

Serial 67
Care and Protection of Children Legislation Amendment (Every Child Matters)
Bill 2026
Ms Cahill

A Bill for an Act to amend the *Care and Protection of Children Act 2007* and
for related purposes

NORTHERN TERRITORY OF AUSTRALIA

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

Act No. [] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

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An Act to amend the *Care and Protection of Children Act 2007* and for related purposes

[Assented to [] 2026]
[Introduced [] 2026]

10 The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026*.

15

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 11 May 2028, it commences on that day.

Part 2 Amendments relating to objects and principles of Act, family responsibility and Court proceedings

Division 1 Care and Protection of Children Act 2007

5 **3 Act amended**

This Division amends the *Care and Protection of Children Act 2007*.

4 Section 4 amended (Objects of Act)

Section 4(a)

omit

10 wellbeing

insert

wellbeing, safety, long-term stability and security

5 Section 5 amended (Overview)

Section 5(a)(ii), after "2.1"

15 *insert*

, 2.1A

6 Part 1.3 replaced

Part 1.3

repeal, insert

20 **Part 1.3 Universal principles, roles and responsibilities**

6 Definition

In this Part:

significant decision, involving a child, means a decision likely to have a significant impact on the child's life.

25 *Examples for definition significant decision*

1 *A decision about placing a child in care or about the placement arrangement for the child.*

2 *A decision about whether or not to apply for a child protection order for a child.*

7 Application of principles

- 5 (1) The underlying principles of this Act are set out in sections 8 to 12D and are intended to give guidance in the administration of this Act.
- (2) The principles set out in sections 9 to 12D are subject to the principle set out in section 8.
- 10 (3) The Court, the CEO, each authorised officer and each other person exercising a power or performing a function under this Act must, as far as practicable, uphold the underlying principles of this Act.
- (4) To avoid doubt, the principles do not:
- (a) create, or confer on any person, any right or entitlement enforceable at law; or
 - (b) affect the operation of any law in force in the Territory.

15 8 Paramount concern is best interests of child

- (1) When a decision involving a child is made, the best interests of the child are the paramount concern.
- (2) In determining what is in the best interests of the child, the following matters must be considered in the following order of priority:
- 20 (a) the need to ensure the safety of the child;
- (b) the need to protect the child from harm and exploitation;
- (c) the child's need for stable and nurturing relationships;
- (d) the child's need for permanency in the child's living arrangements;
- 25 (e) the likely effect on the child of any changes in the child's circumstances;
- (f) the wishes and views of the child, having regard to the maturity and understanding of the child;
- 30 (g) the child's physical, emotional, intellectual, spiritual, developmental and educational needs;
- (h) the capacity and willingness of the child's parents or other family members to care for the child;

- 5 (i) the nature of the child's relationship with the child's family and other persons who are significant in the child's life;
- (j) other special characteristics of the child.
- 5 (3) In addition to the matters mentioned in subsection (2), in determining the best interests of the child, the following matters may also be relevant:
- 10 (a) the need to strengthen, preserve and promote positive relationships between the child and the child's parents, family members and other persons who are significant in the child's life;
- (b) in circumstances where the child has been removed from the care of the child's family, all possibilities related to reunifying the child with the child's parents;
- 15 (c) the child's right to enjoy the culture and tradition of the child's family and community including the need to maintain ongoing contact with the child's family.

9 Decisions involving intervention in life of child

20 When a decision involving an intervention in the life of a child is made, the intervention should be the least intrusive intervention in the child's life that is consistent with the best interests of the child.

10 Treating child with respect

- (1) Each child is a valued member of society and should be treated in a way that respects the child's dignity and privacy.
- (2) Decisions involving a child should be made:
- 25 (a) promptly having regard to the child's circumstances; and
- (b) in a way that is consistent with the cultural, ethnic and religious values and traditions relevant to the child; and
- (c) with the informed participation of the child, the child's family and other people who are significant in the child's life.

11 Child participation

When a decision involving a child is made:

- (a) the child:
- (i) must be given adequate information and explanation in a way that the child can understand; and
 - (ii) must be given the opportunity to respond to the proposed decision; and
 - (iii) must be given the opportunity to express the child's wishes and views freely; and
 - (iv) must be given assistance in expressing those wishes and views; and
- (b) those wishes and views must be taken into account, having regard to the child's maturity and understanding.

12 Children with disabilities

A child with a disability:

- (a) has a right to be treated in a way that respects the child's developing capacity and preserves their identity; and
- (b) has the same rights as other children to express the child's wishes and views freely; and
- (c) has the right to be provided with disability and age appropriate assistance to express those wishes and views; and
- (d) has the right to have due weight given to the child's wishes and views in accordance with the child's maturity and understanding on an equal basis with other children.

12A Role of family

- (1) The family of a child has the primary responsibility for the care, upbringing and development of the child.
- (2) In fulfilling that responsibility, the family should be able to bring up the child in any language or tradition and foster in the child any cultural, ethnic or religious values.
- (3) A child must be removed from the child's family if there is a significant and likely risk of harm to the child.

- (4) As far as practicable, and consistent with the best interests of the child, if a child is removed from the child's family contact between the child and the family should be encouraged and supported.

12B Placement of children

- 5 (1) A child should, as far as practicable and consistent with the best interests of the child, be placed with a parent of the child.
- (2) If it is not practicable or consistent with the best interests of the child to be placed with a parent of the child, the child should, as far as practicable and consistent with the best interests of the child, be placed with a person in the following order of priority:
- 10 (a) a family member of the child;
- (b) a person approved by the CEO under section 78(1)(a)(iii).

