

Legislative Scrutiny Committee

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22 May 2026

Dear Sir/Madam

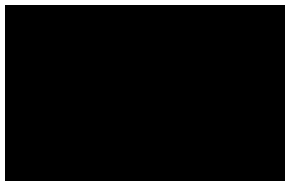
Re: *Care and Protection of Children Legislation Amendment (Every Child Matters)*

Bill 2026

The Australian Christian Lobby (ACL) is grateful for the opportunity to make a submission to the Legislative Scrutiny Committee, on the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

Thank you for giving this submission your careful consideration.

Yours faithfully



Nicholas Lay

Northern Territory Director

Australian Christian Lobby



SUBMISSION:

NT CARE AND PROTECTION OF CHILDREN LEGISLATION AMENDMENT (EVERY CHILD MATTERS) BILL 2026

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au

Note: This submission has been informed by personal experiences of people who have worked in the Northern Territory child protection system or have close connections with individual cases in the past ten years. Due to the sensitivity of child protection, this information has been presented in a manner that maintains confidentiality, and sources will not be provided. The cases provided are factual and verified.

Executive summary

The Australian Christian Lobby (ACL) welcomes the tabling of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. This bill prioritises safety, increases stability and permanency, and ensures legal representation of children. We recommend the bill be passed with amendments to explicitly exclude the placement of children in remote communities where a known or alleged physical and/or sexual offender is likely to reside (Recommendation 2). We also recommend the Department of Children and Families ('the Department') review their policies around 'Men's Business' to ensure the pressure of this cultural practice does not pre-emptively reunify families when it is unsafe to do so. We also recommend an inquiry be undertaken to review the *Adoption of Children Act 1994* (NT). Adoption is virtually non-existent in the Northern Territory due to red-tape and a system that arbitrarily values blood relations over the child's need for stability and permanency.

Case Studies

ACL is aware of the following Northern Territory cases that highlight the state of the child protection system:

Case Study A

Child A was removed from their biological parents shortly after birth. This child grew up under the care of sole foster parents 'in town'. Reunification with family in a remote community was attempted around the age of five, lasting approximately one year. This child went back to the original foster parents in town, due to malnutrition and chronic otitis media. Child A was under the care of the original foster parents for another five years. Reunification with family was again attempted in a remote community, lasting only six months. Reasons for the third removal again included malnutrition and chronic otitis media. Once Child A was removed the third time, Child A exhibited clear signs of trauma including several reports of suicide ideation. Suicide ideation was noted to stem from Child A being told they would be returning to family in a remote community in three months, once their nutrition was resolved. Advocacy from Child A's private provider led to Child

A remaining with foster parents in town. Child A's family were adamant that Child A be reunified to family in community at age 13 for 'Men's Business'. The Department agreed to this.

In this case, Child A had wonderful and long-term foster parents. This child developed significant trauma at the prospect of returning to community. These foster parents were the child's primary attachment. The Department, however, decided that 'Men's Business' was more important than safety and permanency even when the child was at risk of suicide at the thought of return.

Case Study B

Child B was removed from their birth parents and was kept under the care of the Department and placed with Relative Z in a remote community. Child B was in their early teens and was well known to police. A Government worker (not Department of Children and Families) who knew the family well, raised concerns to the Department that Relative Z and Child B no longer had housing and were living outdoors in a makeshift camp for many months. The Department said in response to these concerns something to the effect of 'Well if Relative Z can't obtain housing, that's no fault of Relative Z and they are trying their best'. After many months of Child B living outdoors, the family eventually secured housing. However, this child was forced to live outside for months while under the protection of the Department.

The Department virtually did nothing tangible to protect that child. Once notified of the situation, the Department should have stepped in immediately to ensure the child was housed. Child B was homeless for many months while under the 'care' of the Department.

Case Study C

Child C had highly complex disability, living in a remote community. Child C was prescribed a hoist for bed transfers. A private provider noted on a visit that Child C was being left in bed 24/7 resulting in severe bed sores. Notification was made to the Department as a result of this visit. Following notification, Child C was transferred to a supported living facility with 24/7 support available. Family visited Child C while in the supported living facility

and were pleased with level of care provided. Discussions began to make this a permanent arrangement, which family were very supportive of.

Family were then notified that this would mean the family would no longer receive current government support payments for the child. Family immediately withdrew their support of the arrangement. This resulted in Child C returning to community. After a period of time, Child C returned to a supported living facility.

Background

The Northern Territory indeed needs reform in child protection. There is a crippling fear of a repeat of the controversial *Stolen Generation* program, which is preventing children from receiving the protection they deserve. Children need to be protected, regardless of whether they are aboriginal or non-aboriginal.

ACL believes strongly in the important roles provided by a mother and father in a child's upbringing. These crucial roles should be upheld by the Government. However, where there is abuse, neglect, harm or exploitation, or if the parents aren't fulfilling their roles, these children are in-principle orphans. The Government receive confidential reports by the community identifying these vulnerable children. The Government should respond quickly and decisively to resolve these cases and, where necessary, protect the child.

