningfully lead efforts to support families or reduce the number of children entering care.

The Northern Territory Government's handling of proposed changes to the Aboriginal and Torres Strait Islander child placement principle offers a clear example of how these systemic issues continue to play out in practice.

CASE STUDY: ABORIGINAL AND TORRES STRAIT ISLANDER CHILD PLACEMENT PRINCIPLE (ATSICPP)

In January 2025, the Northern Territory Government proposed reforms to the *Care and Protection of Children Act*, including changes that would weaken the application of the ATSICPP. These changes were announced without prior consultation with relevant ACCOs despite the reform narrowly targeting the placement of Aboriginal children and young people.

NAAJA and other legal services, then had to use resources to reactively respond to the proposals which were then halted. If consulted early, NAAJA would have had the opportunity to detail how the principle is often applied inconsistently, rather than as a genuine commitment to keeping children connected to family, culture and community.

The government's failure to properly engage with Aboriginal organisations on reforms to the ATSICPP reflects a broader disregard for shared decision making under the National Agreement. Submissions have since been invited following significant opposition to the reforms by the sector with a wider scope than the ATSICPP. This should have been the case from the beginning and would have saved the sector significant time and resources reactively opposing the reforms to prevent unnecessary harm to Aboriginal children and young people.

¹³ Local Court of the Northern Territory, *Local Court and Youth Justice Court Statistics to End of March 2025* (Report, March 2025) https://localcourt.nt.gov.au/sites/default/files/local_court_and_youth_statistics_to_end_of_march_2025_1.pdf.

¹⁴ National Family Matters Leadership Group, *Family Matters Report 2024* (Report, November 2024) <https://www.snaicc.org.au/wp-content/uploads/2024/11/241119-Family-Matters-Report-2024.pdf>.

¹⁵ Creamer, S Blair, M Toombs and CE Brolan, 'Indigenous Services Leading the Way for Aboriginal and Torres Strait Islander Children in Out-of-Home Care' (2024).

Recommendations

1. Introduce a clear accountability mechanism to ensure states and territories deliver on the National Agreement

There must be consequences when governments fail to meet their obligations under the National Agreement. A formal independent accountability mechanism should monitor whether jurisdictions are abiding by the National Agreement and taking meaningful action on the priority reforms. This should include incentives for progress.

2. Strengthen the role and function of formal partnerships

Forums like the NTJPP should operate as spaces for joint decision making rather than information sharing, with ACCOs having equal authority to shape priorities, timelines and reforms.

3. Ensure early engagement and co-design are the default

Governments should be required to engage ACCOs from the outset of any policy or legislative reform that affects Aboriginal communities, not once decisions have already been made.

4. Require governments to show how Aboriginal input has shaped outcomes

There must be transparency around how feedback from ACCOs influences final decisions. This includes clear reporting on whether and how input has been adopted.

5. Invest in Aboriginal-led solutions with long-term and secure funding

If the National Agreement is to succeed, governments must continue to shift funding and decision-making power to ACCOs. This includes properly resourcing place-based, culturally safe programs across justice and child protection.

Conclusion

The National Agreement cannot be delivered while governments continue to make decisions in isolation from the Aboriginal organisations and communities they have committed to partner with. In the Northern Territory, recent reforms have actively undermined the intent of the National Agreement, with serious consequences for justice and child protection outcomes.

Aboriginal organisations like NAAJA have the experience, capability and community understanding to genuinely partner with governments on these reforms. There is a need for a clear shift in government practice towards genuine partnership, structural reform, and accountability. Without this, the commitments set out in the National Agreement will remain unmet, and the gap will continue to widen.

Yours sincerely



Anthony Beven

Acting chief executive officer