Note for subsection (2)

15 *Under section 78(1)(b), the CEO may make other arrangements for placing the child if the CEO considers it appropriate in the circumstance.*

- (3) When a significant decision involving a child is to be made, the decision should ensure that:
- (a) the child will have stable living arrangements that meet the child's developmental, education, emotional, health, intellectual and physical needs; and
- 20 (b) the legal arrangements for the child's care provide the child with a sense of permanence and long-term stability; and
- (c) as far as practicable, the child will be cared for by an appropriate family member of the child; and
- 25 (d) the child will have ongoing positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, other family members and carers.

Note for subsection (3)(b)

30 *Legal arrangements may include a long-term parental responsibility direction or a permanent care order.*

12C Aboriginal children

- 35 (1) Kinship groups and communities of Aboriginal people have a major role, through self-determination, in promoting the wellbeing of Aboriginal children.

(2) When a significant decision involving an Aboriginal child is to be made:

5 (a) the child and the child's family members should be given the opportunity to participate in an administrative or judicial process for making the decision; and

(b) the child and the child's family should be given the opportunity to identify any other person to participate in the making of the decision if the person is of significance to the child; and

10 (c) a person identified in accordance with paragraph (b) should be allowed to participate in the making of the decision.

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

15 (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; and

20 (b) be supported to develop and maintain a connection with the child's family, community, culture, traditions, language and country, particularly when the child is placed with a person who is not a member of the child's community or kinship group.

(4) The principles set out in this section are subject to the principles set out in section 12B.

12D Proactive efforts

25 (1) Subject to section 8, if a child is considered to be at risk of harm, the CEO must make proactive efforts to address the risks to the child with the aim of preventing the child from needing to be removed from the child's parents.

30 (2) Subject to section 8, if a child is removed from the child's parents under this Act, the CEO must make all reasonable proactive efforts to reunify the child with the child's parents, or if reunification is not in the best interest of the child, with a family member of the child, within 2 years after the removal.

(3) In the first 6 months after the removal, the proactive efforts must be aimed at:

35 (a) addressing the grounds on which the child was removed from the child's parents with the aim of reunifying the child with the child's parents; or

(b) if the CEO is not satisfied that reunification with the child's parents is in the best interest of the child – placing the child with a family member of the child.

5

(4) Without limiting subsections (1), (2) or (3), proactive efforts may include the following:

(a) providing, facilitating or assisting with access to support services and other resources for the child and the child's parents or family;

10

(b) considering alternative ways of addressing the needs of the child and the child's parents or family;

(c) activities directed at finding and contacting the family or community of the child;

(d) the use of any of the following:

(i) a family responsibility agreement;

15

(ii) a family responsibility order;

(iii) a mediation conference;

(e) another activity or action considered appropriate by the CEO.

12E Responsibility of Territory Government

20

(1) The Northern Territory Government has responsibility for promoting and safeguarding the wellbeing, safety, long-term stability and security of children and supporting families in fulfilling their role in relation to children.

25

(2) In exercising powers or performing functions under this Act, Agencies have a responsibility to work cooperatively and in a timely manner.

12F Responsibility of public authorities

In exercising powers or performing functions under this Act, public authorities have a responsibility to:

30

(a) promote and safeguard the wellbeing, safety, long-term stability and security of children and support their families; and

(b) work cooperatively and in a timely manner.

7 Section 13 amended (Definitions)

(1) Section 13, definition ***underlying principles of this Act***

omit

(2) Section 13

5 *insert*

family responsibility agreement, see section 65C.

family responsibility order means an order made under section 102B(1)(b), 102J(1)(a) or 102S(1)(d).

10 ***family support services*** means services provided to a parent or family member of a child that may support the parent or family member in improving and safeguarding the wellbeing of the child.

Examples for definition family support services

1 *Alcohol and other drug rehabilitation services.*

2 *Medical or other health-related services.*

15 3 *Counselling services.*

4 *Housing services.*

5 *Parental support services.*

6 *Domestic and family violence services.*

20 ***member of kinship group***, in relation to a child, means a person who is acknowledged under the child's family, cultural or community structure as someone who has:

(a) a direct and recognised relationship with the child; and

(b) a significant role in, or responsibility for, the child's care, upbringing and development.

25 *Examples for definition member of kinship group*

1 *A relative of the child.*

2 *A family member of the child.*

3 *A person with primary caregiving responsibility for the child under the child's cultural customs.*

30 ***operator of family support services*** means a person who controls an operation for the provision of family support services.

significant decision, for Part 1.3, see section 6.

underlying principles of this Act means the underlying principles of this Act mentioned in section 7(1).

8 Section 32 amended (CEO may make inquiries)

(1) Section 32(1)

5 *omit, insert*

(1) The CEO may make inquiries about a child:

(a) if the CEO receives information that raises concerns about the child's wellbeing; or

10 (b) for the purpose of assessing the effectiveness of, or compliance with, a family responsibility agreement or family responsibility order relating to the child.

Note for subsection (1)(a)

The CEO may exercise this power whether or not as a result of a report under section 26 or a notification under section 28(1).

