

22 May 2026

Secretary
Legislative Scrutiny Committee
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801

By email only: LSC@nt.gov.au

Dear Committee Members,

Re: Submission on the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026

Thank you for the opportunity to provide a submission to the Legislative Scrutiny Committee (Committee) in respect of the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (Every Child Matters Bill).

The First Nations NGO Alliance in partnership with Allies for Children make a joint submission to the Committee. Given the very limited time frame, this submission is not exhaustive and instead highlights key concerns and makes recommendations to assist the Committee inquire into and report on the Every Child Matters Bill.

Allies for Children and the First Nations NGO Alliance are happy to answer any questions, provide further information, or meet with the Committee discuss this submission, child protection systems and the Every Child Matters Bill.

Thank you for the opportunity to make a submission to the Committee on the Every Child Matters Bill.

Yours sincerely,

Esmai Manahan
National Director, MacKillop Family Services
On behalf of First Nations NGO Alliance

Maree Walk
Chair
Allies for Children

Foreword

Aboriginal and Torres Strait Islander people have always upheld their inherent right to make decisions about their children, families, and communities, including the leadership and governance of child and family services. We have always advocated strongly for self-determination, work that was led by a strong commitment to change by Aboriginal and non-Indigenous leaders.

The proposed reforms fail to reflect and respect what Elders, Aboriginal communities, leaders, and ACCOs have consistently identified as essential to improving outcomes for our babies —namely, systems of care that are culturally grounded, community-led, and adequately resourced.

The removal or weakening of existing safeguards and cultural principles represents a significant step backward and risks further entrenching the exclusion of Aboriginal voices from decisions that directly impact their (our) babies, children and families.

Such changes risk further entrenching the exclusion of both Aboriginal voices and significantly the voices of Aboriginal children from decisions that directly impact their lives, and undermine commitments to self-determination, including those articulated in the *National Agreement on Closing the Gap*.

Esmail Manahan

National Director, MacKillop Family Services

On behalf of

First Nations NGO Alliance

Submission by the First Nations NGO Alliance and Allies for Children to the Legislative Scrutiny Committee in respect of the Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026 (Every Child Matters Bill)

1. About Us

The First Nations NGO Alliance

The First Nations NGO Alliance is a self-determined group of Aboriginal and Torres Strait Islander leaders working across the non-government child, youth and family services sector¹. The First Nations NGO Alliance aims to strengthen the support and influence of Aboriginal and Torres Strait Islander people across non-government organisations (NGO) to contribute to major reform. The First Nations NGO Alliance are an established critical friend to the NGO sector, championing community-led solutions and funding and harnessing their strength in system advocacy and new ways of working to bring change.

Allies for Children

Allies for Children are a national partnership of chief executives from non-government organisations who work in the child, youth and family service sector across Australia.² Its member organisations are The Benevolent Society, Life Without Barriers, Key Assets, Act for Kids, Mackillop Family Services, OzChild and Barnardos Australia. Allies for Children focus is to improve outcomes for children³ and families experiencing vulnerability. Its immediate priority is working in partnership with Aboriginal and Torres Strait Islander leaders, community-controlled organisations (ACCOs), peak bodies, communities and governments to reduce the over-representation of Aboriginal and Torres Strait Islander children in child protection and out-of-home care systems.

Child protection is a tertiary, statutory system designed for the identification, prevention and response to individual incidents of child abuse or neglect. However, increasingly child protection systems are operating as crisis response services for families experiencing disadvantage and challenges, such as housing insecurity, poverty, ill health, substance misuse and/or domestic and family violence. Child protection systems are neither designed nor funded to alleviate disadvantage, address the root causes of parental challenges, or prevent families from escalating into crisis.

Allies for Children advocate for increased investment in systems and services that alleviate disadvantage and address family challenges, such as public housing, primary health care, mental health, alcohol and other drug treatments, family and domestic violence services and intensive family support services. Moreover, that increased investment must be directed to service provision and capacity building in ACCOs to support Aboriginal and Torres Strait Islander children and families to have access to culturally safe, timely and effective supports and the greatest opportunity for a positive future.

¹ Further information on the First Nations NGO Alliance is at <https://www.fnngoalliance.org.au/>

² Further information on Allies for Children is at <https://www.alliesforchildren.org.au/>.

³ References to children are persons under the age of 18 years and include young people.

