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30 July 2026

Attorneys-General of the Commonwealth, states and territories

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Dear Attorneys-General,

Strengthening National Child Safety Frameworks and Upholding Closing the Gap Commitments for Aboriginal and Torres Strait Islander Children

The Australian Children's Commissioners, Guardians and Advocates (ACCGA) write to urge the Standing Council of Attorneys-General to provide national leadership on a range of pressing child safety issues that have significant implications for children and young people across Australia.

As independent statutory advocates charged with promoting and protecting the rights, safety and wellbeing of children and young people, we are increasingly concerned by developments across a number of jurisdictions that risk undermining nationally agreed child protection reforms, weakening safeguards for Aboriginal and Torres Strait Islander children, and creating inconsistent approaches to child safety across Australia.

At a time when all governments have committed to the National Agreement on Closing the Gap, Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031, and the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) to the standard of Active Efforts, we believe there is a pressing need for coordinated national action and national leadership. Without this action and leadership, we are concerned that outcomes for Aboriginal and Torres Strait Islander children will go backwards, and child safety issues for these children will only get worse, not better.

Protecting the Aboriginal and Torres Strait Islander Child Placement Principle

ACCGA remains deeply concerned about the Northern Territory's Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, which was passed into law on 21 July 2026.

As outlined in ACCGA's submission to the Northern Territory Legislative Assembly on the Bill, these legislative changes raise substantial concerns regarding the protection of children's rights, the adequacy of safeguards, and consistency with national reform commitments, including Safe and Supported and the National Agreement on Closing the Gap. The new legislation will likely lead to an increase in the separation of Aboriginal children from their family, community, culture and Country, as well as a further over-representation of Aboriginal children in out-of-home care. ACCGA recommended that the Bill not proceed in its current form and that meaningful consultation occur with Aboriginal and Torres Strait Islander communities and organisations informed by self-determination and contemporary evidence. ACCGA is deeply concerned that this recommendation was not implemented, and the Bill was passed by the Northern Territory Parliament.

The removal of the legal enforceability of the Aboriginal Child Placement Principle, such that it would only apply "as far as practicable", together with a greater emphasis on permanent placements, represents a significant departure from established child wellbeing frameworks and evidence-based practice. ACCGA has previously cautioned that these reforms risk shifting child protection from a holistic, culturally informed model toward a more compliance-driven framework that may result in greater disconnection of Aboriginal children from family, culture and community.

Members of the Community Service Ministers Council recently released a [joint statement](#) reaffirming their support and commitments to the Aboriginal and Torres Strait Islander Child Placement Principle with the Northern Territory and Queensland being the only jurisdictions that did not endorse the statement. It also notes that the Aboriginal and Torres Strait Islander Leadership Group, alongside a majority of Commonwealth, state and territory ministers, expressed concern that the Northern Territory reforms diminish the ATSICPP and diverge from commitments made under the Safe and Supported Partnership Agreement.

The ATSICPP is not in tension with child safety. Rather, it reflects extensive evidence demonstrating that Aboriginal and Torres Strait Islander children experience better outcomes when connections to family, culture, kinship systems and community are actively maintained. The Principle recognises that cultural connection is itself protective and that decisions affecting Aboriginal children should be made in partnership with Aboriginal families and communities.

Queensland Child Safety Reforms

We are similarly concerned by recommendations emerging from the Queensland Commission of Inquiry into Child Safety which propose reframing the operation of the ATSICPP and suggest that cultural considerations have, in some circumstances, been prioritised over safety concerns. As has been noted by the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People, the ATSICPP does not compete with child safety; it strengthens safety outcomes when implemented correctly and to the standard of Active Efforts.

Any reform that weakens the placement, prevention, participation, partnership or connection elements of the ATSICPP risks undermining decades of child welfare reform and could further entrench the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.

We encourage Standing Council of Attorney Generals (SCAG) to reaffirm that the ATSICPP remains a foundational component of Australia's child protection architecture and that child safety, permanency, stability and cultural connection must be understood as complementary not competing objectives.