15 (2) Section 32(2), after "this Part"

insert

, Part 2.1A

9 Section 35 amended (CEO's power to investigate)

Section 35(1) and (2)

20 *omit, insert*

(1) The CEO may initiate an investigation to determine whether a child is in need of protection if:

25 (a) the CEO believes on reasonable grounds that the child might be in need of protection (whether or not inquiries about the child have been made under section 32 or 33); or

(b) the Court makes a family responsibility order directing the CEO to initiate the investigation.

10 Section 42 amended (What CEO may do generally)

Section 42(4), after "provided to"

insert

, and interactions with,

5 **11 Chapter 2, Part 2.1A inserted**

After section 65

insert

Part 2.1A Family responsibility agreements

65A Object of Part

10 The object of this Part is to promote the wellbeing of children by:

- (a) increasing parental involvement and accountability; and
- (b) addressing the needs of parents and improving parenting capacity and capability; and
- 15 (c) preventing the need for proceedings under Part 2.3 or criminal proceedings.

65B Managing domestic violence risks

(1) Any risk of domestic violence affecting children or families that is encountered when exercising powers or performing functions in relation to this Part must be managed in a way that is consistent with the family violence framework.

20 (2) In this section:

family violence framework means the framework for family violence risk assessment and family violence risk management approved under section 124Q of the *Domestic and Family Violence Act 2007*.

65C Family responsibility agreement

(1) A **family responsibility agreement** is an agreement:

- (a) containing provisions mentioned in section 65F; and
- (b) made between the CEO and one or more parents of a child.

(2) In addition to the parties mentioned in subsection (1)(b), either of the following may be a party to a family responsibility agreement:

- (a) an operator of family support services;
- (b) a family member, other than a parent, of the child in relation to whom the agreement is made.

65D Entering into family responsibility agreement

(1) The CEO must invite a parent of a child to enter into a family responsibility agreement if the CEO reasonably believes that:

- (a) an event of concern has occurred, or is at risk of occurring, in relation to the child; and
- (b) the child's family circumstances have caused or contributed to the event of concern or the risk of the event of concern; and
- (c) the child's family circumstances may be improved by the agreement.

(2) Subsection (1) does not apply if the CEO makes an application for a family responsibility order in relation to the child instead.

(3) The CEO may invite a parent of a child to enter into a family responsibility agreement other than when required to do so under subsection (1) if the CEO considers it appropriate.

(4) The CEO may also invite another family member of the child or an operator of family support services to enter into the family responsibility agreement.

(5) Before entering into a family responsibility agreement, the CEO must:

- (a) ensure that any facilities or services reasonably required by a party to the agreement in order to comply with the agreement are reasonably available to the party; and
- (b) ensure that procedures are in place for the agreement to be regularly reviewed to assess the parties' compliance and capacity to comply with the agreement; and

(c) be satisfied that the terms of the agreement are appropriate having regard to the following:

5 (i) the circumstances of the child's family and the likely effect of the agreement on the family, including any potential escalation of risks to the child's wellbeing or other safety risks;

(ii) whether the child, or a parent of the child, lives with a disability;

10 (iii) whether there are any existing agreements, orders or programs imposing requirements on the parent in relation to their child.

(6) In this section:

event of concern means any of the following:

(a) a child exhibiting criminal or anti-social behaviour;

15 (b) a school-age child not attending school;

(c) an event that adversely affects a child's wellbeing.

Note for section 65D

Section 42(4) relates to the CEO's responsibilities when providing services to, and interacting with, families.

20 **65E Referral by police**

(1) A police officer may notify the CEO if:

(a) a court makes a finding as a result of section 38A or 43AQ of the Criminal Code that a child cannot be held criminally responsible for an offence; or

25 (b) a child in relation to whom a finding mentioned in paragraph (a) has been made is involved in subsequent police interactions or exhibits criminal or anti-social behaviour.

(2) The purpose of the notification should be to enable consideration of whether a family responsibility agreement should be entered into or a family responsibility order applied for.

30

65F Content and term of family responsibility agreement

(1) A family responsibility agreement may contain the following provisions:

- 5 (a) provisions requiring a parent who is a party to the agreement to do any of the following:
- 10 (i) undertake counselling or therapy directed at helping the parent to overcome addictive, destructive or harmful behaviour;
 - 15 (ii) undertake counselling to provide guidance in the effective exercise of the parent's parental responsibility;
 - (iii) join and participate in the activities of an appropriate support group;
 - (iv) undertake any other relevant course or program of personal development (including, if appropriate, a residential course or program);
 - (v) exercise proper care and supervision of the child, including taking all reasonable steps to ensure any of the following:
 - 20 (A) that the child attends school;
 - (B) that the child keeps away from, and avoids contact with, persons named or described in the agreement;
 - 25 (C) that the child keeps away from places described in the agreement;
 - (D) that the child attends medical and other health appointments;
 - (E) that the child participates in sporting, community or cultural activities;
 - 30 (F) that the child resides at premises described in the agreement during specified periods;
- (b) any other provisions, relevant to the effective care and supervision of the child, that are agreed between the parties.

(2) A family responsibility agreement remains in force for the term specified in the agreement, however the term must not:

- (a) exceed 12 months; or
- (b) extend beyond the day on which the child turns 18 years of age.