2. The Legislative Scrutiny Committee’s Terms of Reference

The Committee’s Terms of Reference require it to inquire into and report on whether the Legislative Assembly should pass, amend and consider whether the Every Child Matters Bill has sufficient regard to the rights and liberties of individuals. This includes consideration of whether it has sufficient regard to Aboriginal and Torres Strait Islander tradition.⁴

The Northern Territory has consistently had the highest level of over-representation of Aboriginal children in child protection and out-of-home care nationally. At 30 June 2024, 89 per cent of children in out-of-home care were Aboriginal.⁵ This over-representation means that the Every Child Matters Bill will have a disproportionate impact on the rights and liberties of Aboriginal children and families. The Every Child Matters Bill also dilutes the rights of Aboriginal children set out in the United Nations Declaration on the Rights of Indigenous Peoples⁶ and the United Nations Convention on the Rights of the Child⁷, including the right to self-determination⁸, participation in decision making⁹, respect for and protection of culture¹⁰ and equality and non-discrimination.¹¹

2. This Submission

Allies for Children and the First Nations NGO Alliance submit that the Every Child Matters Bill will adversely affect the rights and liberties of Aboriginal and Torres Strait Islander people in the Northern Territory and have insufficient regard to their traditions.

This submission makes three recommendations, in summary that:

- a. the Northern Territory Government withdraw the Every Child Matters Bill; or in the alternative
- b. the time for submissions and timetable for any progression of the Every Child Matters Bill is significantly extended; or in the alternative;
- c. amendments are made to the Every Child Matters Bill, so that it has sufficient regard to the rights and liberties of Aboriginal people and their traditions.

3. Overarching Concerns

In its 2017 report, the Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission) identified that contemporary challenges in relation to Aboriginal child welfare could not be fully understood without an appreciation of the historical context of policies that have sought to control and intervene in Aboriginal family life.¹² This history has resulted in chronic disadvantage being experienced by Aboriginal people in terms of health, mental health, disability,

⁴ Legislative Assembly of the Northern Territory 15th Assembly, Legislative Scrutiny Committee, Terms of Reference, adopted on 15 October 2024.

⁵ Report on Government Services, Child Protection Services 2024.

⁶ Australia endorsed the Declaration on the Rights of Indigenous Peoples on 3 April 2009.

⁷ Australia ratified the Convention on the Rights of the Child on 17 December 1990 and became legally binding on 16 January 1991.

⁸ Articles 3, 4 and 5, Declaration on the Rights of Indigenous Peoples.

⁹ Articles 18, 19 and 32(2), Declaration on the Rights of Indigenous Peoples.

¹⁰ Articles 7(2), 8, 11, 13, 14, 17(2), Declaration on the Rights of Indigenous Peoples.

¹¹ Articles 2, 21 and 22, Declaration on the Rights of Indigenous Peoples.

¹² Royal Commission into the Protection and Detention of Children in the Northern Territory, Volume 1, Chapter 4.

employment, housing and education, which remain significant contributing factors to over-representation in both the child protection and youth justice systems today.

Culture and cultural connection are key protective factors for Aboriginal and Torres Strait Islander children in the child protection system. Once in child protection and out-of-home care, the Royal Commission found Aboriginal children were dislocated from culture, experienced inappropriate placements, lacked support to address the trauma they had experienced and were not provided with education, health and developmental supports to address their needs.¹³ Further, that when an Aboriginal child connection to their culture is interrupted, disrupted or lost, their health, wellbeing and sense of identity suffers.

The incorporation of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP) into the *Care and Protection of Children Act 2007* (NT) supports Aboriginal and Torres Strait Islander children maintain their connection to family, community, culture and country when interacting with the child protection system. The ATSICPP seeks to promote the safety, wellbeing and best interests of Aboriginal and Torres Strait Islander children through culturally informed decision-making, participation of families and communities in decision making and supporting self-determination.

Allies for Children and the First Nations NGO Alliance are concerned that the removal of the ATSICPP and the legislative reforms in the Every Child Matters Bill will cause Aboriginal families in the Northern Territory to be disempowered and be a retrograde step in addressing the legacy of intergenerational trauma and in reducing the inequalities that bring Aboriginal children to the attention of child protection. Further, that the reforms in the Every Child Matters Bill will result in structural disadvantage, inequity and the over-representation of Aboriginal children in child protection and out-of-home care being reframed as parental failure, whilst insufficiently requiring government to address broader social, economic and systemic conditions that shape child outcomes.

Allies for Children advocate for a coordinated and accountable whole-of-Northern Territory Government approach to prevention and early intervention and sustained investment in the capacity and capability of ACCOs to address intergenerational trauma and economic, social and structural disadvantage and inequality.

