

22 May 2026

Legislative Assembly of the Northern Territory
Legislative Scrutiny Committee
Via email: LSC@nt.gov.au

To the Legislative Scrutiny Committee,

Jesuit Social Services is deeply concerned about the legislative reforms contained in the *Care and Protection of Children Legislation Amendment (Every Child Matters) Bill 2026*. While the NT child protection system requires reform, rushing complex legislation through Parliament risks unintended consequences and will not create meaningful systemic change to ensure children's safety.

The changes proposed in the Bill are profound, and warrant thorough engagement and consultation with experts, stakeholders and communities, including practitioners and people with lived experience of the child protection system. We echo the calls from NT Children's Commissioner and the National Commissioner for Aboriginal and Torres Strait Islander Children and Young People for the NT Government to halt these proposed legislative reforms and instead call an independent inquiry led by the Commissioners.

About Jesuit Social Services

Jesuit Social Services is a social change organisation. For almost 50 years we have been delivering support services and advocating for improved policies, legislation and resources to achieve a just society where all people can thrive. We are a national organisation with a significant footprint in Victoria, New South Wales and the Northern Territory (NT), where we work with some of the most marginalised individuals and communities.

We have worked in the NT since 2007 when we accepted an invitation to work collaboratively with the Central and Eastern Arrernte people in Ltyentye Apurte/Santa Teresa and Alice Springs/Mparntwe. Our contribution has grown to include service delivery, community capacity building, policy, research and advocacy. We deliver pre-sentence Youth Justice Group Conferencing in Darwin, Palmerston, Katherine, Tennant Creek and Alice Springs; are a consortium member of the Katherine Justice Reinvestment project; and deliver training and capacity building for the sector. We also partner with the recently incorporated Yeyekerte Aboriginal Corporation in Alice Springs/Mparntwe.

Overview of concerns about the Bill

Jesuit Social Services believes all children should live in safe environments, connected to family, community and culture, and be supported to thrive. Child protection intervention is driven by structural issues such as poverty, housing insecurity, lack of access to services, and intergenerational disadvantage. Addressing the underlying conditions that put families at risk is the most effective way to keep children safe. This means investing to strengthen families and communities, increase access to services, and support at-risk families earlier to reduce the risk of child protection involvement. Rather than supporting families to keep their children safe, this Bill penalises them for systemic failures.

The Bill unfairly targets – and will disproportionately harm – Aboriginal children, families and communities, who are already vastly overrepresented in the NT child protection and out-of-home care systems. It will likely increase removals of Aboriginal children from their families and communities.

Increasing the rate of removal of Aboriginal children from their families and communities risks repeating mistakes of the past and causing intergenerational harm.

The Bill is inconsistent with the priorities of *Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031* to which the NT Government has committed. These priorities include addressing the over-representation of Aboriginal and Torres Strait Islander children in child protection systems and embedding the Aboriginal Child Placement Principle. It would reverse the progress made in the NT to date towards Closing the Gap Target 12, which aims to reduce the rate of overrepresentation of Aboriginal and Torres Strait Islander children in out-of-home care by 45%. The Bill may also be inconsistent with Australia's obligations under the UN Convention on the Rights of the Child and the UN Declaration on the Rights of Indigenous Peoples.

Lowering the threshold for intervention and removal

We do not support lowering the threshold for child protection intervention and child removal. The role of child protection systems is generally to respond to protect children in cases of abuse, neglect or serious safety concerns. Under the Bill, intervention may occur much earlier and in response to broader “wellbeing” concerns (see section on Family Responsibility Agreements and Family Responsibility Orders below). The threshold for removal has also been lowered; currently a child may only be removed if there is an “unacceptable risk of harm”, but this Bill changes the test to “significant and likely risk of harm”. The Bill also removes the principle that a child should be returned to family where that is in the child's best interests.

Aboriginal children are already vastly overrepresented in the NT child protection and out-of-home care systems. Aboriginal children make up around 90% of children taken into out-of-home care in the NT,¹ but only around 40% of NT children.² In 2023-24, Aboriginal children in the NT were 11.1 times more likely to be in out-of-home care than non-Aboriginal children.³

The changes proposed in this Bill are likely to bring more families, especially Aboriginal families, into contact with the child protection system, and lead to an increase in child removals, even where support could reduce the risk and avoid the long-term harm and trauma associated with removing children from their families.

These legislative reforms target the wrong end of the system and penalise families for systemic failures rather than supporting them to address protective concerns. Child protection intervention among Aboriginal families is driven primarily by poverty, domestic and family violence and alcohol misuse, which are linked to intergenerational trauma and structural disadvantage arising from the history of colonisation and dispossession.⁴ These reforms are likely to increase scrutiny of families already struggling with housing stress, disability, mental health and other challenges.