12 Section 72A amended (Participation in care plan)

Section 72A(a)(iv)

omit, insert

- (iv) if the child is an Aboriginal child – a person mentioned in section 12C(2)(b) identified by the child or the child's family;

13 Section 74 amended (Review of care plan)

Section 74(4)(a)(v)

omit, insert

- (v) if the child is an Aboriginal child – a person mentioned in section 12C(2)(b) identified by the child or the child's family;

14 Section 77 amended (CEO must enter into placement arrangement)

Section 77(1), note

omit, insert

Notes for subsection (1)

1 *Section 12B sets out the principles that should be upheld in the placement of children.*

2 *Section 12C sets out the principles that should be upheld in the placement of Aboriginal children.*

15 Section 94 amended (Parties to proceedings)

(1) After section 94(1)(d)

insert

- (da) if the child has been placed with a carer for a period of more than 8 months – the carer;

(2) Section 94(2)

omit, insert

(2) This section has effect subject to sections 102F, 102P, 125 and 137D.

5 **16 Chapter 2, Part 2.3, Division 4, Subdivision 1A inserted**

After Chapter 2, Part 2.3, Division 4 heading

insert

Subdivision 1A Family responsibility order

102A Object of Subdivision

10 The object of this Subdivision is to promote the wellbeing of children by:

- (a) increasing parental involvement and accountability; and
- (b) addressing the needs of parents and improving parenting capacity and capability; and
- 15 (c) preventing the need for further proceedings under this Division or criminal proceedings.

102B When family responsibility order may be made

(1) A family responsibility order may be made in relation to a child:

- (a) on the application of the CEO; or
- 20 (b) on the Court's own initiative if, in considering an application for a protection order, the Court considers that:
 - (i) insufficient efforts have been made under section 12D in relation to the child; and
 - (ii) the making of a family responsibility order is appropriate.

25 (2) A family responsibility order may be made whether or not proceedings for other orders are on foot under this Division.

102C Applying for family responsibility order

The CEO may apply to the Court for a family responsibility order in relation to a child if the CEO believes on reasonable grounds:

- 5
- (a) that a parent of the child has refused to enter into a family responsibility agreement; or
 - (b) that a parent of the child has not complied with a family responsibility agreement; or
 - (c) that:
 - 10 (i) the child's wellbeing is being adversely affected; and
 - (ii) the child's family circumstances may have caused or contributed to the child's wellbeing being adversely affected; or
 - 15 (d) the child has been found as a result of section 38A or 43AQ of the Criminal Code not to be criminally responsible for an offence.

102D Information to be included in application

The CEO must specify the following information in an application for a family responsibility order under section 102C:

- 20
- (a) the proposed directions to be contained in the order;
 - (b) when the order is proposed to have effect;
 - (c) why the CEO considers the order and the proposed directions necessary.

102E Content and term of family responsibility order

- 25
- (1) A family responsibility order in relation to a child may contain any of the following directions:
- (a) a direction for a parent of the child to take any action mentioned in section 65F(1)(a)(i) to (v);
 - 30 (b) a direction for a parent of the child to take, or not take, any other action relevant to the effective care and supervision of the child;

(c) a direction for the CEO to do any of the following:

5 (i) give a written notice to the Secretary under the *Social Security (Administration) Act 1999* (Cth) requiring that a parent of the child be subject to the enhanced income management regime under section 123SCA of that Act;

(ii) make an application for a banned drinker order for a parent of the child under section 18(1) of the *Alcohol Harm Reduction Act 2017*;

10 (iii) provide information about antisocial behaviour of a parent of the child to the Chief Executive Officer (Housing), established under section 6 of the *Housing Act 1982*, for the purpose of considering whether to require the parent or another person to enter into an acceptable behaviour agreement under section 28C(1) of that Act;

15 (iv) provide information about conduct engaged in, or permitted to be engaged in, by a parent of the child to an officer mentioned in section 28E(1) of the *Housing Act 1982*, for the purpose of considering whether to give a direction under section 28E(2) or (3) of that Act;

20 (v) apply to the Director, as defined in section 4(1) of the *Liquor Act 2019*, for premises where the child resides to be declared restricted premises under section 188 of that Act;

25 (vi) initiate an investigation under section 35(1) about the child;

(vii) apply for a protection order under section 121(1) for the child.

30 (2) A family responsibility order must not contain a direction giving parental responsibility for, or daily care and control of, a child to a person.

(3) A family responsibility order remains in force for the term specified in the order, however the term must not:

(a) exceed 12 months; or

35 (b) extend beyond the day on which the child turns 18 years of age.

102F Parties to proceedings

The parties to the proceedings for a family responsibility order are:

- (a) the CEO; and
- (b) the parent or parents proposed to be given a direction under the order.

5

102G Notice of application

(1) As soon as practicable after applying for a family responsibility order under section 102C, the CEO must give to each parent who is a party to the proceedings:

10

- (a) a copy of the application; and
- (b) a written notice:
 - (i) stating when and where the application is to be heard; and
 - (ii) providing a list of contact details for local legal service providers; and
 - (iii) stating that the application may be heard and decided in the absence of the parent.

15

(2) The CEO must give a copy of the application and written notice by personally serving them on the parent.

20

(3) If the Court is satisfied that it is impracticable to personally serve the documents mentioned in subsection (1), the Court may order that the documents be served in another manner.

(4) In deciding whether to make an order under subsection (3) the Court must have regard to the following:

25

- (a) whether attempts have been made to effect personal service and why the attempts were unsuccessful;
- (b) the reasons why personal service is considered impracticable;
- (c) the method of service proposed;
- (d) the reasons why the proposed method of service is likely to be successful;

30

(e) whether the proposed method of service is appropriate in the circumstances.

(5) If the documents mentioned in subsection (1) are personally served, the CEO must explain the duration and effect of the order to the parent:

(a) in the parent's preferred language; or

5 (b) if it is not reasonably practicable to do so in the parent's preferred language – in a language and manner the parent understands.