4. Recommendations

a. The Northern Territory Government withdraw the Every Child Matters Bill

Allies for Children and the First Nations NGO Alliance recommend that the Every Child Matters Bill is withdrawn. In its place, the Northern Territory Government commence a consultation process with Aboriginal people, communities and ACCOs to identify any legislative changes needed to the *Care and Protection of Children Act 2007* (NT) to support children to be safe, well and thriving. This approach would be consistent with the four priority areas in the National Agreement on Closing the Gap, which have been designed to change how governments work with Aboriginal and Torres Strait Islander people and improve outcomes.¹⁴

¹³ Royal Commission into the Protection and Detention of Children in the Northern Territory, Volume 1, Chapter 4, pages 9, 18.

¹⁴ The four priority areas in the National Agreement on Closing the Gap are formal partnership and shared decision making; building the community-controlled sector; transforming government organisations; and shared access to data and information

b. Extending the timelines for the progression of the Every Child Matters Bill

If the Every Child Matters Bill is not withdrawn, Allies for Children and the First Nations NGO Alliance recommend extending the time for submissions and for its progression. This time extension is recommended as:

- The proposed amendments in the Every Child Matters Bill represent a significant departure from child protection legislation in all Australian states and territories and thus warrant careful consideration, close examination of potential implications, operational and implementation considerations and unintended consequences. The current one-week time submission period does not provide sufficient opportunity for this level of scrutiny.
- The proposed amendments are premature in the absence of the findings and recommendations of the review announced by the Minister for Child Protection following the death of Kumanjayi Little Baby. The review, to be undertaken by Ms Karen Webb, a former New South Wales Police Commissioner, and Mr Greg Shanahan, a former Chief Executive Officer of the Northern Territory Attorney-General's Department, may identify systemic issues, reform priorities and recommendations directly relevant to the proposed legislative changes.
- The family of Kumanjayi Little Baby has requested privacy and space to conduct sorry business. In this context, the limited timeframe for submissions may inhibit the ability of the family and other affected individuals and communities to meaningfully engage with the proposed reforms should they wish to do so.

c. Concerns and recommended amendments to the Every Child Matters Bill

Allies for Children and the First Nations NGO Alliance raise key concerns in the Every Child Matters Bill and recommends amendments to address them.

Proposed amendment: retain the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)

The ATSICPP is a framework designed to support Aboriginal and Torres Strait Islander children maintain their connection to their family, community, culture and country when engaging in child protection systems. It comprises five elements - prevention; partnership; placement; participation; and connection. The ATSICPP is incorporated into child protection legislation across all states and territories.¹⁵

The Every Child Matters Bill removes the ATSICPP and replaces it with a Universal Child Placement Principle.¹⁶ It also contains amendments to remove the rights of Aboriginal children and families, such as the right to participate in decision making¹⁷ and the requirement for non-Aboriginal out-of-home

¹⁵ See: *Child Protection Act 1999* (Qld) ss. 5B and 5C; *Children and Young Persons (Care and Protection) Act 1988* (NSW) s. 11; *Children, Youth and Families Act 2005* (Vic); *Children and Community Services Act 2024* (WA); *Children and Young People (Safety) Act 2017* (SA); *Children, Young Persons and Their Families Act 1997* (Tas); *Children and young People Act 2008* (ACT); and *Care and Protection of Children Act 2007* (NT).

¹⁶ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, s. 12B.

¹⁷ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, s. 12C(2)(A).

carer to support and Aboriginal child's connection to family, community, culture, traditions, language and country.¹⁸

Allies for Children and the First Nations NGO Alliance strongly oppose the removal and weakening of the ATSI CCP in the Every Child Matters Bill. For decades, communities through self-determination have emphasised the importance of culture and connection for their children. Aboriginal and Torres Strait Islander children have the right to know, participate in, and remain connected to their culture.

The removal of the ATSI CCP and associated rights for Aboriginal children and families :

- is contrary to the evidence that connection to family, community, culture and country is a protective factor for children and improves their long-term outcomes;
- dilutes the ongoing efforts to address the impacts of colonisation, intergenerational trauma, and structural inequalities;
- undermines the findings and recommendations in the 2016 Royal Commission into the Protection and Detention of Children in the Northern Territory, which recognised that Aboriginal children have “*the right to receive special protection measures to address the specific vulnerabilities they face*”;¹⁹ and
- undermines the ATSI CCP giving practical effect to Australia's commitments under the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples.

Allies for Children and the First Nations NGO Alliance recommend that the Every Child Matters Bill retains the ATSI CCP and the associated provisions setting out the rights of Aboriginal children and families.