Delivering on Closing the Gap Obligations

The issues currently arising in both the Northern Territory and Queensland should be considered through the lens of governments' obligations under the National Agreement on Closing the Gap.

The four Priority Reforms at the centre of the Agreement focus on changing the way governments work with Aboriginal and Torres Strait Islander people: arguably these are weakened where the ATSICPP is threatened, weakened or removed.

The Priority Reforms committed governments to:

- Strengthen and establish formal partnerships and shared decision-making
- Build the Aboriginal and Torres Strait Islander community-controlled sector
- Transform government organisations so they work better for Aboriginal and Torres Strait Islander people
- Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

Target 12 commits all Australian governments to reducing the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care. Achieving this outcome requires more than procedural reforms to child protection systems. It requires genuine implementation of the Priority Reforms, including shared decision-making, strengthening Aboriginal community-controlled organisations, improving access to early intervention and family support services, and embedding accountability for culturally safe practice.

Legislative changes that weaken the ATSICPP, reduce the role of Aboriginal families and communities in decision-making, or increase pathways to permanent care without addressing the drivers of child removal risk moving jurisdictions further away from, rather than closer to, their Closing the Gap commitments.

Toward a More Consistent National Child Safety Framework

ACCGA also notes recent reforms relating to Working with Children Checks (WWCCs) and other child-safe safeguarding mechanisms across Australia.

While governments have made significant progress in strengthening screening and child-safe standards following the Royal Commission into Institutional Responses to Child Sexual Abuse, considerable inconsistency remains between jurisdictions with respect to:

- assessment thresholds and disqualifying offences;
- information sharing arrangements;
- mutual recognition and portability;
- reportable conduct schemes;
- child-safe standards implementation; and
- oversight and enforcement mechanisms.

As children increasingly participate in activities, services and digital environments that operate across jurisdictional boundaries, fragmented safeguarding arrangements create unnecessary risks and compliance complexity.

We therefore encourage SCAG to lead work towards:

- Greater national consistency in Working with Children Check frameworks;
- Stronger cross-jurisdictional information sharing and monitoring arrangements;
- Alignment of child-safe standards and reportable conduct schemes;
- Improved oversight of organisations working with children across multiple jurisdictions; and
- A nationally consistent rights-based child safeguarding framework grounded in the UN Convention on the Rights of the Child.

A National Leadership Opportunity

The matters presently being considered in the Northern Territory and Queensland raise issues that extend well beyond any individual jurisdiction. They concern the fundamental question of how Australia protects children while upholding the rights, cultures and identities of Aboriginal and Torres Strait Islander children.

SCAG is uniquely positioned to provide national leadership by pursuing legislative consistency that strengthens child safeguarding systems, and ensures reform efforts remain aligned with Australia's commitments under Closing the Gap, Safe and Supported, and the United Nations Convention on the Rights of the Child.

ACCGA respectfully calls upon the Standing Council of Attorneys-General to:

- Release a joint statement reaffirming support for full implementation of the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of Active Efforts, including by emphasising that the Principle does not compete with child safety; it in fact strengthens safety outcomes;
- Require all jurisdictions to ensure any currently proposed or future child protection reforms are consistent with Closing the Gap commitments, including by meaningfully engaging with Aboriginal and Torres Strait Islander communities and organisations;
- Actively pursue nationally consistent approaches to Working with Children Checks and broader child-safe safeguarding arrangements; and
- Prioritise nationally coordinated approaches that place children's rights, safety, wellbeing and cultural connection at the centre of decision-making involving children.

Australia's children deserve child protection systems that are safe, evidence-based, culturally responsive and accountable. We look forward to continuing to work collaboratively with governments to achieve these outcomes.

Yours sincerely,

Australian Children's Commissioners, Guardians and Advocates (ACCGA)



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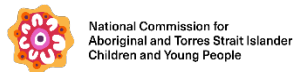
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