102H Hearing in absence of parent

10 The Court may hear an application for a family responsibility order in the absence of a parent who is a party to the proceedings if the Court is satisfied that:

(a) the parent has been given notice in accordance with section 102G; or

15 (b) the application should be heard in the absence of the parent regardless of whether notice has been given in accordance with section 102G.

102J Order of Court

(1) After hearing an application for a family responsibility order, the Court may:

20 (a) make the order:

(i) as proposed by the CEO; or

(ii) specifying other directions mentioned in section 102E as the Court considers appropriate; or

(b) dismiss the application.

25 (2) If the Court proposes to specify other directions under subsection (1)(a)(ii), the Court must hear submissions from the parties in relation to those directions.

(3) If the Court makes a family responsibility order on its own initiative under section 102B(1)(b), the Court:

30 (a) may specify directions mentioned in section 102E as the Court considers appropriate; and

(b) must hear submissions from the parties in relation to those directions.

102K Notice of order

(1) As soon as practicable after a family responsibility order is made, the CEO must give each parent who is a party to the proceedings:

(a) a copy of the order; and

(b) a written notice:

(i) explaining the effect of the order; and

(ii) stating that the parent may appeal against the order under Division 6 within 28 days after it is made; and

(iii) stating how the appeal may be instituted.

(2) The CEO may give the copy and notice:

(a) by personally serving them on the parent; or

(b) if the CEO considers it impracticable to do so:

(i) by leaving them at the parent's last known address; or

(ii) by sending them by post to that address.

102L Significant contravention of order

If the CEO believes on reasonable grounds that a parent subject to a family responsibility order has contravened the order, and that the contravention has a significant adverse effect on the wellbeing of the child in relation to whom the order was made, the CEO must:

(a) if the CEO holds the beliefs mentioned in section 121(1)(a) – make an application for a protection order for the child; or

(b) otherwise – make an application under section 102M to vary or replace the order.

102M Applying to vary, revoke or replace order

While a family responsibility order is in force, a person who was a party to the proceedings for the making of the order may apply to the Court for the order to be:

(a) varied; or

(b) revoked; or

(c) revoked and replaced by a new family responsibility order.

102N Information to be included in application

The following information must be included in an application under section 102M:

- 5
- (a) the reasons why the variation, revocation or replacement is sought;
 - (b) if a variation or replacement is sought – the proposed directions.

102P Parties to proceedings

10 The parties to the proceedings for an application under section 102M are:

- (a) the parties to the proceedings for the family responsibility order that is proposed to be varied, revoked or replaced; and
- (b) if the application proposes that a direction be given to a parent who is not a party mentioned in paragraph (a) – that parent.

15 **102Q Notice of application**

If the applicant under section 102M is:

- (a) the CEO – section 102G applies in relation to the application as if it were an application under section 102C; or
- 20 (b) a parent – as soon as practicable after making the application, the parent must give a copy of the application to the CEO and each other parent who is a party (if any).

102R Hearing in absence of parent

25 The Court may hear an application under section 102M in the absence of a parent who is a party to the proceedings if the Court is satisfied that:

- (a) the parent has been given notice in accordance with section 102Q; or
- 30 (b) the application should be heard in the absence of the parent regardless of whether notice has been given in accordance with section 102Q.

102S Order of Court

(1) After hearing an application under section 102M in relation to a family responsibility order, the Court may:

- (a) confirm the order; or
- (b) vary the order; or
- (c) revoke the order; or
- (d) revoke the order and replace it with a new family responsibility order.

(2) If the Court varies or replaces the family responsibility order the Court may do so:

- (a) as proposed by the applicant; or
- (b) specifying other directions mentioned in section 102E as the Court considers appropriate.

(3) If the Court proposes to specify other directions under subsection (2)(b), the Court must hear submissions from the parties in relation to those directions.

(4) In considering the application, the Court may take into account any contravention of the order by a person.

102T Notice of order

If, on the application of the CEO:

(a) a family responsibility order is varied or replaced under section 102S(1)(b) or (d) – section 102K applies in relation to the varied or replaced order as if it were an order made under section 102J; or

(b) a family responsibility order is revoked under section 102S(1)(c) – the CEO must inform the other parties to the order that the order is revoked.

17 Section 121 amended (Applying for protection order)

Section 121(1)

omit, insert

(1) The CEO may apply to the Court for a protection order for a child if:

5 (a) the CEO reasonably believes:

(i) the child:

(A) is in need of protection; or

(B) would be in need of protection but for the fact that the child is currently in the CEO's care; and

10 (ii) the proposed order is:

(A) appropriate; and

(B) the least intrusive means to safeguard the wellbeing of the child; or

15 (b) the Court makes a family responsibility order directing the CEO to make the application.

18 Section 122 amended (Applications)

Section 122(1)

omit, insert

(1) The CEO must, in an application for a protection order:

20 (a) specify the following information:

(i) the proposed order;

(ii) when the order is proposed to have effect;

(iii) why the CEO considers the order is necessary;

25 (iv) the proposed arrangement for the care and protection of the child under the order; and

(b) specify, and provide evidence of:

(i) the efforts that were made under section 12D in relation to the child; and

- 5
- 10
- (ii) the reasons why those efforts were unsuccessful in preventing the need for the protection order application; and
 - (iii) any alternatives to a protection order that were considered by the CEO; and
 - (iv) the reasons the alternatives were not considered appropriate; and
 - (v) whether a parent of the child made efforts to engage with any family support services provided to the parent; and
 - (vi) any other information prescribed by regulation.