Allies for Children and the First Nations NGO Alliance recommend that the Every Child Matters Bill is amended to strengthen the ATSI CCP by introducing a legislative requirement and accountability mechanism for the Department of Children and Families to implement all five elements of the ATSI CCP to the standard of ‘active efforts’. Active efforts are purposeful, thorough and timely actions that strengthen the safety and wellbeing of Aboriginal children engaged in the child protection and out-of-home care systems by supporting their connection to family, culture, community and Country.²⁰

Proposed amendment: remove the strict timelines for reunification with a parent following the removal of a child

The Every Child Matters Bill imposes strict timeframes for reunification from the removal of a child. In the first six months following removal intensive services must be targeted at the protective concerns and reunification is to be achieved, where appropriate, within two years.

¹⁸ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, s. 12(2D)(d)(ii).

¹⁹ Royal Commission into the Protection and Detention of Children in the Northern Territory, Volume 1, Chapter 4, pg 196.

²⁰ See Safe & Supported, The National Framework for Protecting Australia's Children 2023-2031, Aboriginal and Torres Strait Islander First Action Plan 2023-2026, pg 78.

Similar legislative reforms imposing strict timeframes to achieve permanency have been enacted, trialled and subsequently repealed in other jurisdictions. Imposing strict timelines on reunification after removal of a child has been shown to be unfair for Aboriginal parents, as:

- Aboriginal parents are less likely to be able to access supports needed to address protective concerns within strict timeframes;
- time limits are inflexible and cannot be overridden by a court; and
- as a result, Aboriginal children are denied opportunities to enjoy their human rights to identity, family and culture.²¹

Allies for Children and the First Nations NGO Alliance also raise concern that protective concerns, such as the absence of secure housing or overcrowding, are unlikely to be resolved within the strict reunification timeframes given the limited availability and waiting periods for public housing in the Northern Territory. Further, that protective concerns, such as parental mental health and/or substance misuse and family domestic violence, may be chronic and require intensive, integrated, high quality and continuing services and supports beyond a two-year period.²²

The Every Child Matters Bill should be amended to remove the strict timelines for reunification from the removal of a child and instead enable decisions based on the individual child's best interests and their circumstances.

Proposed amendment: include greater specificity and accountability for the Department of Children and Families to take 'proactive efforts'

The Every Child Matters Bill introduces a new principle that the Department of Children and Families take 'proactive efforts' to address risks, prevent removal, or if a child is removed to address the reasons for removal with the aim of reunifying the child with their parent, if appropriate. Proactive efforts identified include helping families access support and resources and utilising the proposed Family Responsibility Agreements and Orders. The Department of Children and Families must also set what proactive efforts were taken and whether a parent tried to engage with family support services when applying for a protection order.

The legislative requirements for the Department of Children and Families to take and report on 'proactive efforts' is a positive step in supporting families to address protective concerns. To be effective in addressing protective concerns, 'proactive efforts' must be timely and meaningful.

²¹ For example, in 2014 in Victoria permanency reforms amended the *Children, Youth and Families Act 2005* (Vic). A parent had 12 months from removal of their child to meet protective concerns and be reunified with their child, with a 12-month extension was available in exceptional circumstances. In the 2023, the Yoorrook for Justice, Report into Victoria's Child Protection and Criminal Justice System, found that the permanency reforms were not working for Aboriginal children, young people and families and that they had created unnecessary harm (at <https://www.yoorrook.org.au/reports-and-recommendations/reports/yoorrook-for-justice-report>, pg 255). In 2026, the *Children, Youth and Families Amendment (Stability) Act 2026* (Vic) repealed the permanency reforms. The Victorian Children's Court now considers the best interest of an individual child in determining reunification timelines, with the legislation replacing 'permanency' with 'stability' as a key element in determining the best interest of a child.

²² Brooks-Gunn, J., Do You Believe in Magic? What We Can Expect From Early Childhood Intervention Programs, March 2003, Social policy report, Society for Research in Child Development, 17(1).

Allies for Children and the First Nations NGO Alliance recommend that the Every Child Matters Bill is strengthened through an amendment that enshrines ‘proactive efforts’ as a legal standard that requires the Department of Children and Families to take and report on affirmative, thorough and timely efforts, to the maximum extent possible and consistent with cultural considerations to address child protective concerns and maintain or reunite Aboriginal children with their families.²³

Further, the Every Child Matters Bill would benefit from greater specificity in what could constitute proactive efforts. For example, ‘proactive efforts’ could be:

- conducting a comprehensive assessment of the circumstances of the child's family, with a focus on safe reunification as the most desirable goal;
- identifying appropriate services and support for the parents to overcome barriers and actively assisting parents in obtaining and funding such services;
- identifying, notifying, and inviting representatives of the child's extended family and/or community to participate in providing support and services to the child's family and in family team meetings, permanency planning, and resolution of placement issues;
- conducting or causing to be conducted diligent searches for the child's extended family members and contacting and consulting with extended family members to provide family structure and support for the child and the child's parents;
- offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of services provided by ACCOs, government and non-government service providers;
- taking steps to keep siblings together whenever possible;
- supporting regular visits with parents, community and/or country during any period of removal;
- identifying services and resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the child's in utilising and accessing those services and resources;
- monitoring progress and participation in services;
- considering alternative ways to address the needs of the child's parents and, where appropriate, the family, if the optimum services do not exist or are not available; and
- providing post-reunification services, resources and monitoring.

