SUBMISSION TO THE LEGISLATIVE SCRUTINY COMMITTEE

Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 — Serial No. 67

Submitted by: Susan Bamberger
Address: [redacted]
Date: 20 May 2026

[redacted]

2. Introduction

My name is Susan Bamberger. I am a retired healthcare worker, having worked for many years in clinical and community health settings. Although I now reside in Invermay, Victoria, I lived in the Northern Territory for a significant part of my life and the Territory remains my home in every way that matters. My daughter and grandchildren live in Alice Springs, and the welfare7 of children in that community — and across the Territory — is not an abstraction for me. It is personal.

I make this submission in strong support of the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026. I do so as a grandmother, as a former health professional, and as a Territorian who has watched with anguish as the child protection system has failed the Territory's most vulnerable children for too long.

3. The Evidence of Systemic Failure Is Undeniable

Any honest assessment of the Territory's child protection record must grapple with a deeply troubling body of evidence. A study commissioned by SNAICC — the Secretariat of National Aboriginal and Islander Child Care — titled *State of Denial: The Neglect and Abuse of Indigenous Children in the Northern Territory* concluded that the Northern Territory likely has the highest levels of hidden or ignored child abuse and neglect in Australia, and that the child protection system in the Northern Territory is seriously failing Aboriginal and Torres Strait Islander children and their families.

What makes this finding especially alarming is its paradox: the study found that recorded rates of substantiation, child protection orders and removal of Aboriginal children were consistently and significantly lower in the Northern Territory than the national average — with national rates for Aboriginal children being between four and five times higher than those recorded in the Territory. The study did not take this as evidence that Territory children were safer. It took it as evidence that the system was not seeing, recording, or acting on abuse and neglect that was plainly occurring.

As a health professional, I understand what it means when a system produces lower-than-expected intervention rates in a population with higher-than-average underlying need. It does not mean the need is not there. It means the system is not responding to it. Children are falling through the cracks not because they are safe, but because the system designed to protect them is failing to act.

The tragic death of five-year-old Kumanjayi Little Baby in Alice Springs — a child who was the subject of over a dozen child protection notifications, including six in the weeks immediately before her death, with no apparent action taken — is not an isolated failure. It is the most visible and heartbreaking expression of a systemic problem that this Bill seeks to address.

4. Why I Support the Every Child Matters Bill

The Bill introduces a suite of reforms that I believe are long overdue and fundamentally sound. I address each in turn.

4.1 The Best Interests of the Child as the Paramount Concern

The Bill's most significant structural reform is the introduction of a clear hierarchy of considerations in determining the best interests of a child, with the child's safety listed first, followed by the need to protect the child from harm and exploitation. This is not a radical departure from principle — it is a codification of what any reasonable person would expect a child protection system to prioritise.

The existing framework has been criticised for allowing cultural, family and community considerations to operate in ways that effectively paralysed decision-making, leaving children in demonstrably unsafe situations. The Bill does not remove those considerations — they remain explicitly present in the legislation, including in the dedicated provisions for Aboriginal children at new section 12C. What the Bill does is ensure they cannot override the fundamental obligation to keep a child safe from harm.

4.2 Family Responsibility Agreements and Orders

The introduction of family responsibility agreements and orders represents a genuine early intervention framework — one that prioritises support and accountability before removal becomes necessary. Under the Bill, the CEO must invite a parent to enter into a family responsibility agreement where an 'event of concern' has occurred, offering family support services to address the underlying causes before matters escalate.

This is not a punitive measure. It is a structured, graduated response that gives families every opportunity to address concerns with support before the state is compelled to act more forcefully. As a health professional, I know that early intervention, consistently applied, saves lives. It also preserves families. The critics of this Bill who frame it as a child removal instrument are either misreading the legislation or misrepresenting it.

4.3 Proactive Efforts and Reunification Timeframes

New section 12D introduces a legislative obligation on the CEO to make proactive efforts to reunify a child with their family, with a general target of within two years of removal. The first six months of that period must be focused intensively on addressing the grounds of removal with the aim of reunification, or if that is not in the child's best interests, on placement with family.

This is a reunification-focused framework. The Bill is designed to get children back with their families as quickly and safely as possible. That children will have a clearer pathway to permanency — whether through reunification or stable long-term care — is not a harm. Prolonged uncertainty, multiple placement changes and indefinite limbo are the harms. The Bill seeks to end them.

4.4 Strengthened Legal Representation for Children

The requirement that a child be legally represented in proceedings for a permanent care order or a protection order with a long-term parental responsibility direction is a meaningful reform. Children whose futures are being determined by the courts deserve an independent voice in those proceedings. This provision strengthens children's rights — it does not diminish them.

4.5 Working With Children Clearance Reforms

The extension of WWCC validity from two to five years, combined with new powers to suspend clearances and impose interim bars where a risk to children is identified, represents a sensible modernisation of the screening framework. The alignment with other Australian jurisdictions reduces administrative burden while the enhanced risk-based powers strengthen protection. These are uncontroversial improvements that should attract broad support.

5. On Culture, Race and the Moral Obligations We Owe All Children

I want to address directly the most contentious aspect of the public debate around this Bill: the suggestion that prioritising child safety over cultural considerations represents an attack on Aboriginal culture, or a return to the policies of the Stolen Generation.

I reject that framing entirely, and I do so with respect for the real and devastating history it invokes.

Aboriginal children are among the most vulnerable members of our society. They are not less deserving of protection because of their culture. They are not less entitled to safety because of where they live. When we begin to treat culture as a justification for leaving a child in a household where they are being abused or neglected, we have allowed our moral compass to be broken. A society that genuinely respects Aboriginal people and Aboriginal culture does not look away from the abuse of Aboriginal children. It acts.

This is not an issue of race. It is an issue of whether we are willing to meet our most basic obligations to the most vulnerable. The Minister put it plainly and I agree with her: every child matters regardless of where they come from, their race or their religion. That is not a controversial statement. It is a foundational one.

The SNAICC research I cited earlier did not conclude that the NT's low removal rates reflected a system working well for Aboriginal children. It concluded the opposite. A system that fails to act — in the name of cultural sensitivity or fear of being labelled as repeating history — is not protecting Aboriginal children. It is abandoning them.

I do not accept the premise that supporting this Bill means supporting removal for removal's sake. The Bill is explicit: where it is safe to do so, children should remain with family. The Bill requires proactive reunification efforts. It preserves kinship placement as a priority. What it will not permit is inaction in the face of harm. That is not a stolen generation. That is child protection.

6. Conclusion and Recommendations

I urge the Legislative Scrutiny Committee to consider this Bill on its merits, with the welfare of Territory children as the central lens. On that basis, I submit that the Bill:

- Correctly elevates child safety as the paramount consideration in child protection decisions;
- Introduces a proportionate, graduated early intervention framework that supports families before escalating to removal;
- Provides clearer pathways to permanency and stability for children in the system, reducing the harm of prolonged uncertainty;
- Strengthens children's access to independent legal representation;
- Modernises the working with children screening framework in line with other Australian jurisdictions; and
- Addresses, in a measured and lawful way, the systemic failure identified by researchers and evident in the outcomes of Territory children for decades.

I support the passage of this Bill, and I encourage the Committee to do the same. The children of the Northern Territory — my grandchildren's community — have waited long enough.

Susan Bamberger

[redacted]

20 May 2026