19 Section 123 amended (Directions in protection order)

Section 123(1)(c) and (d)(i)

omit

15 2 years

insert

one year

20 Section 125 amended (Parties to proceedings)

After section 125(2)(c)

20 *insert*

- (ca) if the child has been placed with a carer for a period of more than 8 months – the carer; and

21 Section 128 amended (Order of Court)

Section 128(1A)

omit, insert

- 5 (1A) Despite subsection (1)(a), if the Court has previously made a protection order specifying a short-term parental responsibility direction in relation to a child, the Court may specify a further short-term parental responsibility direction in relation to the child only if satisfied that:
- 10 (a) there is a high probability of reunifying the child with the child's parents; and
- (b) the child's long-term stability and security is not likely to be adversely affected by the further short-term parental responsibility direction.
- 15 (1B) Despite subsections (1)(a) and (1A), a maximum of 2 short-term parental responsibility directions may be made in relation to a child.
- (1C) If the Court proposes to specify other directions under subsection (1)(a)(ii), the Court must hear submissions from the parties in relation to those directions.

22 Section 130 amended (Court to consider certain matters)

20 Section 130(1)(ca)

omit, insert

- (ca) whether the efforts made under section 12D in relation to the child were sufficient and appropriate in the circumstances; and

23 Section 137D amended (Parties to proceedings)

25 After section 137D(2)(b)

insert

- (ba) if the child has been placed with a carer for a period of more than 8 months – the carer; and

24 Section 138 amended (Court may adjourn proceeding)

Section 138(1), after "application for"

insert

a family responsibility order,

5 **25 Section 143A replaced**

Section 143A

repeal, insert

143A Legal representative for child

- 10 (1) The Court must not hear an application for a permanent care order, or a protection order with a long-term parental responsibility direction, for a child unless:
- 15 (a) the child is represented in the proceedings by a legal practitioner; or
 - (b) the Court is satisfied that the child has made an informed and independent decision not to be represented in the proceedings by a legal practitioner; or
 - (c) the Court is satisfied that:
 - 20 (i) the matter should be heard as a matter of urgency; and
 - (ii) it is in the best interests of the child to proceed with the matter despite the child not being represented by a legal practitioner.
- 25 (2) In any proceedings under this Act, if a child is not represented by a legal practitioner and the Court is not satisfied that the child has made an informed and independent decision not to be represented, the Court:
- (a) may order the appointment of a legal practitioner to represent the child; and
 - (b) on adjournment, may make any interim orders it could make if the child were represented by a legal practitioner.
- 30 (3) The Court may make an order under subsection (2):
- (a) on its own initiative; or

(b) on the application of any other person.

- (4) A legal practitioner may represent more than one child in the same proceedings unless the Court orders otherwise.

26 Section 293N amended (Framework principles)

5 (1) Section 293N(c)

omit

section 12

insert

section 12C

10 (2) Section 293N(i)

omit

focussed

insert

focused

15 **27 Chapter 5, Part 5.6, Division 7 inserted**

Before the Schedule

insert

20 **Division 7 Transitional matters for Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026**

Subdivision 1 Transitional matters for Part 2 of the Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026

346 Definition

25 In this Subdivision:

commencement means the commencement of Part 2 of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026*.

347 Application of section 12D(2) and (3)

Section 12D(2) and (3) applies only in relation to a child who is removed from the child's parents after the commencement.

348 Family responsibility agreements made before commencement

5 (1) Subsection (2) applies in relation to a family responsibility agreement that:

(a) was entered into under section 140D of the *Youth Justice Act 2005* as in force before the commencement; and

(b) was in force immediately before the commencement.

10 (2) The agreement is taken to be a family responsibility agreement made under Part 2.1A.

349 Application of amendments to sections 122, 128, 130 and 143A

15 (1) Sections 122, 128 and 130, as in force immediately before the commencement, continue to apply in relation to an application for a protection order that:

(a) was made before the commencement; and

(b) immediately before the commencement, had not been decided.

20 (2) Section 143A, as in force immediately before the commencement, continues to apply in relation to proceedings under this Act that:

(a) were commenced before the commencement; and

(b) immediately before the commencement, had not been finalised.

Division 2 Consequential amendments

Subdivision 1 Liquor Act 2019

28 Act amended

This Division amends the *Liquor Act 2019*.

5 29 Section 190 amended (Application for declaration of restricted premises)

After section 190(3)

insert

10 (3A) An application for a declaration of restricted premises may be made by the CEO, as defined in section 13 of the *Care and Protection of Children Act 2007*, if the CEO is directed to make the application under a family responsibility order under that Act.

Subdivision 2 Youth Justice Act 2005

30 Act amended

15 This Division amends the *Youth Justice Act 2005*.

31 Section 5 amended (Interpretation)

Section 5(1), definition ***family responsibility agreement***

omit, insert

20 ***family responsibility agreement***, see section 65C of the *Care and Protection of Children Act 2007*.

32 Section 51 amended (Youth in need of protection)

Section 51(5), definition ***parent***

omit, insert

25 ***parent***, see section 17 of the *Care and Protection of Children Act 2007*.

33 Sections 64B, 89A and Part 6A repealed

Sections 64B, 89A and Part 6A

repeal

Subdivision 3 Other laws amended

34 Other laws amended

The Schedule amends the laws mentioned in it.