²³ See, for example, definition of ‘active efforts’ in the Safe & Supported, The National Framework for Protecting Australia’s Children 2023-2031, Aboriginal and Torres Strait Islander First Action Plan 2023-2026, pg 78.

Proposed amendment: removal of Family Responsibility Agreements and Orders

The Every Child Matters Bill introduces Family Responsibility Agreements,²⁴ a written agreement with the Department of Children and Families and parents, and Family Responsibility Court Orders.²⁵ Both are proposed to set out actions that parents must take and that failure to do so may result in coercive interventions. The aim being to increase parental accountability, improve parenting capacity and capability and address parental needs.²⁶

Contrary to the design, remit and funding of child protection as a tertiary and statutory service, Family Responsibility Agreements and Orders will enable early and extensive interventions into the lives of families. Despite good intentions, child protection legislative reforms that increase interventions in families can cause unintended, lifelong and intergenerational harm. Moreover, they do not address the discrepancy between the services families need to alleviate disadvantage and address challenges and the timely availability of culturally safe and effective services.

Legislating Family Responsibility Agreements and Orders places a disproportionate burden of responsibility on parents and implies that poor outcomes are a result of parental failure, without recognising the impact of cumulative structural inequities and limited timely, culturally safe and effective service availability.

Allies for Children and the First Nations NGO Alliance recommend the removal of Family Responsibility Agreements and Family Responsibility Orders from the Every Child Matters Bill. In its place, a whole-of-Northern Territory government approach to alleviate the address the impacts of intergenerational trauma and disadvantage is needed.

Proposed amendment: strengthening the rights of children to meaningfully participate in decisions about them

The Every Child Matters Bill provides an important opportunity to strengthen recognition of children's rights to participate in decisions about their own lives. The Every Child Matters Bill can be strengthened by introducing a legislative requirement for children to be supported to express their views in ways that are age-appropriate, trauma-informed, and culturally safe, upholding their right to self-determination²⁷, and participation in decision making in line with the United Nations Convention on the Rights of the Child.²⁸

²⁴ The Every Child Matters Bill requires the Department of Children and Families to invite a family to enter into a Family Responsibility Agreements if there is a reasonable believe that an event of concerns has occurred or is at risk of occurring, the child's family contributed or caused the event or risk, and the child's circumstances may be improved with the agreement (s. 65D(1). An event of concern is defined when a child is exhibiting criminal or anti-social behaviour, a school-age child is not attending school, or an event that adversely affects a child's wellbeing (s. 65D(5)).

²⁵ The Department of Children and Families may apply for a Family Responsibility Order is they believe on reasonable grounds that a parent has refused to enter or not complied with a Family Responsibility Agreement, a child's welfare is being adversely affected and the family circumstances may have caused or contribute to that harm, and the child has been found not to have capacity for criminal offending due to their age and development (s. 102C).

²⁶ Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026, s. 102A.

²⁷ Articles 3, 4 and 5, Declaration on the Rights of Indigenous Peoples.

²⁸ Australia ratified the Convention on the Rights of the Child on 17 December 1990 and became legally binding on 16 January 1991.

For Aboriginal children, this must also recognise that a child's voice is inseparable from family, kin, community, culture, and Country. Meaningful participation therefore extends beyond individual consultation and should be culturally grounded, relational, and connected to collective identity and belonging. Without this broader understanding, there is a risk that participation is interpreted too narrowly and does not fully reflect the cultural and community context of Aboriginal children's lives.

5. Increased investment

Allies for Children and the First Nations NGO Alliance strongly recommend that the Every Child Matters Bill is accompanied by increased and sustained investment in early and intensive services, capacity and capability building for the ACCOs and a whole-of-Northern Territory Government response to structural disadvantage affecting Aboriginal children and families.

Allies for Children and the First Nations NGO Alliance are happy to answer any questions, provide further information, or meet with the Committee to discuss this submission, child protection systems and the Every Child Matters Bill.

Thank you for the opportunity to make a submission to the Committee on the Every Child Matters Bill.

First Nations NGO Alliance and Allies for Children

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