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# Submission to the Northern Territory Legislative Scrutiny Committee

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

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**Date:** 21 May 2026

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## 1. Executive Summary

I welcome the introduction of the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*.

I strongly support reforms within the Bill that aim to:

- Strengthen proactive efforts (s12D)
- Increase accountability in decision-making
- Improve recognition of cultural considerations for Aboriginal children (s12C)

However, based on my experience and understanding of the system, I believe there are critical risks that must be addressed:

- Aboriginal and Torres Strait Islander children remain significantly overrepresented in the child protection system
- The Northern Territory has some of the lowest rates of kinship placement nationally
- The majority of Aboriginal children in out-of-home care are not placed with family or kin

Without stronger legislative safeguards, I am concerned that some reforms—particularly family responsibility orders—may increase system involvement without delivering better outcomes for children and families.

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## 2. Context and Evidence Base

### 2.1 Overrepresentation and System Pressure

Aboriginal and Torres Strait Islander children continue to be disproportionately represented in care.

Closing the Gap Target 12 aims to reduce this overrepresentation by 45% by 2031. Current trends indicate that this target is not on track to be met.

## **2.2 Placement and Cultural Disconnection**

Children in the Northern Territory are the least likely in Australia to be placed with Aboriginal family or kin.

More than 70% of Aboriginal children are not placed in accordance with the Aboriginal Child Placement Principle.

In my view, this represents a significant systemic failure and is directly relevant to Clauses 6 (ss12B–12C) of the Bill.

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## **3. Detailed Clause Analysis**

### **Clause 4 – Section 4 (Objects of the Act)**

**Position:** Support

**Issue:**

The current wording does not explicitly reference cultural safety or connection to Country.

**Proposed Amendment:**

Include:

“Including cultural identity, connection to community and Country”

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### **Clause 6 – New Part 1.3 (Sections 8–12F)**

#### **Section 8 – Best Interests of the Child**

**Issue:**

The current hierarchy prioritises safety and permanency, which risks undervaluing cultural considerations and reinforcing removal decisions.

**Proposed Amendment:**

“Cultural identity and connection must be treated as primary considerations for Aboriginal children.”

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## **Section 12B – Placement of Children**

**Issue:**

The placement hierarchy is weakened by the phrase “as far as practicable.”

**Evidence:**

The Northern Territory has the lowest kinship placement rates nationally.

**Proposed Amendment:**

Replace with:

“Unless demonstrated, with evidence, that active efforts to identify kin have been exhausted”

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## **Section 12C – Aboriginal Children**

**Strength:**

The section recognises self-determination and cultural connection.

**Gap:**

Participation does not equate to decision-making authority.

**Proposed Amendment:**

“An Aboriginal Community Controlled Organisation must be involved in all significant decisions involving an Aboriginal child.”

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## **Section 12D – Proactive Efforts**

**Strength (Major Reform):**

- Requires prevention and reunification efforts
- Mandates action both before and after removal

**Issue:**

There is no enforceable obligation to provide services.

**Evidence:**

Key drivers of system involvement include:

- Poverty
- Housing instability
- Family violence

**Proposed Amendment:**

“The CEO must ensure access to appropriate family support services where proactive efforts are required.”

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## **Clause 11 – Family Responsibility Agreements (ss65A–65F)**

**Issue:**

- Risk of coercion where services are limited
- Focus on parental compliance rather than structural drivers

**Proposed Amendments:**

- Agreements should only be valid where services are demonstrably available
  - Mandatory cultural oversight for Aboriginal families
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## **Clause 16 – Family Responsibility Orders (ss102A–102T)**

**Position:** Significant concern

**Key Risks:**

Orders may compel:

- Income management
- Housing intervention
- Alcohol restrictions

**Impact:**

These measures risk disproportionately affecting Aboriginal families and compounding existing disadvantage.

**Proposed Amendments:**

Insert safeguard:

“A family responsibility order must not be made unless the Court is satisfied that all proactive efforts under section 12D have been exhausted.”

Insert additional safeguard:

"The Court must seek and consider advice from an Aboriginal Community Controlled Organisation."

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## **Clause 18 – Section 122 (Protection Order Applications)**

### **Strength:**

Requires evidence of proactive efforts and alternatives considered.

### **Recommendation:**

"Applications must be refused where proactive efforts are not sufficient or appropriately evidenced."

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## **Clause 19 – Reduction of Order Duration to 1 Year**

**Position:** Support

### **Benefits:**

- Encourages regular review
  - Supports reunification
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## **Clause 22 – Court Consideration of Proactive Efforts**

**Position:** Strong support

### **Recommendation:**

Require public reporting on:

- Compliance with s12D
  - Reunification outcomes
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## **Clause 25 – Section 143A (Legal Representation for Children)**

**Position:** Strong support

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## Part 3 – Worker Screening (Clauses 35–43)

**Position:** Support

**Risk:**

May exacerbate workforce shortages in remote Northern Territory communities.

**Recommendation:**

Workforce investment must occur alongside these reforms.

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## 4. Alignment with Closing the Gap

### Target 12

Reduce overrepresentation of Aboriginal children in care by 45% by 2031

**Assessment:**

Current trends suggest outcomes are worsening rather than improving.

**Conclusion:**

To align with this target, the legislation must:

- Strengthen self-determination
  - Increase involvement of Aboriginal Community Controlled Organisations
  - Invest in early intervention
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## 5. Summary of Recommendations

### Legislative Amendments

- Strengthen s12B to enforce kinship placement
- Embed decision-making authority for ACCOs in s12C
- Make s12D (proactive efforts) enforceable
- Limit and safeguard the use of family responsibility orders

### System Requirements

- Invest in early intervention services
- Expand the Aboriginal community-controlled sector
- Improve accountability and transparency

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## 6. Conclusion

The *Every Child Matters* Bill represents an important opportunity for reform.

However, without:

- Stronger legislative safeguards
- Genuine Aboriginal decision-making authority
- Enforceable prevention obligations

there is a real risk that existing inequities in the Northern Territory child protection system will be reinforced rather than addressed.

I encourage the Committee to adopt these amendments to ensure that every child truly matters—particularly Aboriginal children, who remain disproportionately impacted by the system.

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