Part 3 Amendments relating to worker screening

5 Division 1 Care and Protection of Children Act 2007

35 Act amended

This Division amends the *Care and Protection of Children Act 2007*.

36 Section 185 amended (Child-related employment)

Section 185(2)

10 *omit*

or may potentially involve contact

insert

contact, other than merely incidental contact, by a person

37 Section 187 replaced

15 Section 187

repeal, insert

187 Obligations for child-related employment

(1) An individual must not engage in child-related employment unless:

(a) the individual holds a clearance notice that is in force; or

20 (b) the conditions specified in subsection (4) are met in relation to the individual.

(2) A person must not engage an individual in child-related employment unless:

(a) the individual holds a clearance notice that is in force; or

25 (b) the conditions specified in subsection (4) are met in relation to the individual.

- (3) A person commits an offence if:
- (a) the person intentionally engages in conduct; and
 - (b) the conduct results in a contravention of subsection (1) or (2) and the person is reckless in relation to that result.

5 Maximum penalty: 500 penalty units.

- (4) An individual may engage in child-related employment while an application for a clearance notice for the individual is being decided by the Authority if the following conditions are met:

- 10
- (a) the application has been completed in accordance with the requirements of section 188;
 - (b) the individual is not subject to an interim bar under section 191B(2).

- 15
- (5) To avoid doubt, subsection (4) does not prevent a person who proposes to engage an individual in child-related employment from requiring the individual to hold a clearance notice before engaging the individual in the employment.

187A Obligation to notify commencement of employment and cessation of employment

- (1) An individual (the **employee**) must:

- 20
- (a) on the commencement of each period of child-related employment, provide to the Authority the name and contact details of each person who engaged the employee in the employment; and
 - (b) on the cessation of the employment, notify the Authority of the cessation.
- 25

- (2) A person who engages another person in child-related employment must notify the Authority when the other person ceases employment with the person.

38 Section 188 amended (Application for clearance notice)

(1) Section 188(1)

omit

Any

5 *insert*

Subject to sections 188A and 194B(3), any

(2) After section 188(3)

insert

10 (4) The Authority may close the application if the candidate fails, without reasonable excuse, to give the information within 30 days of the request being made.

(5) The Authority must, as soon as practicable after closing the application, give written notice that the application has been closed to:

15 (a) the candidate; and

(b) the applicant for the clearance notice (if the applicant was not the candidate).

39 Section 188A inserted

After section 188

20 *insert*

188A Persons who may not apply for clearance notice

(1) Subsection (2) applies to the following persons:

(a) a person to whom the Authority has decided not to issue a clearance notice under section 189(4);

25 (b) a person whose clearance notice has been revoked for a reason other than the candidate being convicted of an offence prescribed for section 189(1).

(2) The person is not entitled to make a further application for a clearance notice until 2 years after the day on which notice of the decision or revocation was given to the person.

30

(3) Subsection (4) applies to the following persons:

- (a) a person to whom the Authority has decided not to issue a clearance notice under section 189(1);
- (b) a person whose clearance notice has been revoked because the person has been convicted of an offence prescribed for section 189(1).

(4) The person is not entitled to make a further application for a clearance notice.

(5) Despite the prohibitions specified in subsections (2) and (4), a person mentioned in subsection (1) or (3) may make a further application if:

- (a) there has been a relevant change of circumstances in relation to the reason for the prohibition; or
- (b) there are other exceptional circumstances that the Authority considers would allow for reconsideration of the reason for the prohibition.

(6) This section does not apply to a person to whom section 194B(3) applies.

(7) In this section:

relevant change of circumstances means one of more of the following:

- (a) proceedings for an offence on which the refusal or revocation was based are withdrawn or dealt with without the person being found guilty of the offence;
- (b) a finding of guilt for an offence on which the refusal or revocation was based is quashed or set aside;
- (c) if the refusal was based on a risk assessment done by the Authority when making a decision under section 189(2) – a finding that was the subject of the risk assessment is quashed or set aside or otherwise expressly or impliedly ceases to have effect;
- (d) any other change of circumstance that the Authority considers should result in the person being entitled to make an application.

40 Section 189 amended (Decisions on application)

After section 189(6)

insert

- 5 (7) To avoid doubt, the Authority is not required to consider or make a decision on an application received from a person who was not entitled to make the application.

Note for subsection (7)

See sections 188A and 194B(3) for persons who are not entitled to make an application.

10 **41 Sections 191A and 191B inserted**

After section 191

insert

191A Suspension of clearance notice

- 15 (1) The Authority may, by written notice under subsection (3), suspend a clearance notice held by an individual if the Authority believes it is likely there is a risk to the safety of children if the individual engages in child-related employment.

- 20 (2) The suspension of a person's clearance notice prevents the person from engaging in child-related employment while the suspension is in effect.

Note for subsection (2)

Section 187(3) provides for an offence in relation to engaging in child-related employment without a clearance notice that is in force.

- 25 (3) The Authority must give written notice of the suspension to:
- (a) the individual; and
 - (b) the applicant for the clearance notice (if the applicant was not the individual); and
 - (c) each person whose details were given to the Authority under section 187A(1)(a).
- 30 (4) The notice must state:
- (a) the Authority's reasons for suspending the clearance notice; and

(b) that the individual and the applicant are entitled to apply for a review of the decision under section 194; and

(c) the time within which the application for review may be made.