The issue of youth crime is a significant and devastating problem in the Northern Territory. Nobody wants to see children ending up in prison. However, this unfortunately is necessary at times to protect public safety. This is a genuine purview of the Government. Much conversation is occurring around reforming the *Criminal Code Act 1983 (NT)*, *Youth Justice Act 2005 (NT)* and *Sentencing Act 1995 (NT)* to prevent children ending up in the justice system. However, ACL believes that strong reform of child protection and adoption laws would be a better solution to this complex problem.

Children who end up in prison are often known to the Department for many years prior to incarceration. It is clear to stakeholders who see these children on the ground, that the path these children are on often leads to prison. Diversion needs to occur in the earlier stages of their life, rather than once the child has entered the criminal justice system. When there is a high possibility of future imprisonment, strong actions need to be taken earlier to support and protect that child.

Key Points

Prioritising safety above all else

ACL welcomes the bill's specific prioritisation of the safety of the child. The bill specifically ensures the safety of the child is the highest priority. The bill retains, in principle, many of the same considerations as the current Act does. However, this bill ensures safety and protection from harm and exploitation are rightly the highest consideration, when making decisions involving the child. ACL believes these considerations have not been the highest priority in some recent cases.

Placement in Communities with offenders

ACL remains concerned about children's safety in instances of suspected physical and/or sexual abuse. Clause 6 of the bill inserts section 12(C)(3)(a) which states:

(3) If an Aboriginal child is removed from the child's parents, the child should:

(a) as far as practicable and consistent with the best interests of the child, be placed in close proximity to the child's family and community; and¹

It would be dangerous to apply this section when a child has been removed from the child's parents due to suspected or known physical and/or sexual abuse. To place a child within close proximity to a known or alleged offender would put the child at high risk. Remote communities are small and offenders could quite easily continue to abuse that child with little protection in place. The insertion of 12(C)(3)(a) would make sense for cases where parents are unable to provide for the child's needs. However, 12(C)(3)(a) would be dangerous in cases of sexual and physical abuse. We recommend making amendments to the bill to explicitly exclude placement of child in remote community where a known or alleged physical and/or sexual offender is likely to reside (Recommendation 2).

Kids need stability and permanency

ACL welcomes the focus on stability and permanency in the bill. A child's life prior to the age of 18 is short and formative. A child should not spend significant periods of their childhood waiting for their parents to get their life in order. There needs to be defined limits to ensure a child does not spend a significant portion of their childhood in limbo. Often children can spend most of their life in the foster care system only to be forced to

¹ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (NT) cl 6

return to people they don't know. Particularly when, from the child's perspective, the foster carers are their 'parents' (See Case Study A).

These decisions should not be 'kicked down the road'. These decisions need a specific timeframe to ensure the child has stability and permanency.

Adoption

In 2023-24 there were only five finalised adoptions in the Northern Territory.² In Australia, one in six couples experience infertility.³ There is a large cohort of Australian couples wanting to adopt and a minuscule number of children actually being adopted.

An Australian couple who recently tried to adopt in Australia ended up moving to the United States of America to adopt. They did so in desperation, having reached the conclusion there was no reasonable chance of success in Australia.

Quotes attributed to this couple, Nathan and Katrina Wilson

"Adoption in Australia is made impossible by red tape and a system that arbitrarily values blood relation over the child's need for permanence and stability."

"The foster system isn't a suitable substitute for adoption since its ultimate purpose is biological family reunification. Not building new families for children. What about a child's need for permanence? ... nobody seems to be talking about it."

"Adoption has become harder to the point of extinction."

"Why does a married couple wanting to start a family through adoption need to leave Australia?"

"...Aussies are having to move to places like Thailand for several years to pursue adoption there."

"The narrative that seems to be pushed is that adoption is an outdated, antiquated way of helping children without permanent families."

"I would advocate for the value of permanence in a child's life, and highlight how the current foster care system is not designed to meet this basic need."

'Men's Business'

There has been an over prioritisation of 'Men's Business' over common-sense decisions. It appears that children will often be returned to remote communities after an extensive period of being 'in-town' due to a practice that male children need to go back for men's business. This cultural business appears to be treated as an exemption to standard

² Territory Families, Housing and Communities, Northern Territory Government, *Annual Report 2023-24* (Report) < <https://families.nt.gov.au/media/documents/tfhc-shared-documents/tfhc-annual-report-2023-24.pdf> >

³ Health Direct, Infertility <<https://www.healthdirect.gov.au/about-infertility>>

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practice, as there is often no other compelling reason to send the child back prior to this deadline (See Case Study A). We recommend the Department review their policies around Men's Business to ensure the pressure of this cultural practice does not pre-emptively reunify families when it is unsafe to do so.

Legal representation

ACL welcomes the strengthening of legal representation for children under clause 25 of the bill. Children absolutely should always have independent legal representation in all legal matters.

ACL's recommendations

1. Pass the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026* with the amendments in recommendation 2 below.
2. Make amendments to explicitly exclude placement of children in remote community where a known or alleged physical and/or sexual offender is likely to reside.
3. The Department of Children and Families review their policies around 'Men's Business' to ensure the pressure of this cultural practice does not pre-emptively reunify families when it is unsafe to do so.
4. Commence an inquiry to review the *Adoption of Children Act 1994* (NT).