What is needed is greater investment in prevention and early intervention led by Aboriginal Community-Controlled Organisations (ACCOs) to address the risk factors for child protection involvement and enhance the protective factors that keep children safe. Yet in its 2026-27 Budget, the NT Government cut funding for critical support systems, including domestic, family and sexual violence services and mental health services.

¹ Northern Territory Government (2019). *Transforming Out-of-Home Care in the Northern Territory*. [[Weblink](#)]

² SNAICC (2025). *The Family Matters Report 2025*. [[Weblink](#)]

³ SNAICC (2025). *The Family Matters Report 2025*. [[Weblink](#)]

⁴ Australian Institute for Health and Welfare (2025). *Closing the Gap targets: Key findings and implications, Chapter 12: Child protection*. [[Weblink](#)]

Changes to the Aboriginal Child Placement Principle

We do not support the proposed changes to child placement principles. These changes would abolish the Aboriginal Child Placement Principle – a well-established principle which aims to keep children connected to their families, communities, cultures and Country, and to ensure the participation of Aboriginal and Torres Strait Islander people in decisions about their children’s care and protection. In its place, the Bill proposes a new hierarchy of placement considerations in which preserving culture and connection to community are made subordinate to other placement principles.

The Bill also removes the requirement that a non-Aboriginal carer be sensitive to the child’s needs and be able to support the child’s connection to family, community, culture, traditions, language and Country, and weakens a range of other rights and safeguards that preserve children’s connection to family, community and culture and enable family participation in decision-making.

Aboriginal children in the NT child protection system are already the least likely to be placed with Aboriginal family of anywhere in Australia.⁵ Coupled with the proposed changes to permanency planning, the abolition of the Aboriginal Child Placement Principle will make it easier for Aboriginal children to be placed with non-Aboriginal carers or in group homes and relocated away from Country and culture, and make it harder for families to reunify.

The Bill fails to recognise the importance of ensuring, wherever possible, that Aboriginal children are raised by Aboriginal families and that they retain a strong connection to culture, community and Country. Evidence shows that raising Aboriginal children within their family, kin, or community is critical for their social, emotional, and cultural wellbeing. It ensures continuity of cultural identity, fosters resilience, and protects against the devastating impacts of intergenerational trauma and disconnection.⁶

Under the current legislation, the “best interests of the child” is already the paramount consideration. The Aboriginal Child Placement Principle is not in conflict with this principle. What is needed to improve child safety and wellbeing is improvement in the Department of Children and Families’ implementation of the existing legislation, practice and resourcing.

Family Responsibility Agreements and Family Responsibility Orders

We do not support the provisions related to Family Responsibility Agreements and Family Responsibility Orders. The Bill introduces Family Responsibility Agreements (FRA) and Family Responsibility Orders (FRO) which aim to make parents more accountable, address their needs, improve their parenting capacity and avoid further legal proceedings.

The CEO must enter a FRA and may apply for a FRO where the CEO believes that the child’s wellbeing has been adversely affected and that the child’s family circumstances have caused or contributed to this. This provides a very wide scope for government to intervene where a family may be struggling for

⁵ In 2023-24, 65% of Aboriginal children in the NT were placed in “other care arrangements”, which includes children living with non-Indigenous caregivers who are not relatives/kin, in family group homes, living independently or with any other type of caregiver (who is not an Aboriginal relative/kin, a non-Aboriginal relative/kin or another Aboriginal caregiver). This is well above the national average of 26.7%: Australian Institute for Health and Welfare (2026). *Child protection Australia 2023-24*, Table 10.4. [\[Weblink\]](#)

⁶ See, for example, Wanganeen J, Krakouer J and Bromfield L (2026). *Evidence brief: Child protection risk assessment and Aboriginal and Torres Strait Islander children and families*, Australian Centre for Child Protection, University of Adelaide. [\[Weblink\]](#)



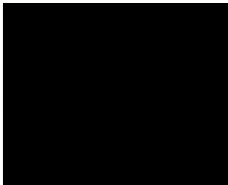
reasons linked to structural disadvantage and trauma, and not be receiving adequate support – not because a child is in immediate danger.

A FRO can trigger a range of coercive interventions including involuntary income management, alcohol restrictions, and housing compliance actions, and breach can lead to an application for a protection order. Families are likely to experience barriers to compliance with FRAs and FROs – leading to escalation into the child protection system – as there are already significant service gaps in the kinds of supports families would need to comply. As noted above, the 2026-27 NT Budget does not provide additional resourcing to services to properly support families.

Recommendation

In light of our significant concerns with the Bill, many of which are shared by ACCOs and other community service and legal organisations, we call on the Committee to recommend the NT Government withdraw the Bill, immediately invest in ACCOs to support at-risk families, and call an independent inquiry into the NT child protection and out-of-home care systems led by the NT and national Children’s Commissioners.

Yours sincerely



Michael Livingstone
Acting Chief Executive Officer