5

(5) The suspension has effect for 12 months unless sooner cancelled by the Authority under subsection (6).

(6) If the Authority is satisfied the risk mentioned in subsection (1) no longer exists, the Authority may, by written notice to each person to whom notice of the suspension was given, cancel the suspension.

10

(7) To avoid doubt, the Authority may revoke a clearance notice that has been suspended.

191B Interim bar

(1) Subsection (2) applies to an individual if an application for a clearance notice for the individual has been made but the Authority has not decided the application.

15

(2) The Authority may, by written notice under subsection (4), impose an interim bar on the individual if, while considering the application, the Authority forms a belief that it is likely there is a risk to the safety of children if the individual engages in child-related employment.

20

(3) An interim bar prevents an individual from engaging in child-related employment while the bar is in force.

Note for subsection (3)

25

Section 187(3) provides for an offence in relation to engaging in child-related employment if the individual does not meet certain conditions, including being subject to an interim bar.

(4) The Authority must give written notice of the interim bar to:

(a) the individual; and

(b) the applicant for the clearance notice (if the applicant was not the individual); and

30

(c) each person whose details were given to the Authority under section 187A(1)(a).

(5) The notice must state:

(a) the Authority's reasons for issuing the interim bar; and

35

(b) that the individual and the applicant are entitled to apply for a review of the decision under section 194; and

(c) the time within which the application for review may be made.

(6) The interim bar has effect until the earlier of:

(a) the day on which the Authority revokes the bar under subsection (7); or

5 (b) the day the application for a clearance notice for the individual is decided; or

(c) the day that is 12 months after the interim bar takes effect.

10 (7) If the Authority is satisfied the risk mentioned in subsection (2) no longer exists, the Authority may, by written notice to each person to whom notice of the bar was given, revoke the bar.

42 Section 192 amended (When clearance notice ceases to be in force)

(1) Section 192(1)(a)

omit

15 2 years

insert

5 years

(2) After section 192(1)

insert

20 (1A) In addition to subsection (1), a clearance notice ceases to be in force while a suspension under section 191A has effect.

43 Section 194 amended (Local Court may review decision of Authority)

(1) After section 194(1)(a)

25 *insert*

(ab) a decision under section 191A(1) to suspend the notice;

(ac) a decision under section 191B(2) to impose an interim bar during consideration of the notice;

(2) Section 194(2)(a), after "subsection (1)(a)"

insert

or (ac)

44 Chapter 5, Part 5.6, Division 7, Subdivision 2 inserted

5 After section 349

insert

Subdivision 2 Transitional matters for Part 3 of the Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026

10 **350 Definition**

In this Subdivision:

commencement means the commencement of Part 3 of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Act 2026*.

15 **351 Application of section 187A**

(1) This section applies to a person who:

(a) was engaged in child-related employment immediately before the commencement; and

(b) continues in that employment after the commencement.

20 (2) The person must provide the details mentioned in section 187A(1)(a) to the Authority within 60 days of the commencement.

352 Application of section 188A

25 Section 188A applies only in relation to a decision not to issue a clearance notice or a revocation of a clearance notice that is made or occurs after the commencement.

353 Application of amendments to section 192

30 Section 192, as in force immediately before the commencement, continues to apply in relation to a clearance notice that was in force immediately before the commencement.

Division 2 Care and Protection of Children (Screening) Regulations 2010

45 Regulations amended

5 This Division amends the *Care and Protection of Children (Screening) Regulations 2010*.

46 Regulation 3 amended (Child-related work)

Regulation 3

omit

10 child-related work includes any work that involves or may potentially involve contact with children in connection with any of the following services or activities:

insert

the following services or activities are prescribed:

47 Regulation 13 repealed (Meetings)

15 Regulation 13

repeal

Division 3 Consequential amendments to the Teacher Registration (Northern Territory) Act 2004

48 Act amended

20 This Division amends the *Teacher Registration (Northern Territory) Act 2004*.

49 Section 66A amended (Board may request information from Screening Authority)

Section 66A(a)

25 *omit, insert*

(a) the Authority:

- (i) suspends a person's clearance notice under section 191A(1) of the *Care and Protection of Children Act 2007*; or

- 5
- (ii) imposes an interim bar on a person under section 191B(2) of the *Care and Protection of Children Act 2007*; or
 - (iii) revokes a person's clearance notice under section 192(1)(b) of the *Care and Protection of Children Act 2007*; and

50 Section 67D amended (Relevant person to notify Board of other events)

After section 67D(1)(b)

10 *insert*

(ba) the Authority imposes an interim bar on the person under section 191B(2) of the *Care and Protection of Children Act 2007*;

Part 4 Repeal of Act

15 **51 Repeal of Act**

This Act is repealed on the day after it commences.

Schedule Other laws amended

section 34

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Education Act 2015</i>		
section 173(8)(d)	Part 6A of the <i>Youth Justice Act 2005</i> .	Chapter 2, Part 2.1A of the <i>Care and Protection of Children Act 2007</i> .
<i>Alcohol Harm Reduction Regulations 2017</i>		
after regulation 3(1)(a)		(b) the CEO under the <i>Care and Protection of Children Act 2007</i> ;
<i>Care and Protection of Children (Mediation Conferences) Regulations 2010</i>		
regulation 5(3), note	<i>section 12(2)</i>	<i>section 12C</i>
<i>Youth Justice Regulations 2006</i>		
regulation 75(15A)	whole subregulation	
Schedule 2, Form 15A	whole form	
