

Submission to the NT Scrutiny Committee on the ***Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*** (the Bill).

We are Accredited Children's Law Specialists with substantial legal practise experience in child protection across the Northern Territory and Victoria. We make this submission in our personal capacities.

- With respect, we urge that the Scrutiny Committee and Legislative Assembly **not** pass the Bill.
- The Aboriginal Child Placement Principle (ACPP) provides a critical legal safeguard for First Nations children and families in contact with the child protection system, and should remain in NT child protection laws. As per the current legislation, the ACPP is subject to the child's best interests (including safety). The intention of the Bill misconstrues this and the proposed amendments water down the ACPP.
- The proposed change of the child removal test from 'unacceptable risk of harm' to 'significant and likely risk of harm' is harmful and will likely lead to the unwarranted removal of Territory children from familial care. The 'unacceptable risk of harm' requirement is an important legal threshold that invokes consideration of actual/likely harm to a child, protective factors and risk mitigation factors in the child's best interests. It is also well understood and documented that children may experience harm from institutional care and disconnection from family and culture (see *Royal Commission into the Protection and Detention of Children in the NT, Yoorrook Justice Commission Victoria*).
- The proposed imposition of a fixed limitation on short-term orders, and a statutory preference towards permanent care/long-term orders, is not in the best interests of Territory children. NT courts should retain the discretion to make orders that are in the child's best interests and having regard to that particular child and family's circumstances. Remoteness, access to timely and appropriate services and housing waitlists are critical issues in the NT that often impede on a parent's ability to reunify. As above, institutional care can also be harmful – 'long term legal permanency' to out of home care also does not necessarily mean stable care for a child. This year, and after 10 years of a fixed 2 year reunification clock, Victoria reversed the fixed and arbitrary reunification clock, allowing courts to continue making short-term reunification orders if it is in the child's best interests, recognising that the laws did not lead to better outcomes for children. Like Victorian courts, it is prudent that NT courts retain their independence to make the best decision for each child. See: <https://www.legislation.vic.gov.au/bills/children-youth-and-families-amendment-stability-bill-2025>
- Carers should not have automatic legal standing as a party to court proceedings after 8 months of caring for a child. The existing act already permits carers to have party standing, in appropriate circumstances.
- Regarding proposed s143A(c) – this section should be removed. A child should be heard and afforded a lawyer in every situation. Given the severity of these decisions, a decision to make a longterm/permanent care order for a child should never be made urgently or without hearing from the child. Services should also be funded to appropriately represent children.

22 May 2026